

SAORSTÁT EIREANN.

BILLE BUNREACHTA (FORALACHA IARMARTACHA), 1937. CONSTITUTION (CONSEQUENTIAL PROVISIONS) BILL, 1937.

Mar do ritheadh ag Dáil Eireann.

As passed by Dáil Eireann.

ARRANGEMENT OF SECTIONS.

Section.

1. Commencement.
2. General adaptation of the expressions " Saorstát Eireann " and " Irish Free State ".
3. Adaptation of references to the President of the Executive Council and his Department.
4. General adaptation of references to officials and authorities.
5. Power of the Government to make special adaptations and modifications.
6. The Central Fund and the Exchequer.
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8. The seal of the Government.
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10. Revivor of enactments relating to Seanad Eireann.
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SAORSTÁT EIREANN.

BILLE BUNREACHTA (FORALACHA IARMARTACHA), 1937.
CONSTITUTION (CONSEQUENTIAL PROVISIONS) BILL,
1937.

BILL

5

entitled

AN ACT TO MAKE DIVERS PROVISIONS CONSEQUENTIAL
ON OR INCIDENTAL TO THE COMING INTO
OPERATION OF THE CONSTITUTION OF IRELAND
LATELY ENACTED BY THE PEOPLE.

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BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

Commencement.

1.—This Act shall come into operation immediately after the
coming into operation of the Constitution of Ireland lately enacted
by the People.

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General adapta-
tion of the expres-
sions "Saorstát
Eireann" and
"Irish Free
State."

2.—(1) In every statute and statutory instrument in force
immediately prior to the date of the coming into operation of
the Constitution and continued in force thereafter by section 1
of Article 50 of the Constitution, the expressions "Saorstát
Eireann" and "Irish Free State" (whether such expressions
are expressed in such statute or statutory instrument by virtue
of original enactment or by virtue of subsequent amendment or
modification or are implied therein by virtue of a general or a
specific adaptation or interpretation) shall—

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(a) in relation to anything done or to be done or an event
occurring or a period or series of periods ending
before the coming into operation of the Constitution,
be construed and have effect (unless the context
otherwise requires) in like manner as they res-
pectively were construed and had effect immediately
prior to the date of the coming into operation of the
Constitution, and

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(b) in relation to anything done or to be done or an event
occurring or a period or series of periods beginning
after the coming into operation of the Constitution,
be construed and have effect (unless the context
otherwise requires) as meaning Ireland, and

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(c) in relation to anything done or to be done or an event
occurring partly before and partly after the coming
into operation of the Constitution or in relation to a
period beginning before and ending after, or a series
of periods the first of which begins before and the
last of which ends after, the coming into operation of
the Constitution, be construed and have effect (unless
the context otherwise requires)—

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(i) in regard to so much of such thing as is done or
to be done and so much of such event as occurs
and such portion of such period or series of
periods as is prior to the coming into operation

of the Constitution, in like manner as they respectively were construed and had effect immediately prior to the date of the coming into operation of the Constitution, and

- 5 (ii) in regard to so much of such thing as is done or to be done and so much of such event as occurs and such portion of such period or series of periods as is subsequent to the coming into operation of the Constitution, as meaning Ireland.

10 (2) No adaptation of the expression "Saorstát Eireann" or the expression "Irish Free State" by virtue of the foregoing sub-section of this section shall operate so as to extend the meaning of such expression as to include therein any area which is, for the time being, not within the area and extent of application
15 of the laws enacted by the Oireachtas.

(3) Neither paragraph (c) of sub-section (1) of this section nor any adaptation by virtue of that paragraph shall operate to cause a break in or otherwise to prejudice the continuity of any such thing, event, period, or series of periods as is mentioned in
20 the said paragraph.

3.—(1) From and after the coming into operation of the Constitution, the Department of the President of the Executive Council shall be styled and known as the Department of the Taoiseach and the Taoiseach shall be the Minister who is head of
25 that Department.

Adaptation of references to the President of the Executive Council and his Department.

(2) Every mention or reference in any statute or statutory instrument in force immediately prior to the date of the coming into operation of the Constitution and continued in force thereafter by section 1 of Article 50 of the Constitution (whether
30 such mention or reference is expressed in such statute or statutory instrument by virtue of original enactment or by virtue of subsequent amendment or modification or is implied therein by virtue of a general or a specific adaptation or interpretation) of or to the President of the Executive Council or of or to the
35 Department of the President of the Executive Council shall,—

(a) in relation to anything done or to be done or an event occurring before the coming into operation of the Constitution, be construed and have effect (unless the context otherwise requires) in like manner as it was
40 construed and had effect immediately prior to the date of the coming into operation of the Constitution, and

(b) in relation to anything done or to be done or an event occurring after the coming into operation of the Constitution, be construed and have effect, unless the context otherwise requires, as a mention of or reference to (as the case may require) the Taoiseach or the
45 Department of the Taoiseach.

(3) All moneys provided by the Oireachtas of Saorstát Eireann for the purposes of the Department of the President of the Executive Council during the financial year which began on the 1st day of April, 1937, shall be deemed to have been so provided also for the purposes of the Department of the Taoiseach during the said financial year and shall accordingly be applicable during
50 the said financial year for the purposes of either the Department of the President of the Executive Council or the Department of the Taoiseach, as circumstances may require.
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4.—(1) Every mention or reference in any statute or statutory instrument in force immediately prior to the date of the coming into operation of the Constitution and continued in force thereafter
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General adaptation of references to officials and authorities.

by section 1 of Article 50 of the Constitution (whether such reference is expressed in such statute or statutory instrument by virtue of original enactment or by virtue of subsequent amendment or modification or is implied therein by virtue of a general or a specific adaptation or interpretation) of or to any official person 5 or body or any governmental authority, whether legislative, judicial, or executive, established by or under or functioning under or by virtue of the Constitution of Saorstát Eireann shall,—

(a) in relation to anything done or to be done or an event occurring before the coming into operation of the 10 Constitution, be construed and have effect (unless the context otherwise requires) in like manner as it was construed and had effect immediately prior to the date of the coming into operation of the Constitution, and

(b) in relation to anything done or to be done or an event 15 occurring after the coming into operation of the Constitution, be construed and have effect (unless the context otherwise requires) as a mention of or reference to the official person or body or the governmental authority (as the case may be) established by 20 or under or functioning under or by virtue of the Constitution who or which corresponds to or has the like functions as such official person or body or governmental authority established by or under or functioning under or by virtue of the Constitution of 25 Saorstát Eireann.

(2) If any question shall arise as to the official person or body or governmental authority established by or under or functioning under or by virtue of the Constitution who or which corresponds for the purpose of this section to a particular official person or 30 body or a particular governmental authority established by or under or functioning under or by virtue of the Constitution of Saorstát Eireann, such question shall be determined by the Taoiseach whose decision thereon shall be final.

(3) The general adaptations made by this section shall be subject and without prejudice to all specific adaptations made by or under any other section of this Act, and in the event of any inconsistency between such general adaptations and any such specific adaptation, such specific adaptation shall prevail. 35

Power of the Government to make special adaptations and modifications.

5.—(1) For the purpose of ensuring that the laws in force in 40 Saorstát Eireann immediately prior to the date of the coming into operation of the Constitution shall continue to be of full force and effect in accordance with and to the extent provided by Article 50 of the Constitution, the Government may by order make all such general or specific adaptations and modifications of any statute or 45 statutory instrument continued in force by the said Article 50 as shall, in the opinion of the Government, be necessary for the purpose aforesaid.

(2) A specific adaptation or modification made under this section may, where in the opinion of the Government the circumstances so 50 require, be inconsistent with any adaptation or modification, whether specific or general, made by any other section of this Act, and in every such case the specific adaptation or modification made under this section shall prevail.

(3) Every order made by the Government under this section shall, unless such order otherwise provides, have and be deemed 55 always to have had effect as from the commencement of this Act.

(4) Every order made by the Government under this section shall be laid before each House of the Oireachtas as soon as conveniently may be after it is made, and if either such House shall, 60 within twenty-one days on which such House has sat after such order is laid before it, pass a resolution annulling such order, such order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

6.—(1) The fund mentioned in Article 11 of the Constitution as the one fund to be formed by the revenues of the State shall be called and known as the Central Fund and is in this section and the next following section of this Act referred to for purposes of distinction as the Central Fund of Ireland. The Central Fund
and the
Exchequer.

(2) Every mention or reference in any statute or statutory instrument in force immediately prior to the date of the coming into operation of the Constitution and continued in force thereafter by section 1 of Article 50 of the Constitution (whether such mention or reference is expressed in such statute or statutory instrument by virtue of original enactment or by subsequent amendment or modification or is implied therein by virtue of a general or a specific adaptation or interpretation) of or to the Central Fund of Saorstát Eireann or of or to the Exchequer of Saorstát Eireann shall—

(a) in relation to anything done or to be done or an event occurring before the coming into operation of the Constitution, be construed and have effect (unless the context otherwise requires) in like manner as it was construed and had effect immediately prior to the date of the coming into operation of the Constitution, and

(b) in relation to anything done or to be done or an event occurring after the coming into operation of the Constitution, be construed and have effect, unless the context otherwise requires, as a mention of or reference to (as the case may require) the Central Fund of Ireland or the Exchequer of Ireland.

7.—(1) All moneys, investments, securities, and other assets which, immediately before the coming into operation of the Constitution, constituted and formed part of or were included in the Central Fund of Saorstát Eireann shall, immediately upon the coming into operation of the Constitution, become and be included in and assets of the Central Fund of Ireland. Consequential provisions in respect
of the Central
Fund.

(2) All moneys owing to the Central Fund of Saorstát Eireann immediately before the coming into operation of the Constitution, whether then due and payable or to become due and payable (whether certainly or contingently) at a future time, shall, immediately upon the coming into operation of the Constitution, become and be owing to the Central Fund of Ireland and shall be payable to and recoverable for that Fund accordingly either (as the case may require) immediately or as and when they respectively fall due.

(3) All moneys owing to any Minister or governmental authority for the benefit of or for or in any way on behalf of the Central Fund of Saorstát Eireann immediately before the coming into operation of the Constitution, whether then due and payable or to become due and payable (whether certainly or contingently) at a future time, shall, immediately upon the coming into operation of the Constitution, become and be owing to the corresponding Minister or governmental authority functioning under or by virtue of the Constitution and shall be payable and recoverable, either (as the case may require) immediately or as and when they respectively fall due, for the benefit of or for or on behalf of the Central Fund of Ireland to and by the like or corresponding persons and in the like manner as before the coming into operation of the Constitution.

(4) All debts, liabilities, and responsibilities of and all charges on the Central Fund of Saorstát Eireann subsisting immediately before the coming into operation of the Constitution, whether then due and payable or to become due and payable (whether certainly or contingently) at a future time, shall, immediately upon the coming into operation of the Constitution, become and be (as the case may be) debts, liabilities, or responsibilities of or

charges on the Central Fund of Ireland and shall be paid or discharged out of that Fund accordingly either (as the case may require) immediately or as and when they respectively fall due.

The seal of the Government.

8.—(1) The Government shall have an official seal which shall be officially and judicially noticed. 5

(2) The seal of the Government shall, when affixed to any instrument or document, be authenticated by the signature of the Taoiseach or of the Tánaiste or of a secretary or other officer of the Government authorised by the Taoiseach to act in that behalf. 10

(3) More than one officer may at any time be authorised under the next preceding sub-section of this section to authenticate by his signature the seal of the Government, but such authorisation of two or more officers shall not render the signature of more than one such officer necessary for the authentication of the said seal. 15

(4) Every order or other instrument sealed with the seal of the Government shall, if such seal purports to be authenticated in accordance with this section, be received in evidence without further proof and, in particular, it shall not be necessary to prove any signature affixed to such instrument for the purpose of such authentication or to prove the office or authority of the person whose signature such signature purports to be. 20

(5) If no such seal as is provided for in the foregoing provisions of this section is available at the commencement of this Act, it shall be lawful for the Government to use, until such seal is available, the seal of the Executive Council of Saorstát Éireann, and for that purpose it is hereby declared and enacted that the seal of the Executive Council of Saorstát Éireann shall, in the circumstances and for the time aforesaid, be the seal of the Government within the meaning of this section and this section shall apply thereto accordingly. 25 30

Temporary user of existing official seals.

9.—(1) Until an official seal has been provided and is available for the use of the Taoiseach, it shall be lawful for the Taoiseach to use as his official seal the seal used by the President of the Executive Council as his official seal immediately before the coming into operation of the Constitution, and such seal of the President of the Executive Council shall, while it is so used by the Taoiseach, be for all purposes the official seal of the Taoiseach. 35

(2) It shall be lawful for every official person or body and every governmental authority, whether legislative, judicial, or executive, who or which is required by law to have an official seal, to continue until a new seal has been provided and is available for him or them to use as his or their official seal the seal used immediately before the coming into operation of the Constitution as an official seal by (as the case may require) such person, body, or governmental authority or the immediate predecessor of such person, body, or governmental authority. 40 45

(3) Every seal used, by virtue of the next preceding sub-section of this section, as an official seal by any official person or body or by any governmental authority, whether legislative, judicial, or executive, shall, while it is so used, be for all purposes the official seal of such person, body, or governmental authority. 50

Revivor of enactments relating to Seanad Éireann.

10.—(1) In this section the expression "the Act of 1936" means the Seanad Éireann (Consequential Provisions) Act, 1936 (No. 26 of 1936). 55

(2) The Act of 1936 is hereby repealed as on and from the date of the first assembly of Seanad Éireann.

(3) The repeal by this section of the Act of 1936 shall (save as is otherwise expressly provided by this section) operate to revive and bring into force again on the date of such repeal every Act or part of an Act repealed by the Act of 1936 and, accordingly, as from the date of such repeal every Act of the Oireachtas of Saorstát Eireann (including private as well as public Acts) passed before the Act of 1936 and every order, regulation, or other instrument made under any such Act shall (save as is otherwise provided by this section) operate, have effect, and be construed as if the Act of 1936 had never been passed, but with and subject to the modification that every reference in any such Act or instrument to Seanad Eireann shall be construed and have effect as a reference to the House of the Oireachtas to which the name "Seanad Eireann" is given by section 1 of Article 15 of the Constitution.

(4) Nothing contained in the foregoing sub-sections of this section shall operate to revive any of the following Acts or portions of Acts and all such Acts or portions of Acts shall continue to be repealed and inoperative, that is to say:—

(a) Part VII of the Electoral Act, 1923 (No. 12 of 1923), and so much of section 65 of that Act as includes a Seanad election within the meaning of the word "election", and also all references in the said Act to Seanad elections and Seanad electors;

(b) the Seanad Electoral Act, 1928 (No. 29 of 1928);

(c) the Seanad Bye-elections Act, 1930 (No. 1 of 1930);

(d) section 4 of the Electoral Amendment Act, 1933 (No. 14 of 1933).

(5) Nothing in this section shall prejudice or affect any specific repeal, revocation, or amendment of any Act, order, regulation, or instrument affected by the Act of 1936 made after the passing of that Act.

11.—(1) The following provisions shall have effect in relation to every Act of the Oireachtas of Saorstát Eireann which was passed after the Seanad Eireann (Consequential Provisions) Act, 1936 (No. 26 of 1936), that is to say:—

Adaptations in relation to the first assembly of Seanad Eireann.

(a) every provision in any such Act whereby any order, regulation, report, or other instrument is required to be laid before Dáil Eireann shall, in relation to any such instrument made on or after the day of the first assembly of Seanad Eireann, be construed and have effect as requiring such instrument to be laid before each House of the Oireachtas;

(b) where any such provision as is mentioned in the next preceding paragraph of this sub-section empowers Dáil Eireann to annul the instrument referred to in such provision by a resolution passed within a specified number of days on which Dáil Eireann has sat after such instrument is laid before it, such provision shall, in relation to any such instrument made on or after the day of the first assembly of Seanad Eireann, be construed and have effect as also empowering Seanad Eireann to annul such instrument by a resolution passed within the same number of days on which Seanad Eireann has sat after such instrument is laid before it, but without prejudice to the validity of anything previously done under such instrument.

(2) The following provisions shall have effect in relation to every Act of the Oireachtas of Saorstát Eireann which is expressed to come into operation immediately after the coming into operation

of the Constitution and in relation to every Act of the Oireachtas which is passed before the first assembly of Seanad Eireann, that is to say :—

- (a) every provision in any such Act whereby any order, regulation, report, or other instrument is required to be laid before each House or both Houses of the Oireachtas shall, in relation to any such instrument made before the day of the first assembly of Seanad Eireann, be construed and have effect as requiring such instrument to be laid before Dáil Eireann only; 5 10
- (b) every provision in any such Act whereby anything is required or authorised to be done by both Houses, or each House, or either House of the Oireachtas shall, in relation to anything done or to be done before the day of the first assembly of Seanad Eireann, be construed and have effect as requiring or authorising (as the case may be) such thing to be done by Dáil Eireann alone. 15

Temporary user of existing forms of official documents.

12.—(1) It shall be lawful for every official person and body and every governmental authority, whether legislative, judicial, or executive, for so long as may be convenient, to use, for the purposes of any official document issued, received, provided or otherwise used by him or them, the form of document which was lawfully so used immediately before the coming into operation of the Constitution. 20

(2) Every form of document used, by virtue of this section, for any purpose by any official person or body or any governmental authority, whether legislative, judicial, or executive, shall be deemed for all purposes to be lawfully used for that purpose. 25

(3) An impressed stamp shall be deemed to be a document within the meaning of the foregoing sub-section of this section and those sub-sections shall apply and have effect in relation to impressed stamps accordingly. 30

Convictions by the Constitution (Special Powers) Tribunal.

13.—(1) Except in capital cases, the Government may, in their absolute discretion, at any time remit in whole or in part or modify (by way of mitigation only) or defer (conditionally or unconditionally) any punishment imposed by the Constitution (Special Powers) Tribunal. 35

(2) Whenever a free pardon has been granted by the President to a person convicted by the Constitution (Special Powers) Tribunal, any forfeiture or disqualification occasioned by such conviction shall, as from the date of such pardon, be annulled. 40

Short title.

14.—This Act may be cited as the Constitution (Consequential Provisions) Act, 1937.

BILLE BUNREACHTA (FORALACHA
IARMARTACHA), 1937.

CONSTITUTION (CONSEQUENTIAL
PROVISIONS) BILL, 1937.

BILLE

dá ngairmtear

Acht chun forálacha iomdha do dhéanamh is gá
de dhruim Bunreacht na hÉireann d'ach-
tuigh an Pobal le déanaí do theacht i
ngníomh no ghabhas le n-a theacht i
ngníomh.

BILL

entitled

An Act to make divers provisions consequential
on or incidental to the coming into opera-
tion of the Constitution of Ireland lately
enacted by the people.

*Rithte ag Dáil Éireann, 16ad Mí na Nodlag,
1937.*

*Passed by Dáil Éireann, 16th December,
1937.*

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN TSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach
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an Choláiste, Baile Atha Cliath.

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Wt. 13—754. 525. 12/37. C.&Co. (3118).

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly
from the Government Publications Sale Office,
3-4, College Street, Dublin.

Printed by CAHILL & Co., LTD.

[*Threepence Net.*]