

Catherine Murphy committee stage amendments to the 32nd Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013

On page 30, line 47 to delete the word “fourteen” and substitute “ten”

Decreases the number of Deputies required to nominate a candidate for election to the Presidency.

On page 32, line 34 to delete the word “thirty” and substitute “fifty”.

Increases the number of Deputies required to proffer a charge against the President.

On page 42, to substitute the following for Article 27:

Article 27

“The substitution of “Dáil Éireann” for “both Houses of the Oireachtas” in the first sentence.

The substitution of the following for Section 1:

“1. Not less than three-fourths of the total number of elected Local Authorities, expressed by a public resolution of each, and not less than one-third of the members of Dáil Éireann may by means of a joint petition addressed to the President by them under this Article request the President to decline to sign and promulgate as a law any Bill to which this article applies on the ground that the Bill contains a proposal of such national importance that the will of the people thereon ought to be ascertained.”

In Section 3, the substitution of “Dáil Éireann” for “both Houses of the Oireachtas”

In Section 4.1, the substitution of “Dáil Éireann” for “both Houses of the Oireachtas”

The substitution of the following section for section 5.1:

“1° In every case in which the President decides that a Bill the subject of a petition under this Article contains a proposal of such national importance that the will of the people thereon ought to be ascertained, he shall inform the Taoiseach, the Chairman of Dáil Éireann and the members of each Local Authority in the State accordingly in writing under his hand and Seal and shall decline to sign and promulgate such Bill as a law unless and until the proposal shall have been approved either:”

The substitution of the following section for section 6:

“In every case in which the President decides that a Bill the subject of a petition under this Article does not contain a proposal of such national importance that the will of the people thereon ought to be ascertained, he shall inform the Taoiseach, the Chairman Dáil Éireann and the members of each Local Authority in the State accordingly in writing under his hand and Seal, and such Bill shall be signed by the President not later than eleven days after the date on which the Bill shall have been deemed to have been passed by both Houses of the Oireachtas and shall be duly promulgated by him as a law.”.”

Reinstates the constitutional check that is proposed to be removed by giving the elected Local Authorities a formal role, effectively replacing the Seanad’s function in this regard. The number of Local Authorities required is set high to avoid a single political party being able to abuse this power.

On page 46, line 27 to delete the words “two-thirds” and substitute “three-fourths”

Increases the number of Deputies required for a resolution seeking to remove a judge from office to be valid.

New Article 27 to read as follows (changes in red):

ARTICLE 27

This Article applies to any Bill, other than a Bill expressed to be a Bill containing a proposal for the amendment of this Constitution, which shall have been deemed, by virtue of Article 23 hereof, to have been passed by **Dáil Éireann**.

1. **Not less than three-fourths of the total number of elected Local Authorities, expressed by a public resolution of each, and not less than one-third of the members of Dáil Éireann may by means of a joint petition addressed to the President by them under this Article request the President to decline to sign and promulgate as a law any Bill to which this article applies on the ground that the Bill contains a proposal of such national importance that the will of the people thereon ought to be ascertained.**
2. Every such petition shall be made in writing and shall be signed by the petitioners whose signatures shall be verified in the manner prescribed by law.

3. Every such petition shall contain a statement of the particular ground or grounds on which the request is based, and shall be presented to the President not later than four days after the date on which the Bill shall have been deemed to have been passed by **Dáil Éireann**.

4. 1° Upon receipt of a petition addressed to him under this Article, the President shall forthwith consider such petition and shall, after consultation with the Council of State, pronounce his decision thereon not later than ten days after the date on which the Bill to which such petition relates shall have been deemed to have been passed by **Dáil Éireann**.

2° If the Bill or any provision thereof is or has been referred to the Supreme Court under Article 26 of this Constitution, it shall not be obligatory on the President to consider the petition unless or until the Supreme Court has pronounced a decision on such reference to the effect that the said Bill or the said provision thereof is not repugnant to this Constitution or to any provision thereof, and, if a decision to that effect is pronounced by the Supreme Court, it shall not be obligatory on the President to pronounce his decision on the petition before the expiration of six days after the day on which the decision of the Supreme Court to the effect aforesaid is pronounced.

5. 1° **In every case in which the President decides that a Bill the subject of a petition under this Article contains a proposal of such national importance that the will of the people thereon ought to be ascertained, he shall inform the Taoiseach, the Chairman of Dáil Éireann and the members of each Local Authority in the State accordingly in writing under his hand and Seal and shall decline to sign and promulgate such Bill as a law unless and until the proposal shall have been approved either:**

i by the people at a Referendum in accordance with the provisions of section 2 of Article 47 of this Constitution within a period of eighteen months from the date of the President's decision,

or

ii by a resolution of Dáil Éireann passed within the said period after a dissolution and reassembly of Dáil Éireann.

2° Whenever a proposal contained in a Bill the subject of a petition under this Article shall have been approved either by the people or by a resolution of Dáil Éireann in accordance with the foregoing provisions of this section, such Bill shall as soon as may be after such approval be presented to the President for his signature and promulgation by him as a law and the President shall thereupon sign the Bill and duly promulgate it as a law.

6. **In every case in which the President decides that a Bill the subject of a petition under this Article does not contain a proposal of such national importance that the will of the people thereon ought to be ascertained, he shall inform the Taoiseach, the Chairman Dáil Éireann and the members of each Local Authority in the State accordingly in writing under his hand and Seal, and such Bill shall be signed by the President not later than eleven days after the date on which the Bill shall have been deemed to have been passed by both Houses of the Oireachtas and shall be duly promulgated by him as a law.**