

SEANAD ÉIREANN

AN BILLE LÉIRIÚCHÁIN 2000 — AN COISTE INTERPRETATION BILL 2000 — COMMITTEE

Leasuithe Amendments

**Government amendments are distinguished by an asterisk.*

SECTION 1

- *1.** In page 5, line 14, to delete subsection (2) and substitute the following:

“(2) This Act comes into operation 6 months after the date of its passing.”.

SECTION 4

- *2.** In page 6, subsection (1), line 26, to delete “This Act” and substitute “A provision of this Act”.

SECTION 5

- 3.** In page 6, before section 5 but in Part 2, to insert the following new section:

“Sunsetting of
legislation.

5.—(1) All Acts shall contain a provision causing the Act to lapse in whole within a period not greater than three years.

(2) An Act which has lapsed under this section may be renewed by a positive resolution of both Houses at any time prior to the expiry of the sunset period.”.

—*Senator Brian Hayes.*

- *4.** In page 6, subsection (1), lines 33 and 34, to delete “, other than a provision that relates to the imposition of a penal or other sanction” and substitute “(other than a provision that relates to the imposition of a penal or other sanction)”.
- *5.** In page 7, subsection (1)(b)(ii), lines 1 and 2, to delete “the definition of ‘Act’ in section 2(1)” and substitute “that definition”.
- *6.** In page 7, subsection (1), lines 4 and 5, to delete “the literal interpretation may be departed from and preference given to an interpretation based on the plain intention of the Oireachtas” and substitute “the provision shall be given a construction that reflects the plain intention of the Oireachtas”.
- *7.** In page 7, subsection (2), lines 8 to 10, to delete “, other than a provision that relates to the imposition of a penal or other sanction” and substitute “(other than a provision that relates to the imposition of a penal or other sanction)”.

[No. 53b of 2000]

[28 June, 2005]

SECTION 5—*continued*

- *8. In page 7, subsection (2), lines 16 to 18, to delete “the literal interpretation may be departed from and preference given to the interpretation based on the plain intention of the maker of the instrument” and substitute “the provision shall be given a construction that reflects the plain intention of the maker of the instrument”.

SECTION 6

- *9. In page 7, line 22, to delete “an Act” and substitute “that Act”.
- *10. In page 7, line 24, to delete “the Act” and substitute “that Act”.
- *11. In page 7, lines 24 and 25, to delete “the statutory instrument” and substitute “that statutory instrument”.
12. In page 7, line 25, after “instrument,” to insert “so as to give the enactment or any provision of it an updated construction”.
—*Senator Brian Hayes.*

SECTION 7

13. In page 7, before section 7, to insert the following new section:

“Authentic
version of Acts.

7.—The original and authentic version of an Act
is that which—

- (a) in the case of an Act of the Oireachtas, is the signed text of such law as is enrolled for record in the Office of the Registrar of the Supreme Court pursuant to Article 25.4.5° of the Constitution,
- (b) in the case of an Act of the Oireachtas of Saorstát Éireann, is the signed text of such law as is enrolled for record in the office of such officer of the Supreme Court of Saorstát Éireann as Dáil Éireann determined pursuant to Article 42 of the Constitution of the Irish Free State (Saorstát Éireann),
- (c) in the case of any other Act, is such text as corresponds to an enrolled text to which *paragraph (a) or (b) relates.*”

—*Senator Brian Hayes.*

14. In page 7, subsection (1), lines 28 to 40, to delete all words from and including “set out—” in line 28 down to and including “relates.” in line 40 and substitute “in the authentic version of an Act.”.
—*Senator Brian Hayes.*
- *15. In page 7, subsection (1), line 28, after “set out” to insert “in”.
- *16. In page 7, subsection (1)(a), line 29, after “Oireachtas,” to delete “in”.
- *17. In page 7, subsection (1)(b), line 34, to delete “in” where it firstly occurs.

SECTION 7—*continued*

- *18.** In page 7, subsection (1), lines 39 and 40, to delete paragraph (c) and substitute the following:

“(c) in the case of any other Act, such text of that Act as corresponds to the text of the Act enrolled in the manner referred to in *paragraph (a)* or *(b)*.”.

- *19.** In page 7, subsection (2), line 42, to delete “which” and substitute “that”.

- 20.** In page 7, after line 44, to insert the following subsection:

“(3) The term ‘authentic version of an Act’ shall be construed in accordance with section 7[#].”.

— *Senator Brian Hayes.*

[[#]*This is the appropriate reference if amendment No. 13 is accepted.*]

SECTION 8

- *21.** In page 8, paragraph (a)(ii), line 6, to delete “it”.

- *22.** In page 8, paragraph (a)(ii), line 6, to delete “other”.

- *23.** In page 8, paragraph (b), line 9, to delete “other”.

- *24.** In page 8, lines 13 and 14, to delete “is specified to bring such proceedings” and substitute “is authorised by that other Act to bring such proceedings”.

SECTION 9

- *25.** In page 8, subsection (1), line 17, after “a” where it secondly occurs to insert “Part, Chapter, section, Schedule or other”.

SECTION 10

- 26.** In page 8, before section 10, to insert the following new section:

“Publication of enactments.

10.—(1) All enactments shall be published—

(a) electronically on the website of the Office of the Attorney General within one day of its passing or making, and

(b) in printed form and available for purchase within three working days of its passing or making.

(2) The Chronological Tables of the Statutes shall be updated and available simultaneously with the electronic publication of an enactment.”.

—*Senator Brian Hayes.*

- 27.** In page 8, before section 10, to insert the following new section:

“Explanatory memoranda.

10.—(1) Upon its initiation in the Houses of the Oireachtas, every Bill shall be accompanied by an explanatory memorandum.

SECTION 10—*continued*

(2) Upon its publication, every Act shall be accompanied by a revised explanatory memorandum.”.

—*Senator Brian Hayes.*

SECTION 11

***28.** In page 8, line 30, to delete “that” and substitute “such”.

SECTION 13

29. In page 9, line 3, after “Act” to insert “in electronic or printed form”.

—*Senator Brian Hayes.*

SECTION 14

30. In page 9, before section 14, to insert the following new section:

“Electronic
version of Acts.

14.—The electronic version of Acts—

(a) as published on the website of the Office
of the Attorney General, or

(b) as published on CD-ROM by, or on
behalf of the Office of the Attorney
General

may be cited in Court as evidence of what is
recorded in the authentic version of that Act.”.

— *Senator Brian Hayes.*

***31.** In page 9, subsection (1)(c), line 13, after “one” to insert
“parliamentary”.

SECTION 15

32. In page 9, subsection (1), line 28, to delete “on” and
substitute “following”

— *Senator Brian Hayes.*

SECTION 16

33. In page 9, subsection (2), line 40, to delete “before” and
substitute “following”.

—*Senator Brian Hayes.*

34. In page 9, subsection (3), line 43, to delete “before” and
substitute “following”.

— *Senator Brian Hayes.*

35. In page 10, subsection (4), line 7, to delete “before” and
substitute “following”.

—*Senator Brian Hayes.*

SECTION 18

36. In page 10, before section 18 but in Part 3, to insert the
following new section:

“Tidying up the
Statute Book.

18.—Within 3 years of the passing of this Act, and
at 3 year intervals thereafter, there shall be pub-
lished a set of revised statutes.”.

— *Senator Brian Hayes.*

SECTION 18—*continued*

- *37. In page 10, paragraph (c), line 43, to delete “so read” and substitute “read accordingly”.
- *38. In page 11, paragraph (d)(ii), lines 9 and 10, to delete “or, where the child has been adopted outside the State, whose adoption” and substitute “or a child adopted outside the State whose adoption”.
- *39. In page 11, paragraph (f), line 17, to delete “*Description*” and substitute “*description*”.
- *40. In page 11, lines 21 to 31, to delete paragraph (g) and substitute the following:
- “(g) *Marginal and shoulder notes, etc.* Subject to section 7, none of the following shall be taken to be part of the enactment or be construed or judicially noticed in relation to the construction or interpretation of the enactment:
- (i) a marginal note placed at the side, or a shoulder note placed at the beginning, of a section or other provision to indicate the subject, contents or effect of the section or provision,
- (ii) a heading or cross-line placed in or at the head of or at the beginning of a part, chapter, section, or other provision or group of sections or provisions to indicate the subject, contents or effect of the part, chapter, section, provision or group;”.
- *41. In page 11, paragraph (i), line 38, to delete “, for general purposes in the State,”.

SECTION 20

- *42. In page 12, lines 1 to 4, to delete subsection (1) and substitute the following:
- “(1) Where an enactment contains a definition or other interpretation provision, the provision shall be read as being applicable except in so far as the contrary intention appears in—
- (a) the enactment itself, or
- (b) the Act under which the enactment is made.”.

SECTION 22

- *43. In page 12, subsection (3), line 23, to delete “the power” and substitute “a power”.

SECTION 24

- *44. In page 12, line 33, to delete “confers new jurisdiction” and substitute “confers a new jurisdiction”.

SECTION 24—*continued*

- *45. In page 12, line 38, to delete “the court” and substitute “that court”.

SECTION 25

- *46. In page 13, line 3, to delete “proved” and substitute “proved,”.

SECTION 26

- *47. In page 13, subsection (1), line 9, after “provisions” to insert “for the enactment so repealed”.
- *48. In page 13, subsection (2), line 11, to delete “the”.
- *49. In page 13, subsection (2), line 12, to delete “in” and substitute “by”.
- *50. In page 13, subsection (2), line 13, to delete “the new enactment” and substitute “new enactment”.
- *51. In page 13, subsection (2)(c), line 23, after “may” to insert “, subject to *section 27(1)*,”.
- *52. In page 13, subsection (2), lines 27 to 34, to delete paragraph (d) and substitute the following new paragraph:

“(d) if after the commencement of this Act—

- (i) any provision of a former enactment, that provided for the making of a statutory instrument, is repealed and re-enacted, with or without modification, as a new provision, and
- (ii) such statutory instrument is in force immediately before such repeal and re-enactment,

then the statutory instrument shall be deemed to have been made under the new provision to the extent that it is not inconsistent with the new enactment, and remains in force until it is repealed or otherwise ceases to have effect;”.

- *53. In page 13, subsection (2), lines 35 to 40, to delete paragraph (e) and substitute the following:

“(e) to the extent that the provisions of the new enactment express the same idea in a different form of words but are in substance the same as those of the former enactment, the idea in the new enactment shall not be taken to be different merely because a different form of words is used;”.

SECTION 28

**Section opposed.*

SCHEDULE

- *54. In page 16, line 1, to delete “Valuation Acts” and substitute “Valuation Act 2001”.
- *55. In page 16, line 25, after “year” to insert “, when used without qualification,”.

SCHEDULE—*continued*

- 56.** In page 16, Part 2, between lines 37 and 38, to insert the following definition:

“‘laid before each House of the Oireachtas’ means, in relation to documents, that each of the following actions takes place, as far as is practicable at the same time:

- (a) a printed copy of the document in question is delivered to the Leinster House library;
- (b) either a printed copy or an electronic copy, or both, is delivered to each Member of each House of the Oireachtas; and
- (c) an electronic copy, or a hypertext link to such a copy, is published on the website of the Houses of the Oireachtas.”.

— *Senator Feargal Quinn.*