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An Bille um an Deichiú Leasú ar an
mBunreacht, 1986

Tenth Amendment of the
Constitution Bill, 1986

Mar a tionscnaíodh
As initiated



TENTH AMENDMENT OF THE CONSTITUTION BILL, 1986

As initiated

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Article 41 of the Constitution.
2. Citation.

SCHEDULE

PART I

PART II



AN BILLE UM AN DEICHIÚ LEASÚ AR AN mBUNREACTH, 1986

Mar a tionscnaíodh

RIAR NA nALT

Alt

1. Airteagal 41 den Bhunrecht do leasú.
2. Lua.

AN SCEIDEAL

CUID I

CUID II



TENTH AMENDMENT OF THE CONSTITUTION BILL, 1986

BILL

entitled

AN ACT TO AMEND THE CONSTITUTION.

WHEREAS by virtue of Article 46 of the Constitution any provision 5
of the Constitution may be amended in the manner provided by that
Article:

AND WHEREAS it is proposed to amend Article 41 of the Consti-
tution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS 10
FOLLOWS:

Amendment of
Article 41 of the
Constitution.

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

- (a) the subsection set out in *Part I* of the Schedule to this Act
shall be substituted for subsection 2° of section 3 of Article 15
41 of the Irish text,
- (b) the subsection set out in *Part II* of the Schedule to this Act
shall be substituted for subsection 2° of section 3 of Article
41 of the English text.

Citation.

2.—(1) The amendment of the Constitution effected by this Act
shall be called the Tenth Amendment of the Constitution. 20

(2) This Act may be cited as the Tenth Amendment of the Consti-
tution Act, 1986.

SCHEDULE

PART I

2° I gcás gur deimhin le cibé cúirt do bunuigheadh faoin mBun- 25
reacht so agus a ordóchar le dligheadh, agus sa chás san
amháin—

- i. go bhfuil teipthe ar phósadh,



AN BILLE UM AN DEICHIÚ LEASÚ AR AN mBUNREACHT, 1986

BILLE

dá ngairtear

ACHT CHUN AN BUNREACHT DO LEASÚ.

- 5 DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreacht, foráil-
eamh ar bith den Bhunreacht do leasú ar an modh a shocraítear leis
an Airteagal sin:

AGUS DE BHRÍ go bhfuil beartaithe Airteagal 41 den Bhunreacht
do leasú:

- 10 ACHTAÍTEAR AG AN OIREACHTAS AR AN ÁBHAR SIN
MAR A LEANAS:

1.—Leasaítear leis seo mar a leanas Airteagal 41 den Bhunreacht:

Airteagal 41 den
Bhunreacht do
leasú.

- (a) cuirfear an fo-alt atá leagtha amach i *gCuid I* den Sceideal a
ghabhann leis an Acht seo in ionad fho-alt 2° d'alt 3
15 d'Airteagal 41 den téacs Gaeilge,

- (b) cuirfear an fo-alt atá leagtha amach i *gCuid II* den Sceideal
a ghabhann leis an Acht seo in ionad fho-alt 2° d'alt 3
d'Airteagal 41 den téacs Sacs-Bhéarla.

- 2.—(1) An Deichiú Leasú ar an mBunreacht a bhéarfar ar an leasú Lua.
20 a dhéantar ar an mBunreacht leis an Acht seo.

(2) Féadfar an tAcht um an Deichiú Leasú ar an mBunreacht, 1986,
a ghairm den Acht seo.

AN SCEIDEAL

CUID I

- 25 2° I gcás gur deimhin le cibé cúirt do bunuigheadh faoin mBun-
reacht so agus a ordóchar le dligheadh, agus sa chás san
amháin—

- i. go bhfuil teipthe ar phósadh,

- ii. gur lean an teip ar feadh tréimhse cúig bliana ar a laghad nó tréimhsí cúig bliana ar a laghad san iomlán,
- iii. nach féidir le réasún bheith ag súil le comhréiteach idir na páirtithe sa phósadh, agus
- iv. gur coimhlíonadh aon choingheall eile a bheas ordaithe le 5 dligheadh,

féadfaidh an chúirt, do réir dlighidh, scaoileadh ar an bpósadh do thabhairt ar choingheall gur deimhin leis an gcúirt go ndéanfar socrú imleor cuibhe, ag féachaint do na himthosca, maidir le haon céile cleitheimhnach agus maidir le haon leanbh de chuid 10 ceachtar céile nó aon leanbh atá i gcleitheimhnas ar cheachtar céile.

PART II

2° Where, and only where, such court established under this Constitution as may be prescribed by law is satisfied that— 15

- i. a marriage has failed,
- ii. the failure has continued for a period of, or periods amounting to, at least five years,
- iii. there is no reasonable possibility of reconciliation between the parties to the marriage, and 20
- iv. any other condition prescribed by law has been complied with,

the court may in accordance with law grant a dissolution of the marriage provided that the court is satisfied that adequate and proper provision having regard to the circumstances will be 25 made for any dependent spouse and for any child of or any child who is dependent on either spouse.

- ii. gur lean an teip ar feadh tréimhse cúig bliana ar a laghad nó tréimhsí cúig bliana ar a laghad san iomlán,
- iii. nach féidir le réasún bheith ag súil le comhréiteach idir na páirtithe sa phósadh, agus
- 5 iv. gur coimhlfionadh aon choingheall eile a bheas ordaithe le dligheadh,

féadfaidh an chúirt, do réir dlighidh scaoileadh ar an bpósadh do thabhairt ar choingheall gur deimhin leis an gcúirt go ndéanfar socrú imleor cuibhe, ag féachaint do na himthosca, maidir le haon céile
 10 cleitheimhnach agus maidir le haon leanbh de chuid ceachtar céile nó aon leanbh atá i gcleitheimhnas ar cheachtar céile.

CUID II

- 2° Where, and only where, such court established under this Constitution as may be prescribed by law is satisfied that—
- 15 i. a marriage has failed,
 - ii. the failure has continued for a period of, or periods amounting to, at least five years,
 - iii. there is no reasonable possibility of reconciliation between the parties to the marriage, and
 - 20 iv. any other condition prescribed by law has been complied with,

the court may in accordance with law grant a dissolution of the marriage provided that the court is satisfied that adequate and proper provision having regard to the circumstances will be made for any
 25 dependent spouse and for any child of or any child who is dependent on either spouse.

TENTH AMENDMENT OF THE
CONSTITUTION BILL, 1986

BILL

(as initiated)

entitled

An Act to amend the Constitution.

*Presented by the Minister for Justice,
23rd April, 1986*

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AN BILLE UM AN DEICHIÚ LEASÚ AR
AN mBUNREACTH, 1986

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht chun an Bunreacht do leasú.

*An tAire Dlí agus Cirt a thíolaic,
23 Aibreán, 1986*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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