



An Bille um an Séú Leasú ar an mBunreacht, 1978

Sixth Amendment of the Constitution Bill, 1978

Mar a tionscnaíodh
As initiated

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SIXTH AMENDMENT OF THE CONSTITUTION BILL, 1978

As initiated

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Article 37 of the Constitution.
2. Amendment of Article 41 of the Constitution.
3. Amendment of Article 42 of the Constitution.
4. Citation.

SCHEDULE



**AN BILLE UM AN SÉU LEASÚ AR AN mBUNREACHT,
1978**

Mar a tionscnaíodh

RIAR NA nALT

Alt

1. Airteagal 37 den Bhunreacht a leasú.
2. Airteagal 41 den Bhunreacht a leasú.
3. Airteagal 42 den Bhunreacht a leasú.
4. Lua.

AN SCEIDEAL



SIXTH AMENDMENT OF THE CONSTITUTION BILL, 1978

BILL

entitled

AN ACT TO AMEND THE CONSTITUTION.

WHEREAS by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that Article:

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AND WHEREAS it is proposed to amend Articles 37, 41 and 42 of the Constitution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

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Amendment of
Article 37 of the
Constitution.

1.—Article 37 of the Constitution is hereby amended as follows:

(a) The following sentence shall be added to the Irish text:

“ Measfar feidhmeanna agus cumhachtaí teoranta a bheith á n-oibriú ag an mBord Uchtála a bunaíodh faoi na hAchtanna Uchtála 1952 go 1976 agus é ag breithniú uchtálacha agus ag déanamh orduithe uchtála nó ag cinneadh gan orduithe uchtála a dhéanamh.”

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(b) The following sentence shall be added to the English text:

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“ The Adoption Board established under the Adoption Acts 1952 to 1976 shall be deemed in considering adoptions and in making or deciding not to make adoption orders to be exercising limited functions and powers.”

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Amendment of
Article 41 of the
Constitution,

2.—Article 41 of the Constitution is hereby amended as follows:

(a) the words “ doshannta dochloíte ” in subsection 1° of section 1 of the Irish text shall be deleted.

(b) the words “ inalienable and imprescriptible ” in subsection 1° of section 1 of the English text shall be deleted.

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(c) the subsection set out in Part I of the Schedule to this Act shall be added to section 4 of the Irish text.

(d) the subsection set out in Part II of the Schedule to this Act shall be added to section 4 of the English text.

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AN BILLE UM AN SÉU LEASÚ AR AN mBUNREACTH,
1978

BILLE

dá ngairtear

5 ACHT CHUN AN BUNREACTH DO LEASÚ.

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunrecht, foráileamh ar bith den Bhunrecht do leasú ar an modh a shocraítear leis an Airteagal sin:

10 AGUS DE BHRÍ go bhfuil beartaithe Airteagail 37, 41 agus 42 den Bhunrecht do leasú:

ACHTAÍTEAR AG AN OIREACHTAS AR AN ABHAR SIN
MAR A LEANAS:

1.—Leasaítear leis seo mar a leanas Airteagal 37 den Bhunrecht: Airteagal 37 den
Bhunrecht a
leasú.

(a) Cuirfear an abairt seo a leanas leis an téacs Gaeilge:

15 “Measfar feidhmeanna agus cumhachtaí teoranta a bheith á n-oibriú ag an mBord Uchtála a bunaíodh faoi na hAchtanna Uchtála 1952 go 1976 agus é ag breithniú uchtálacha agus ag déanamh orduithe uchtála nó ag cinneadh gan orduithe uchtála a dhéanamh.”

20 (b) Cuirfear an abairt seo a leanas leis an téacs Sacs-Bhéarla:

25 “The Adoption Board established under the Adoption Acts 1952 to 1976 shall be deemed in considering adoptions and in making or deciding not to make adoption orders to be exercising limited functions and powers.”

2.—Leasaítear leis seo mar a leanas Airteagal 41 den Bhunrecht: Airteagal 41 den
Bhunrecht a
leasú.

(a) déanfar na focail “doshannta dochloíte” i bhfo-alt 1^o d’alt 1 den téacs Gaeilge a scriosadh.

30 (b) déanfar na focail “inalienable and imprescriptible” i bhfo-alt 1^o d’alt 1 den téacs Sacs-Bhéarla a scriosadh.

(c) déanfar an fo-alt atá leagtha amach i gCuid I den Sceideal a ghabhann leis an Acht seo a chur le halt 4 den téacs Gaeilge.

35 (d) déanfar an fo-alt atá leagtha amach i gCuid II den Sceideal a ghabhann leis an Acht seo a chur le halt 4 den téacs Sacs-Bhéarla.

3.—Article 42 of the Constitution is hereby amended as follows:

- (a) the word “doshannta” which appears twice in section 1 of the Irish text shall be deleted.
- (b) the word “inalienable” in section 1 of the English text shall be deleted. 5

Citation.

4.—(1) The amendment of the Constitution effected by this Act shall be called the Sixth Amendment of the Constitution.

(2) This Act may be cited as the Sixth Amendment of the Constitution Act, 1978.

SCHEDULE 10

PART I

1. Beidh cosaint speisialta ag leanaí trí bhíthin an dlí agus ar dhóigheanna eile le go bhféadfaidh siad iomlán a gcumais a bhaint amach ó thaobh coirp, aigne, moráltachta agus spioradáltachta agus sin i ndálaí saoirse agus dínite. In aon dlíthe a achtófar a bhainfidh le leanaí is do leas an linbh a thabharfar tús áite roimh gach ní eile. 15

2. Ní dhiúltófar comhionannas ceart faoin dlí d'aon leanbh ar fhoras stádas breithe nó tuistíochta.

3. Aithníonn an Stát gurb é an teaghlach an t-aonad sóisialta is fearr atá oiriúnaithe chun an cúram leanúnach a sholáthar atá riachtanach le haghaidh tabhairt suas linbh. Féadfaidh an Stát, áfach, i gcás go n-éilíonn leas an linbh é, cibé de dheasca bás na dtuistí nó de dheasca neamhthoil, faillí nó neamhchumas i gcomhlíonadh a ndualgais tuistíochta, ionad na dtuistí a ghlacadh ar dhóigheanna iomchuí lena n-áireofaí dlíthe a achtú faoi choinne cearta tuistí a aistriú go dtí tuistí ionadacha. 20 25

PART II

1. Children shall enjoy special protection, by law and other means, to enable them to develop physically, mentally, morally and spiritually to their fullest potential and in conditions of freedom and dignity. In the enactment of laws relating to children, the welfare of the child shall be the first and paramount consideration. 30

2. Equality of rights under the law shall not be denied to any child on the basis of status at birth or parentage.

3. The State acknowledges the family as the social unit best fitted to provide the continuity of care essential to the upbringing of a child. Where, however, the welfare of the child requires it, whether by reason of the death of the parents, or by reason of their unwillingness, neglect or inability to discharge their parental duties, the State shall supply the place of the parents by appropriate means, which may include the enactment of laws providing for the transfer of parental rights to substitute parents. 35 40

3.—Leasaítear leis seo mar a leanas Airteagal 42 den Bhunreacht:

Airteagal 42 den
Bhunreacht a
leasú.

(a) déanfar an focal “doshannta” atá dhá uair in alt 1 den téacs Gaeilge a scríosadh.

5 (b) déanfar an focal “inalienable” in alt 1 den téacs Sacs-Bhéarla a scríosadh.

4.—(1) An Séú Leasú ar an mBunreacht a bhéarfar ar an leasú a dhéantar ar an mBunreacht leis an Acht seo. Lua.

(2) Feadfar an tAcht um an Séú Leasú ar an mBunreacht, 1978, 10 a ghairm den Acht seo.

AN SCEIDEAL

CUID I

15 1. Beidh cosaint speisialta ag leanaí trí bhíthin an dlí agus ar dhóigheanna eile le go bhféadfaidh siad iomlán a gcumais a bhaint amach ó thaobh coirp, aigne, moráltachta agus spioradáltachta agus sin i ndálaí saoirse agus dínite. In aon dlíthe a achtófar a bhainfidh le leanaí is do leas an linbh a thabharfar tús áite roimh gach ní eile.

2. Ní dhiúltófar comhionannas ceart faoin dlí d'aon leanbh ar fhoras stádas breithe nó tuistíochta.

20 3. Aithníonn an Stát gurb é an teaghlach an t-aonad sóisialta is fearr atá oiriúnaithe chun an cúram leanúnach a sholáthar atá riachtanach le haghaidh tabhairt suas linbh. Féadfaidh an Stát, áfach, i gcás go n-éilíonn leas an linbh é, cibé de dheasca bás na dtuistí nó de dheasca neamhthoil, faillí nó neamhchumas i gcomhlíonadh a ndualgais tuistíochta, ionad na dtuistí a ghlacadh ar dhóigheanna 25 iomchuí lena n-áireofaí dlíthe a achtú faoi choinne cearta tuistí a aistriú go dtí tuistí ionadacha.

CUID II

30 1. Children shall enjoy special protection, by law and other means, to enable them to develop physically, mentally, morally and spiritually to their fullest potential and in conditions of freedom and dignity. In the enactment of laws relating to children, the welfare of the child shall be the first and paramount consideration.

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SIXTH AMENDMENT OF THE
CONSTITUTION BILL, 1978

AN BILLE UM AN SÉU LEASÚ AR AN
mBUNREACTH, 1978

BILL

(as initiated)

entitled

An Act to amend the Constitution.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht chun an Bunreacht do leasú.

Presented by Deputy Eileen Desmond

An Teachta Eibhlín Uí Dheasmhumhnaigh
a thíolaic

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