



AN BILLE TOGHCHAIN (LEASU) (UIMH. 2), 1980

ELECTORAL (AMENDMENT) (NO. 2) BILL, 1980

EXPLANATORY MEMORANDUM

1. The purpose of this Bill is to amend the provisions in relation to the unopposed re-election of the Chairman of Dáil Éireann.

2. Article 16.6 of the Constitution stipulates that provision shall be made by law to enable the member of Dáil Éireann who is the Chairman immediately before a dissolution of the Dáil to be deemed without any actual election to be elected a member of the Dáil at the ensuing general election. Under the provisions of section 14 of the Electoral Act, 1963 as it stands at present, the outgoing Chairman, unless he has announced before the dissolution of the Dáil that he does not wish to be a member of the next Dáil, is deemed to be returned for the constituency for which he was a member immediately before the dissolution or, if a revision of constituencies takes effect on the dissolution, for the constituency declared on the revision to correspond to the constituency for which he was a member.

3. In consequence of the provisions of section 14 of the Electoral Act, 1963, it has been necessary at each revision of the constituencies since 1963 to designate a new constituency as corresponding to the constituency represented by the Chairman of the Dáil. This was done in the recently enacted Electoral (Amendment) Act, 1980 when the new constituency of Donegal South-West was declared to correspond to the existing constituency of Donegal. This provision is now ineffective because of the death of the member who was Chairman of the Dáil at that time. It is necessary, therefore, to make provision in relation to the re-election, after the next dissolution, of the present Chairman. It is considered that this can most appropriately be done by amending section 14 of the 1963 Act to make a general provision in this regard and so obviate the necessity for a special provision in future Acts to revise the constituencies.

4. The effect of the amendment will be that whenever a revision of constituencies takes effect on a dissolution of the Dáil the outgoing Chairman will be deemed to be re-elected for either—

- (a) the revised constituency which is identical with or contains all the constituency for which he was a member immediately before the dissolution, or
- (b) a revised constituency selected by him which contains part of the constituency for which he is a member.

*An Roinn Comhshaoil,
Samhain, 1980.*

