An Bille um an Deichiú Leasú ar an mBunreacht, 1986

Tenth Amendment of the Constitution Bill, 1986

Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas

[No. 15*a* of 1986]

TENTH AMENDMENT OF THE CONSTITUTION BILL, 1986

As passed by both Houses of the Oireachtas

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 mBUNREACHT, 1986

Mar a ritheadh ag dhá Theach an Oireachtais

RIAR NA nALT

Alt

1. Airteagal 41 den Bhunreacht 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 of the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed to amend Article 41 of the Constitution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS 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 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.

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

SCHEDULE

Part I

2° I gcás gur deimhin le cibé cúirt do bunuigheadh faoin mBunreacht 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.

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreacht, foráileamh 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:

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 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 a dhéantar ar an mBunreacht leis an Acht seo.

Lua.

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

AN SCEIDEAL

Cuid I

2° I gcás gur deimhin le cibé cúirt do bunuigheadh faoin mBunreacht 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 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 chéile cleitheamhnach agus maidir le haon leanbh de chuid ceachtar céile nó aon leanbh atá i gcleitheamhnas 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—

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

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 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

iv. gur coimhlíonadh 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 chéile cleitheamhnach agus maidir le haon leanbh de chuid ceachtar céile nó aon leanbh atá i gcleitheamhnas 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—

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

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 dependent spouse and for any child of or any child who is dependent on either spouse.

TENTH AMENDMENT OF THE CONSTITUTION BILL, 1986

BILL

entitled

An Act to amend the Constitution.

Passed by both Houses of the Oireachtas,
24*th May*, 1986

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

Printed by CAHILL PRINTERS LIMITED.

60p

Wt. 153018/F/5. 1,300. 5/86. Cahill. (7592). G.16.

AN BILLE UM AN DEICHIÚ LEASÚ AR AN mBUNREACHT, 1986

BILLE

dá ngairtear

Acht chun an Bunreacht do leasú.

Ritheadh ag dhá Theach an Oireachtais,
24 *Bealtaine*, 1986

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