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Explanatory Memorandum

# An Bille um an gCeathrú Leasú is Fiche ar an mBunreacht, 2001

# Twenty-fourth Amendment of the Constitution Bill, 2001

*Mar a tionscnaíodh*
*As initiated*

[No. 19 of 2001]

**TWENTY-FOURTH AMENDMENT OF THE CONSTITUTION BILL, 2001**

*As initiated*

ARRANGEMENT OF SECTIONS

Section
1. Amendment of Article 29 of the Constitution.

2. Citation.

SCHEDULE

Part 1

Part 2

# AN BILLE UM AN gCEATHRÚ LEASÚ IS FICHE AR AN mBUNREACHT, 2001

*Mar a tionscnaíodh*

RIAR NA nALT


Alt

1. Airteagal 29 den Bhunreacht a leasú.

2. Lua.

AN SCEIDEAL

Cuid 1

Cuid 2

**TWENTY-FOURTH AMENDMENT OF THE CONSTITUTION BILL, 2001**

# 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:

AND WHEREAS it is proposed to amend Article 29 of the Constitution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Amendment of Article 29 of the Constitution.

**1.**—Article 29 of the Constitution is hereby amended as follows:

(*a*) the subsections the texts of which are set out in *Part 1* of the *Schedule* to this Act shall be inserted after subsection 6° of section 4 of the Irish text,

(*b*) the subsections the texts of which are set out in *Part 2* of the *Schedule* to this Act shall be inserted after subsection 6° of section 4 of the English text,

(*c*) subsections 7° and 8° of section 4 of both texts shall be numbered as subsections 9° and 10°.

Citation.

**2.**—(1) The amendment of the Constitution effected by this Act shall be called the Twenty-fourth Amendment of the Constitution.

(2) This Act may be cited as the Twenty-fourth Amendment of the Constitution Act, 2001.

**AN BILLE UM AN gCEATHRÚ LEASÚ IS FICHE AR AN mBUNREACHT, 2001**

# BILLE

*dá ngairtear*

ACHT CHUN AN BUNREACHT A LEASÚ.

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

AGUS DE BHRÍ go bhfuil beartaithe Airteagal 29 den Bhunreacht a leasú:

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

Airteagal 29 den Bhunreacht a leasú.

**1.**—Leasaítear leis seo mar a leanas Airteagal 29 den Bhunreacht:

(*a*) cuirfear na fo-ailt a bhfuil na téacsanna díobh leagtha amach i *gCuid 1* den *Sceideal* a ghabhann leis an Acht seo isteach i ndiaidh fho-alt 6° d'alt 4 den téacs Gaeilge,

(*b*) cuirfear na fo-ailt a bhfuil na téacsanna díobh leagtha amach i *gCuid 2* den *Sceideal* a ghabhann leis an Acht seo isteach i ndiaidh fho-alt 6° d'alt 4 den téacs Sacs-Bhéarla,

(*c*) déanfar fo-ailt 7° agus 8° d'alt 4 den dá théacs a uimhriú mar fho-ailt 9° agus 10°.

Lua.

**2.**—(1) An Ceathrú Leasú is Fiche ar an mBunreacht a thabharfar ar an leasú a dhéantar ar an mBunreacht leis an Acht seo.

(2) Féadfar an tAcht um an gCeathrú Leasú is Fiche ar an mBunreacht, 2001, a ghairm den Acht seo.

## SCHEDULE

### Part 1

7° Tig leis an Stát Conradh Nice ag leasú an Chonartha ar an Aontas Eorpach, na gConarthaí ag bunú na gComhphobal Eorpach agus Ionstraimí gaolmhara áirithe, a síníodh in Nice an 26ú lá d'Fheabhra, 2001, a dhaingniú.

8° Tig leis an Stát na roghnuithe nó na roghanna a fheidhmiú a shocraítear le hAirteagail 1.6, 1.9, 1.11, 1.12, 1.13 agus 2.1 den Chonradh dá dtagraítear i bhfo-alt 7° nó fúthu ach beidh aon fheidhmiú den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais.

### Part 2

7° The State may ratify the Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts signed at Nice on the 26th day of February, 2001.

8° The State may exercise the options or discretions provided by or under Articles 1.6, 1.9, 1.11, 1.12, 1.13 and 2.1 of the Treaty referred to in subsection 7° but any such exercise shall be subject to the prior approval of both Houses of the Oireachtas.

## AN SCEIDEAL

### Cuid 1

7° Tig leis an Stát Conradh Nice ag leasú an Chonartha ar an Aontas Eorpach, na gConarthaí ag bunú na gComhphobal Eorpach agus Ionstraimí gaolmhara áirithe, a síníodh in Nice an 26ú lá d'Fheabhra, 2001, a dhaingniú.

8° Tig leis an Stát na roghnuithe nó na roghanna a fheidhmiú a shocraítear le hAirteagail 1.6, 1.9, 1.11, 1.12, 1.13 agus 2.1 den Chonradh dá dtagraítear i bhfo-alt 7° nó fúthu ach beidh aon fheidhmiú den sórt sin faoi réir ceadú a fháil roimh ré ó dhá Theach an Oireachtais.

### Cuid 2

7° The State may ratify the Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts signed at Nice on the 26th day of February, 2001.

8° The State may exercise the options or discretions provided by or under Articles 1.6, 1.9, 1.11, 1.12, 1.13 and 2.1 of the Treaty referred to in subsection 7° but any such exercise shall be subject to the prior approval of both Houses of the Oireachtas.

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# AN BILLE UM AN gCEATHRÚ LEASÚ IS FICHE AR AN mBUNREACHT, 2001

# TWENTY-FOURTH AMENDMENT OF THE CONSTITUTION BILL, 2001

## EXPLANATORY MEMORANDUM

*Purpose of Bill*

The Twenty-fourth Amendment of the Constitution Bill, 2001 is necessary in order to enable the State to ratify the Treaty of Nice.

*Text of Bill*

The Bill provides for—

(*a*) the addition of a new subsection 7° to Article 29.4 of the Constitution allowing the State to ratify the Treaty of Nice;

(*b*) the addition of a new subsection 8° to Article 29.4 of the Constitution allowing the State to exercise the options or discretions provided by the Treaty of Nice;

(*c*) the consequential renumbering of subsections 7° and 8° of Article 29.4 of the Constitution as subsections 9° and 10° respectively.

*Content of Bill*

In the new subsection 7°, the wording of the licence given to the State to ratify the Treaty of Nice follows the present wording of the references in the Constitution to ratifying the Treaty on European Union and the Treaty of Amsterdam.

The Treaty of Nice contains provisions relating to enhanced cooperation pursuant to which obligations may be entered into by a number of Member States of the European Union. The new subsection 8° is necessary, in addition to the new subsection 7°, in order to confer on the State sufficient powers for it to exercise the options or discretions provided by the Treaty of Nice should it so decide. It follows the pattern established in respect of Article 29.4.6 by specifically identifying the options and discretions which may be exercised. It is provided that the exercise of any such options or discretions shall be subject to the prior approval of both Houses of the Oireachtas.

*An Roinn Gnóthaí Eachtracha,*
*Márta*, 2001.

Wt. P50672/B/3. 925. 3/01. Cahill. (X42042). G. 30-16.