



*Constitution for
A New Republic*

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DRAFT CONSTITUTION OF IRELAND

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CONSTITUTION OF IRELAND

We, the people of Ireland, hereby affirm the inalienable, indefeasible and sovereign right of the Irish Nation to choose its own form of Government, to determine its relations with other nations and declare that all powers of government, legislative, executive and judicial, derive from the people, whose right it is to designate the rulers of the State, and, in final appeal, to decide all questions of national policy, according to the requirements of the common good, and further declare that such powers of government are exercisable only by or on the authority of the organs of State hereby established. And, seeking to unite in the pursuit of a just social order, the freedom and dignity of the individual and concord with other nations, do hereby adopt, enact and give to ourselves this Constitution.

ARTICLE 1

IRELAND

1. The name of the State is Ireland. Ireland is a sovereign independent democratic republic.
2. The people of Ireland hereby proclaim their firm will that the national territory, which consists of the whole island of Ireland, its islands and territorial seas, be reunited in harmony and by consent. The laws enacted by the Parliament established by this Constitution, until the achievement of the Nation's unity may otherwise require, shall have the like area and extent of application as the laws of the Parliament which existed prior to the adoption of this Constitution. Provision may be made by law to give extra-territorial effect to such laws.
3. The Irish language, as the language special to Ireland, and the English language are the official languages of the State which guarantees to cherish both languages as part of the Nation's cultural heritage and life. Provision may be made, however, by law for the exclusive use of either language for any purpose in any part of the State.
4. All natural resources, including the air and all forms of potential energy, within the jurisdiction of the Parliament and Government established by this Constitution and all royalties and franchises within that jurisdiction belong to the State subject to all estates and interests therein for the time being lawfully vested in any person or body. All lands and mines, minerals and waters which belonged to Saorstát Eireann immediately before the coming into operation of this Constitution belong to the State to the same extent as they then belonged to Saorstát Eireann. Provision may be made by law for the management of the property which belongs to the State by virtue of this Article or which is acquired by the State after the coming into effect of this Constitution and for the control of the alienation, whether temporary or permanent, of that property.
5. The acquisition and loss of Irish nationality and citizenship shall be determined in accordance with law and no person shall be excluded from Irish nationality or citizenship by reason of the sex of such person.

ARTICLE 2

FUNDAMENTAL RIGHTS

1. All citizens shall, as human persons, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function. Titles of nobility shall not be conferred by the State.
2. The State shall respect and, as far as practicable, by its laws defend and vindicate the right to life of all persons and of the unborn. The State shall not make lawful the taking of life as punishment for any offence, nor shall any person be subjected to torture or to inhuman or degrading treatment or punishment.

3. No person shall be deprived of his personal liberty save in accordance with law. Upon complaint being made by or on behalf of any person to the High Court or any judge thereof alleging that such person is being unlawfully detained, the High Court and any and every judge thereof to whom such complaint is made shall forthwith inquire into the said complaint and may order the person in whose custody such person is detained to produce the body of such person before the High Court on a named day and to certify in writing the grounds of his detention, and the High Court shall, upon the body of such person being produced before that Court and after giving the person in whose custody he is detained an opportunity of justifying the detention, order the release of such person from such detention unless satisfied that he is being detained in accordance with the law. Nothing in this section, however, shall be invoked to prohibit, control or interfere with any act of the Defence Forces during the existence of a state of war or armed rebellion.
4. The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the other personal rights of the citizen and shall, in particular by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the person, good name, privacy and property rights of every citizen.
5. The State shall not enact any law which attempts to abolish the right of private ownership or the general right to transfer, bequeath and inherit property. It shall be lawful for the State to enact laws to delimit and control, with or without compensation, the exercise of property rights in accordance with the exigencies of the common good, in general, and, in particular, to regulate and delimit in accordance with the principles of social justice, the development and protection of industry, agriculture, commerce, land and the environment.
6. The dwelling of every citizen is inviolable and shall not be forcibly entered save in accordance with law.
7. The State guarantees liberty for the exercise of the following rights, subject only to delimitations made necessary in a democratic society by the State's obligation to preserve public order and morality and the authority of the State:
 - (1) the right of the citizens to express and publish freely their convictions and opinions,
 - (2) the right of the citizens to assemble peaceably and without arms,
 - (3) the right of the citizens to travel within the State and abroad,
 - (4) the right of the citizens to form associations and unions.Laws regulating the manner in which the foregoing rights may be exercised shall contain no political, religious, class, racial or cultural distinction.
8. The State recognises the Family as the natural primary and fundamental unit group of society and guarantees to protect it in its Constitution and authority and to guard and to protect from attack the institution of marriage.
9. The State acknowledges that the primary and natural educator of the child is the family and guarantees to respect the right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children. Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State. The State shall, however, as guardian of the common good, require that children receive a certain minimum education, moral, intellectual and social. The State shall provide for free primary education for all children resident in the state.
10. Children shall enjoy special protection by law. Equality of rights under the law shall not be denied to any child on the basis of status at birth or parentage. In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State

as guardian of the common good, by appropriate means shall endeavour to supply the place of parents, but always with due regard for the rights of the child.

11. Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen. The State shall not endow any religion nor impose any disabilities nor make any discrimination on the ground of religious profession, belief or status. Legislation providing State aid for schools shall not discriminate between schools under the management of different religious denominations, nor be such as to affect prejudicially the right of any child to attend a school receiving public money without attending religious instruction at that school. Every religious denomination shall have the right to manage its own affairs, own, acquire and administer property, movable and immovable, and maintain institutions for religious or charitable purposes.

ARTICLE 3

THE PARLIAMENT

1. The Parliament of the State shall be called and known, and is in this Constitution generally referred to, as the Oireachtas. The Oireachtas shall consist of the President and a House of Representatives to be called Dail Eireann.
2. The sole and exclusive power of making laws for the State is hereby vested in the Oireachtas: no other legislative authority has power to make laws for the State, but provision may be made by law to delegate local and limited legislative functions to local authorities and other subordinate legislatures.
3. Every law enacted by the Oireachtas which is in any respect repugnant to this Constitution or to any provision thereof, shall but to the extent only of such repugnancy, be invalid.
4. The Oireachtas shall not declare acts to be infringements of the law which were not so at the date of their commission nor increase with retrospective effect the penalty for any infringement of the law.
5. The right to raise and maintain military or armed forces is vested exclusively in the Oireachtas. No military or armed force, other than a military or armed force raised and maintained by the Oireachtas, shall be raised or maintained for any purpose whatsoever.

ARTICLE 4

THE PRESIDENT

1. There shall be a President of Ireland (hereinafter called the President) who shall take precedence over all other persons in the State and who shall exercise and perform the powers and functions conferred on the President by this Constitution and by law. The powers and functions conferred on the President by this Constitution shall be exercisable and performable by him only on the advice of the Government, save where it is provided by this Constitution that he shall act in his absolute discretion or after consultation with or in relation to the Council of State, or on the advice or nomination of, or on receipt of any other communication from, any other person or body. Subject to this Constitution, additional powers and functions may be conferred on the President by law but no such power or function shall be exercisable or performable save only on the advice of the Government.
2. The President shall be elected by direct vote of the people by secret ballot and by means of the single transferable vote. Every citizen who has the right to vote at an election for members of Dail Eireann shall have the right to vote at an election for President. Every citizen who has reached his thirty fifth year of age is eligible for election to the office of President. A person who holds, or who has held, office as President, shall be eligible for re-election to that office once, but only once.

3. Every candidate for election, not a former or retiring President, must be nominated by at least ten members of Dail Eireann or on the nomination of thirty thousand persons eligible to vote in such an election made in a manner to be provided by law. Former or retiring Presidents may only become candidates on their own nomination. Where only one candidate is nominated for the office of President it shall not be necessary to proceed to a ballot for his election. No person shall make more than one nomination in respect of the same election.
4. The President shall hold office for seven years from the date upon which he enters upon his office, unless before the expiration of that period he dies, or resigns, or is removed from office, or becomes permanently incapacitated, such incapacity being established to the satisfaction of the Supreme Court consisting of not less than five judges.
5. An election for the office of President shall be held not later than, and not earlier than the sixtieth day before, the date of the expiration of the term of office of every President, but in the event of the removal from office of the President or of his death, resignation, or permanent incapacity established as aforesaid (whether occurring before or after he enters upon his office), an election for the office of President shall be held within sixty days after such event. Subject to the foregoing provisions of this Article, elections for the office of President shall be regulated by law.
6. The President shall not be a member of Dail Eireann and if a member of Dail Eireann be elected President, he shall be deemed to have vacated his seat. The President shall not hold any other office or position of emolument.
7. The President shall enter upon his office by taking and subscribing publicly, in the presence of members of Dail Eireann, of Judges of the Supreme Court and of the High Court, and other public personages, the following declaration:-

"In the presence of Almighty God I do solemnly and sincerely declare that I will maintain the Constitution of Ireland and uphold its laws, that I will fulfil my duties faithfully and conscientiously in accordance with the Constitution and the law, and that I will dedicate my abilities to the service and welfare of the people of Ireland. May God direct and sustain me."
8. The President shall have an official residence in or near the City of Dublin and shall receive emoluments and allowances as may be determined by law but which shall not be diminished during his term of office. The President shall not leave the State during his term of office save with the consent of the Government.
9. The supreme command of the Defence Forces, which shall be exercised in a manner regulated by law, is hereby vested in the President and all commissioned officers of the Defence Forces shall hold their commissions from the President.
10. The right of pardon and the power to commute or remit punishment imposed by any court exercising criminal jurisdiction are hereby vested in the President, but such power of commutation of remission may also be conferred by law on other authorities.
11. The President shall on the nomination of Dail Eireann, appoint the Taoiseach. The President shall, on the nomination of the Taoiseach with the previous approval of Dail Eireann, appoint the other members of the Government and shall, on the advice of the Taoiseach, accept the resignation or terminate the appointment of any member of the Government.
12. Dail Eireann shall be summoned and dissolved by the President on the advice of the Taoiseach; the President may, however, in his absolute discretion refuse to dissolve Dail Eireann on the advice of a Taoiseach who has ceased to retain the support of a majority in Dail Eireann. The President may at any time, after consultation with the Council of State, convene a meeting of Dail Eireann. Where a Taoiseach has resigned from office without advising the President to dissolve Dail Eireann, or where the President has refused under this section to dissolve Dail Eireann, the President may in his absolute discretion, having

consulted with such member or members of Dail Eireann as he deems fit, dissolve Dail Eireann unless within fourteen days of his convening a meeting of Dail Eireann in accordance with this section, Dail Eireann has nominated one of its members for appointment as Taoiseach.

13. The President may, after consultation with the Council of State, communicate with Dail Eireann by message or address on any matter of national or public importance, or address a message to the Nation at any time on any such matter.

14. Upon receiving a message in that behalf from Dail Eireann, the President, having consulted the Council of State and with the consent of a majority of its members present and voting shall:

(i) appoint three persons, not being members for the time being of Dail Eireann to be members of a Commission, of which a judge of the High Court shall act as chairman and which shall be charged with the function of reporting on the revision of constituency boundaries in accordance with the terms of Article 7.17 of the Constitution; and

(ii) decide the terms of reference of such Commission.

The members of such Commission shall be independent and impartial in the discharge of their functions and shall have due regard to the terms of reference under which they were appointed and any changes in the distribution of population. The report of such Commission shall, as soon as may be, be laid before Dail Eireann.

15. The President may, after consultation with the Council of State, refer any Bill to the Supreme Court for a decision on the question as to whether such Bill or any specified provision or provisions of such Bill is or are repugnant to this Constitution or to any provision thereof. Every such reference shall be made not later than the seventh day after the date on which such Bill shall have been presented by the Taoiseach to the President for his signature. The President shall not sign any Bill the subject of a reference to the Supreme Court under this Article pending the pronouncement of the decision of the Court. The Supreme Court, consisting of not less than five judges, shall consider every question referred to it by the President under this Article for a decision, and having heard arguments by or on behalf of the Attorney General and by counsel assigned by the Court, shall pronounce its decision on such question in open court as soon as may be, and in any case not later than sixty days after the date of such reference. In every case in which the Supreme Court decides that any provision of a Bill the subject of a reference to the Supreme Court under this Article is repugnant to this Constitution or to any provision thereof, the President shall decline to sign such Bill. In every other case the President shall sign the Bill as soon as may be after the date on which the decision of the Supreme Court shall have been pronounced.

16. The President shall not be answerable to Dail Eireann or to any court for the exercise and performance of the powers and functions of his office or for any act done or purporting to be done by him in the exercise and performance of these powers and functions, but the behaviour of the President may, however, be brought under review in Dail Eireann for the purpose of the next section of this article, or by any court, tribunal or body appointed or designated by Dail Eireann for the investigation of a charge under the said section.

17. Where a proposal is made to Dail Eireann by thirty members of that House by notice of motion in writing that a charge of stated misbehaviour by the President be investigated by Dail Eireann, it shall be lawful for Dail Eireann to resolve to proceed to investigate such charge or to cause the charge to be investigated and the President shall have the right to appear and to be represented at such investigation. If, as a result of the investigation, a resolution be passed supported by not less than two-thirds of the total membership of Dail Eireann declaring that the charge preferred against the President has been sustained and that the misbehaviour, the subject of the charge, was such as to render him unfit to continue in office, such resolution shall operate to remove the President from his office.

ARTICLE 5

THE COUNCIL OF STATE

1. There shall be a Council of State to aid and counsel the President on all matters on which the President may consult the said Council in relation to the exercise and performance by of such of his powers and functions as are by this Constitution expressed to be exercisable and performable after consultation with the Council of State, and to exercise such other functions as are conferred on the said Council by this Constitution.
2. The Council of State shall consist of the following members:
 - (i) As ex-officio members: the Taoiseach, the Tanaiste, The Chief Justice, the President of the High Court, the Chairman of Dail Eireann and the Attorney General.
 - (ii) Every person able and willing to act as a member of the Council of State who shall have held the office of President or the office of Taoiseach, or the office of Chief Justice.
 - (iii) Such other persons, if any, as may be appointed by the President under this Article to be members of the Council of State.
3. The President may at any time and from time to time by warrant under his hand and Seal appoint such other persons as, in his absolute discretion, he may think fit, to be members of the Council of State, but not more than seven persons so appointed shall be members of the Council of State at the same time.
4. Every member of the Council of State shall at the first meeting thereof which he attends as a member take and subscribe a declaration in the following form:

"In the presence of Almighty God I, do solemnly promise and declare that I will faithfully and conscientiously fulfil my duties as a member of the Council of State."
5. Every member of the Council of State appointed by the President, unless he previously dies, resigns, becomes permanently incapacitated, or is removed from office, shall hold office until the successor of the President by whom he was appointed shall have entered upon his office.
6. Any member of the Council of State appointed by the President may resign from office by placing his resignation in the hands of the President. The President may for reasons which to him seem sufficient, by an order under his hand and Seal, terminate the appointment of any member of the Council of State appointed by him.
7. The President shall not exercise or perform any of the powers or functions which are by this Constitution expressed to be exercisable or performable by him after consultation with the Council of State unless, and on every occasion before so doing, he shall have convened a meeting of the Council of State and the members present at such meeting shall have been heard by him. Meetings of the Council of State may be convened by the President at such times and places as he shall determine.

ARTICLE 6

THE PRESIDENTIAL COMMISSION

1. In the event of the absence of the President or his temporary incapacity, or his permanent incapacity established as provided by Section 4 of Article 4 hereof, or in the event of his death, resignation, removal from office, or failure to exercise and perform the powers and functions of his office or any of them, or at any time at which the office of President may be vacant, the powers and functions conferred on the President by or under this Constitution

shall be exercised and performed by a Commission constituted as provided in Section 2 of this Article.

2. The Commission shall consist of the following persons, namely, the Chief Justice, the President of the High Court and the Chairman of Dail Eireann (An Ceann Comhairle). Where the Chief Justice is unable to act as a member of the Commission or when his position is vacant, the next senior ordinary judge of the Supreme Court shall act in his stead. Where the President of the High Court is unable to act as a member of the Commission or his position is vacant, the next senior ordinary judge of the High Court shall act in his place. Where the Chairman of Dail Eireann is unable to act as a member of the Commission, the Deputy Chairman of Dail Eireann shall act in his place. The Commission may act by any two of their number and may act notwithstanding a vacancy in their membership.
3. The Council of State may by a majority of its members make such provision as to them may seem meet for the exercise and performance of the powers and functions conferred on the President by or under this Constitution in any contingency which is not provided for by the foregoing provisions of this Article.
4. The provisions of this Constitution which relate to the exercise and performance by the President of the powers and functions conferred on him by or under this Constitution shall subject to the provisions of the next section, apply to the exercise and performance of the said powers and functions under this Article.
5. In the event of the failure of the President to exercise or perform any power or function which the President is by or under this Constitution required to exercise or perform within a specified time, the said power or function shall be exercised or performed under this Article, as soon as may be after the expiration of the time so specified.

ARTICLE 7

DAIL EIREANN

1. Dail Eireann shall be composed of members who represent constituencies determined by law made in accordance with the provisions of this Constitution.
2. The number of members shall from time to time be fixed by law, but the total number of members of Dail Eireann shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty five thousand of the population. The ratio between the number of members to be elected any any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as it is practicable, be the same throughout the country.
3. The members shall be elected on the system of proportional representation by means of the single transferable vote. No law shall be enacted whereby the number of members to be returned for any constituency shall be less than three.
4. The Oireachtas shall enact a law at least once in every twelve years to revise the constituencies in accordance with the terms of a report prepared in that behalf on the authority of the President and the Council of State in accordance with terms of Article 4.14 of this Constitution.
5. Every citizen who has reached the age of eighteen years, and who is not placed under disability or incapacity by this Constitution or by law, shall be eligible for membership of Dail Eireann.
6. All citizens and such other persons in the State as may be determined by law, who have reached the age of eighteen years who are not disqualified by law and comply with the provisions of the law relating to the election of members of Dail Eireann, shall have the right

to vote at an election for members of Dail Eireann. No law shall be enacted placing any citizen under disability or incapacity for membership of Dail Eireann on the grounds of sex or disqualifying any citizen or other person from voting at an election for members of Dail Eireann on that ground. No voter may exercise more than one vote at an election for Dail Eireann, and the voting shall be by secret ballot.

7. A general election for members of Dail Eireann shall take place not later than thirty days after a dissolution of Dail Eireann and the polling at every general election shall as far as practicable take place on the same day throughout the country. Dail Eireann shall meet within thirty days from that polling day. The same Dail Eireann shall not continue for a longer period than seven years from the date of its first meeting; a shorter period may be fixed by law.
8. Provision shall be made by law to enable the member of Dail Eireann who is the Chairman immediately before a dissolution of Dail Eireann to be deemed without any actual election to be elected a member of Dail Eireann at the ensuing general election.
9. Subject to the foregoing provisions of this Article, elections for membership of Dail Eireann, including the filling of casual vacancies, shall be regulated in accordance with law.
10. Sitings of Dail Eireann shall be public but in cases of special emergency, however, Dail Eireann may hold a private sitting with the assent of two-thirds of the members present.
11. Dail Eireann shall elect from its members its own Chairman and Deputy Chairman, and shall prescribe their powers and duties and their remuneration shall be determined by law. Dail Eireann shall make its own rules and standing orders, with power to attach penalties for their infringement, and shall have power to ensure freedom of debates, to protect its official documents and the private papers of its members, and to protect itself and its members against any person or persons interfering with, molesting or attempting to corrupt its members in the exercise of their duties. The number of members necessary to constitute a meeting of Dail Eireann for the exercise of its power shall be determined by its standing orders.
12. All questions in Dail Eireann shall, save as otherwise provided by this Constitution, be determined by a majority of the votes of the members present and voting other than the Chairman or presiding member. The Chairman or presiding member shall have and exercise a casting vote in the case of an equality of votes.
13. All official reports and publications of the Oireachtas or of Dail Eireann and utterances made in Dail Eireann wherever published shall be privileged.
14. The members of Dail Eireann and the Government shall, except in the case of treason as defined in this Constitution, felony or breach of the peace, be privileged from arrest in going to and returning from, and while within the precincts of Dail Eireann and shall not, in respect of any utterance in Dail Eireann be amenable to any court or any authority other than Dail Eireann.
15. The Oireachtas may make provision by law for the payment of allowances to members of Dail Eireann in respect of their duties as public representatives and for the grant to them of free travelling and such other facilities (if any) in connection with those duties as the Oireachtas may determine.
16. As soon as possible after the presentation to Dail Eireann under Article 10 of this Constitution of the Estimates of receipts and the Estimates of expenditure of the State for any financial year, Dail Eireann shall consider such Estimates. Save in so far as may be provided by specific enactment in each case the legislation required to give effect to the Financial Resolutions of each year shall be enacted within that year. Dail Eireann shall not pass any vote or resolution, and no law shall be enacted, for the appropriation of revenue or other public monies unless the purpose of the appropriation shall have been recom-

mended to Dail Eireann by a message from the Government signed by the Taoiseach.

17. War shall not be declared and the State shall not participate in any war save with the assent of Dail Eireann. In the case of actual invasion, however, the Government may take whatever steps it may consider necessary for the protection of the State, and Dail Eireann if not sitting shall be summoned to meet at the earliest practicable date.
18. Nothing in this Constitution shall be invoked to invalidate any law enacted by the Oireachtas which is expressed to be for the purpose of securing the public safety and the preservation of the State in time of war or armed rebellion, or to nullify any act done or purporting to be done in time of war or armed rebellion in pursuance of any such law. In this sub-section "time of war" includes a time when there is taking place an armed conflict in which the State is not a participant but in respect of which Dail Eireann shall have resolved that, arising out of such armed conflict, a national emergency exists affecting the vital interests of the State and "time of war or armed rebellion" includes such time after the termination of any war, or of any such armed conflict as aforesaid or of any war, or of any such armed conflict as aforesaid or of any armed rebellion, as may elapse until Dail Eireann shall have resolved that the national emergency occasioned by such war, armed conflict or armed rebellion has ceased to exist, provided that any resolution by Dail Eireann that a national emergency exists shall cease to have effect after twelve months.

ARTICLE 8

SIGNING OF BILLS AND PROMULGATION OF LAWS.

1. As soon as any Bill, other than a Bill expressed to be a Bill containing a proposal for the amendment of this Constitution, shall have been passed by Dail Eireann the Taoiseach shall present it to the President for his signature and for promulgation by him as law in accordance with the provisions of this Article. Save as otherwise provided by this Constitution, every Bill so presented to the President for his signature and for promulgation by him as a law shall be signed by the President not later than the seventh day after the date on which the Bill shall have been presented to him.
2. Every Bill shall become and be law as on from the day on which it is signed by the President under this Constitution, and shall, unless the contrary intention appears, come into operation on that day. Every Bill signed by the President under this Constitution shall be promulgated by him as law by the publication by his direction of a notice in the Iris Oifigiuil stating that the Bill has become law.
3. Every Bill shall be signed by the President in the text in which it was passed by Dail Eireann and if a Bill is so passed or deemed to have been passed in both the official languages, the President shall sign the text of the Bill in each of those languages. Where the President signs the text of a Bill in one only of the official languages, an official translation shall be issued in the other official language.
4. As soon as may be after the signature and promulgation of a Bill as a law, the text of such law which was signed by the President or, where the President has signed the text of such law in each of the official languages, both the signed texts shall be enrolled for record in the office of the Registrar of the Supreme Court, and the text, or both the texts, so enrolled shall be conclusive evidence of the provisions of such law.
5. Subject to this Constitution and to the extent to which they are not inconsistent therewith, the laws in force in Saorstát Éireann immediately prior to the date of the coming into operation of this Constitution shall continue to be of full force and effect until the same or any of them shall have been repealed or amended by enactment of the Oireachtas.

ARTICLE 9

THE COMPTROLLER AND AUDITOR GENERAL

1. There shall be a Comptroller and Auditor General to control on behalf of the State all disbursements and to audit all accounts of monies administered by or under the authority of the Oireachtas and to perform such other functions as may be determined by law who shall be appointed by the President on the nomination of Dail Eireann.
2. All revenues of the State from whatever source arising shall, subject to such exception as may be provided by law, form one fund, and shall be appropriated for the purposes and in the manner and subject to the charges and liabilities determined and imposed by law.
3. The Comptroller and Auditor General shall not be a member of Dail Eireann and shall not hold any other office or position of emolument.
4. The Comptroller and Auditor General shall report to Dail Eireann at stated periods as determined by law and the Comptroller and Auditor General in making such report may draw the attention of Dail Eireann to any instances where, in his opinion, the expenditure of public monies has been wasteful or ineffective.
5. The Comptroller and Auditor General shall not be removed from office except for stated misbehaviour or incapacity, and then only upon resolution passed by Dail Eireann calling for his removal. The Taoiseach shall duly notify the President of any such resolution as aforesaid passed by Dail Eireann and shall send him a copy of such resolution certified by the Chairman of Dail Eireann. Upon receipt of such notification and of such resolution, the President shall forthwith, by an order under his hand and Seal, remove the Comptroller and Auditor General from office.
6. Subject to the foregoing the terms and conditions of the office of Comptroller and Auditor General shall be determined by law.

ARTICLE 10

THE GOVERNMENT

1. The executive power of the State shall, subject to the provisions of this Constitution, be exercised by or on the authority of the Government which shall be responsible to Dail Eireann.
2. The Government shall consist of not less than seven and not more than fifteen members who shall be appointed by the President in accordance with the provisions of this Constitution.
3. The Government shall meet and act as a collective authority, and shall be collectively responsible for the Departments of State administered by the members of the Government.
4. The Government shall prepare Estimates of the Receipts and Estimates of the Expenditure of the State for each financial year, and shall present them to Dail Eireann for consideration.
5. The head of the Government, or Prime Minister, shall be called, and is in this Constitution referred to as the Taoiseach. The Taoiseach shall keep the President generally informed on matters of domestic and international policy.
6. The Taoiseach shall nominate a member of the Government to be the Tanaiste who shall act for all purposes in the place of the Taoiseach if the Taoiseach should die, or become permanently incapacitated until a new Taoiseach shall have been appointed and shall also act for or in the place of the Taoiseach during the temporary absence of the Taoiseach.

7. The Taoiseach, the Tanaiste and the member of the Government who is in charge of the Department of Finance must be members of Dail Eireann. Not more than two member of the Government may be persons who are not members of Dail Eireann. Every member of the Government shall have the right to attend and be heard in Dail Eireann.
8. The Taoiseach may resign from office at any time by placing his resignation in the hands of the President. Any other member of the Government may resign from office by placing his resignation in the hands of the Taoiseach for submission to the President. The President shall accept the resignation of a member of the Government, other than the Taoiseach, if so advised by the Taoiseach and the Taoiseach may at any time, for reasons which to him seem sufficient, request a member of the Government to resign; should the member concerned fail to comply with the request, his appointment shall be terminated by the President if the Taoiseach so advises.
9. The Taoiseach shall resign from office upon his ceasing to retain the support of a majority in Dail Eireann unless on his advice the President dissolves Dail Eireann and on the assembly of Dail Eireann after the dissolution the Taoiseach secures the support of a majority in Dail Eireann. If the Taoiseach at any time resigns from office the other members of the Government shall be deemed also to have resigned from office, but the Taoiseach and the other members of the Government shall continue to carry on their duties until their successors shall have been appointed.
10. The members of the Government in office at the date of a dissolution of Dail Eireann shall continue to hold office until their successors shall have been appointed.
11. The following matters shall be regulated in accordance with law, namely, the organisation of and distribution of business amongst Departments of State, the designation of members of the Government to be the Ministers in charge of the said Departments, the discharge of the functions of the office of a member of the Government during his temporary absence or incapacity, and the remuneration of the members of the Government.

ARTICLE 11

THE ATTORNEY GENERAL

1. There shall be an Attorney General who shall be the advisor of the Government in matters of law and legal opinion, and shall exercise and perform all such powers, functions and duties as are conferred or imposed on him by this Constitution or by law. The Attorney General shall be appointed by the President on the nomination of the Taoiseach and shall not be a member of the Government.
2. The Attorney General may at any time resign from office by placing his resignation in the hands of the Taoiseach for submission to the President. The Taoiseach may, for reasons which to him seem sufficient, request the resignation of the Attorney General and in the event of failure to comply with the request, such appointment shall be terminated by the President if the Taoiseach so advises. The Attorney General shall retire from office upon the resignation of the Taoiseach but may continue to carry on his duties until the successor to the Taoiseach shall have been appointed.
3. Subject to the foregoing provisions of this Article, the office of Attorney General, including the remuneration to be paid to the holder of the office, shall be regulated by law.

ARTICLE 12

THE COURTS

1. Justice shall be administered in courts established by law by judges appointed in the manner provided by this Constitution, and save in such special and limited cases as may be prescribed by law, shall be administered in public.

2. Nothing in this Constitution shall operate to invalidate the making of any adoption order or the exercise of limited functions and powers of a judicial nature, in matters other than criminal matters, by any person or body of persons duly authorised by law to exercise such functions and powers, by reason only that such person or body or persons is not a judge or a court appointed or established as such under this Constitution.
3. The Courts shall comprise Courts of First Instance and Courts of Appeal including a Court of Final Appeal.
4. The Courts of First Instance shall include a High Court invested with full original jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal, and shall also include Courts of local and limited jurisdiction with a right of appeal as determined by law. The jurisdiction of the High Court shall extend to the question of the validity of any law having regard to the provisions of this Constitution, and no such question shall be raised (whether by pleading, argument or otherwise) in any other Court of First Instance.
5. The Court of Final Appeal shall be called the Supreme Court. The President of the Supreme Court shall be called the Chief Justice. The Supreme Court shall, with such exceptions and subject to such regulations as may be prescribed by law, have appellate jurisdiction from all decisions of the High Court, and shall also have appellate jurisdiction from such decisions of other courts as may be prescribed by law provided that no law shall be enacted excepting from the appellate jurisdiction of the Supreme Court cases which involve questions as to the validity of any law having regard to the provisions of this Constitution. The decision of the Supreme Court shall in all cases be final and conclusive.
6. Every person appointed a judge under this Constitution shall make and subscribe the following declaration:

"In the presence of Almighty God, I do solemnly and sincerely promise and declare that I will duly and faithfully and to the best of my knowledge and power execute the office of Chief Justice (or as the case may be) without fear or favour, affection or ill-will towards any man, and that I will uphold the Constitution and the laws. May God direct and sustain me."

This declaration shall be made and subscribed by the Chief Justice in the presence of the President, and by each of the other judges of the Supreme Court, the judges of the High Court and the judges of every other Court in the presence of the Chief Justice or the senior available judge of the Supreme Court in open court, and the declaration shall be made and subscribed by every judge before entering upon his duties as such judge, and in any case not later than ten days after the date of his appointment or such later date as may be determined by the President. Any judge who declines or neglects to make such declaration as aforesaid shall be deemed to have vacated his office.
7. The judges of the Supreme Court, the High Court and all other Courts established in pursuance of this Article shall be appointed by the President. All judges shall be independent in the exercise of their judicial functions and subject only to this Constitution and the law. No judge shall be eligible to be a member of the Oireachtas or to hold any other office or position of emolument. The remuneration of a judge shall not be reduced during his continuance in office.
8. A judge of the Supreme Court or the High Court shall not be removed from office except for stated misbehaviour or incapacity, and then only upon resolution passed by Dail Eireann calling for his removal. The Taoiseach shall duly notify the President of any such resolution passed by Dail Eireann and shall send him a copy of every such resolution certified by the Chairman of Dail Eireann. Upon receipt of such notification and of such resolution, the President shall forthwith, by an order under his hand and Seal, remove from office the judge to whom they relate.

9. Subject to the foregoing provisions of this Constitution relating to the Courts, the following matters:
- (i) the number of judges of the Supreme Court, and of the High Court, the remuneration, age of retirement and pensions of such judges;
 - (ii) the number of the judges of all other Courts, and their terms of appointment;
 - (iii) the Constitution and organisation of the said Courts, the distribution of jurisdiction and business among the said Courts and judges and all matters of procedure; shall be regulated in accordance with law.

ARTICLE 13

TRIAL OF OFFENCES

1. No person shall be tried on any criminal charge save in due course of law. All crimes and offences prosecuted in any court constituted under Article 12 of this Constitution other than a court of summary jurisdiction shall be prosecuted in the name of the People and at the suit of the Attorney General or some other person authorised in accordance with law to act for that purpose.
2. Minor offences may be tried by courts of summary jurisdiction.
3. Special courts may be established by law for the trial of offences in cases where it may be determined in accordance with such law that the ordinary courts are inadequate to secure the effective administration of justice, and the preservation of public peace and order. The constitution, powers, jurisdiction and procedure of such special courts shall be prescribed by law.
4. Military tribunals may be established for the trial of offences against military law alleged to have been committed by persons while subject to military law and also to deal with a state of war or armed rebellion. A member of the Defence Forces not on active service shall not be tried by any courtmartial or other military tribunal for any offence cognisable by the civil courts unless such offence is within the jurisdiction of any courtmartial or other military tribunal under any law for the enforcement of military discipline.
5. Save in the case of the trial of offences under section 2 section 3 or section 4 of this Article no person shall be tried on any criminal charge without a jury. The provisions of Article 12 of this Constitution shall not apply to any tribunal set up under section 4 of this Article.
6. Treason shall consist only in levying war against the State, or assisting any State or person or inciting or conspiring with any person to levy war against the State, or attempting by force of arms or other violent means to overthrow the organs of government established by this Constitution, or taking part or being concerned in or inciting or conspiring with any person to make or to take part in any such attempt.

ARTICLE 14

INTERNATIONAL RELATIONS

1. Ireland affirms its devotion to the ideal of peace and friendly co-operation amongst nations founded on international justice and morality and affirms its adherence to the principle of the pacific settlement of international disputes by international arbitration or judicial determination. Ireland accepts the generally recognised principles of international law as its rules of conduct in its relations with other States.

2. The executive power of the State in or in connection with its external relations shall be exercised by or on the authority of the Government, and the exercise of such power may be regulated by the provisions of any international agreements to which the State is a party and which has been approved by Dail Eireann.
3. Every international agreement to which the state becomes a party shall be laid before Dail Eireann. The State shall not be bound by any international agreement involving a charge upon public funds unless the terms of the agreement shall have been approved by Dail Eireann. This section shall not apply to agreements or conventions of a technical and administrative character.
4. No international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas.
5. The State may become a member of the European Coal and Steel Community (established by Treaty signed at Paris on the 18th day of April, 1951), the European Economic Community (established by Treaty signed at Rome on the 25th. day of March, 1957) and the European Atomic Energy Community (established by Treaty signed at Rome on the 25th. day of March, 1957), and may ratify the Single European Act (signed on behalf of the members of the Communities at Luxembourg on the 17th. day of February, 1986 and the Hague on the 27th. day of February 1986). No provision of this Constitution invalidates any international agreements or laws enacted, acts done or measures adopted by the State which are deemed by Dail Eireann to be consequent upon laws enacted, acts done or measures adopted by the Communities, or institutions thereof, from having the force of law in the State.

ARTICLE 15

AMENDMENT OF THE CONSTITUTION

1. Any provision of this Constitution may be amended, whether by way of variation, additional or repeal, in the manner provided by this Article. Every proposal for an amendment of this Constitution shall be initiated in Dail Eireann as a Bill and shall upon having been passed be submitted by Referendum to the decision of the people in accordance with the law for the time being in force relating to the Referendum and every such Bill shall be expressed to be "An Act to amend the Constitution". A Bill containing a proposal or proposals for the amendment of this Constitution shall not contain any other proposal.
2. A Bill containing a proposal for the amendment of this Constitution shall be signed by the President forthwith upon his being satisfied that the provisions of this Article have been complied with in respect thereof and that such proposal has been duly approved by the people in accordance with the provisions of this Article and shall be duly promulgated by the President as a law.
3. Every proposal for an amendment of this Constitution which is submitted by Referendum to the decision of the people shall, for the purpose of this Article, be held to have been approved by the people, if upon having been so submitted, a majority of the votes cast at such Referendum shall have been cast in favour of its enactment into law. Every citizen who has the right to vote at an election for members of Dail Eireann shall have the right to vote at a Referendum. Subject as aforesaid, the Referendum shall be regulated by law.
4. It shall be lawful for the Taoiseach, from time to time as occasion appears to him to require, to cause to be prepared under his supervision a text (in both the official languages) of this Constitution as then in force embodying all amendments theretofore made therein. A copy of every text so prepared, when authenticated by the signatures of the Taoiseach and the Chief Justice, shall be signed by the President and shall be enrolled for record in the office of the Registrar of the Supreme Court and the copy so signed and enrolled which is for the

time being the latest text so prepared shall, upon such enrolment, be conclusive evidence of this Constitution as at the date of such enrolment and shall for that purpose supersede all texts of this Constitution of which copies were previously so enrolled.