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**Bille Ghradam an Uachtaráin, 2015**  
**Gradam an Uachtaráin Bill 2015**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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**Recognising Achievement**

Unfortunately the State does not have a formal mechanism for recognising the achievements of its citizens, or by others abroad who make a great contribution to the State or indeed to wider society.

However, the means currently utilised to recognise great achievement are the conferral of honorary citizenship, the granting of the Freedom of the City, the conferral of honorary degrees, people of the year awards, and so on. Whilst anyone should be privileged to receive such high accolades, it is only right that Ireland, as a mature State which is facing into the 1916 centenary celebrations, should have the ability to sparingly confer an honour which recognises exceptional achievement. When it comes to recognising the achievements of our citizens as well as the contributions of others, we should not be dependent upon the grace and generosity of other nations.

The purpose of this Bill is to provide a mechanism so that, in appropriate circumstances, the State can in a very public and dignified way, honour not only the achievements of its citizens but also the achievements of people from other nations.

**Conferral of Honours and the Constitutional Position**

The Constitution does not preclude the State itself from conferring an honour on a person.

Article 40.2.1 of the Constitution provides that “Titles of nobility shall not be conferred by the State.” However, Article 40.2.2 goes on to state that “No title of nobility or of honour may be accepted by any citizen except with the prior approval of the Government.” One of the effects of this provision is to impose a restriction on the right of a citizen to accept an honour and it makes the acceptance of an honour subject to the Government's approval.

**Nations Which Recognise Achievement**

The public recognition of achievement does not compromise or dilute the values of a Republic. Nor is it true to state that the conferral of an honour on citizens is usually limited to former Commonwealth nations. France, Italy, Austria are some examples of European republics which confer honours. Many republics in Central and South America confer honours, including countries such as Guatemala, Peru, Argentina and Brazil. In fact very many nations around the world recognise achievements through the conferral of honours and awards, including Canada, the U.S., New Zealand, Australia and South Africa.

## **Provisions of the Bill**

*Section 1* sets out the short title of the Bill. Whilst the first awards will not be conferred until January 2016, the Bill will come into force three months after it is passed by the Seanad and the Dáil. This will allow sufficient time for the various preparatory steps envisaged by the Bill to be taken well in advance of January 2016.

*Section 2* defines the terms “Awarding Council” and “Minister” which are used in the Bill.

*Section 3* enables the Minister to make Regulations for a variety of purposes.

*Section 4* provides for the establishment of an honours system, to be known as Gradam an Uachtaráin. The honours system will enable the State to recognise the exceptional achievements of its citizens and also the outstanding contributions of others to the the State.

*Section 5* provides that the recipients of the honour will be presented with a medal which may be worn on formal occasions, and also a lapel button. Section 5 also provides that a person who has been awarded the honour of Gradam an Uachtaráin may use the letters ‘G.U.’ after their name so as to indicate that the honour has been conferred upon them. Section 5 also provides that the medal and lapel button shall be of the design which has been selected by the Minister following the holding of a public design competition.

*Section 6* states that the honour shall only be conferred upon a maximum of 12 people per year and that in any one year, a maximum of four of the awards may be awarded to persons who do not hold Irish citizenship.

*Section 7* sets out the six broad areas of achievement in respect of which the award may be conferred, and those areas are as follows:

- (a) social and community affairs,
- (b) education and healthcare,
- (c) arts, literature and music,
- (d) science and technology,
- (e) sport, and
- (f) leadership and business.

*Section 8* states that the decision to award the honour of Gradam an Uachtaráin shall be solely at the discretion of the Gradam an Uachtaráin Awarding Council; no outside influence or interference will be entertained.

*Section 9* provides that the Gradam an Uachtaráin Awarding Council will have seven members. Section 9 specifies the officeholders who are to be appointed by the President to the Awarding Council. Meetings of the Awarding Council are to be chaired by the Secretary General to the President and those meetings are to take place twice per year. The appointment of replacement members of the Awarding Council is also provided for in section 9.

*Section 10* states that the nomination of persons to receive the honour of Gradam an Uachtaráin may be made by members of the public by using the prescribed form with supporting information. Nominations may also be made by members of the Gradam an Uachtaráin Awarding Council. Where a person is being nominated they should not be advised of their nomination.

In order to preclude the possibility of political interference, as well as perceived or actual bias in the selection of candidates to receive the honour

of Gradam an Uachtaráin, section 10 states that a serving member of the Dáil or the Seanad must not engage with any member of the Awarding Council with the intention of influencing the making of a decision in relation to the selection of a candidate. The Bill makes it an offence for a person to contravene this aspect of section 10.

*Section 11* indicates the criteria which the Awarding Council will be required to apply when considering the nominations which it has received. The Awarding Council will be required to satisfy itself that a proposed recipient of the honour has demonstrated exceptional achievement at a high level, or has made a valued contribution and above what might be reasonably expected in respect of one or more of the six broad areas of achievement which are listed in section 7. In deference to the requirement contained in Article 40.2.2 of the Constitution, a list of the proposed candidates who have been selected by the Awarding Council to receive the award will be submitted to the Government for approval. The Government will not have the power to make or suggest amendments to the list of proposed candidates. Instead the Government will have the power to accept or reject, in full, the list of candidates proposed by the Awarding Council.

*Section 12* directs that, beginning in January 2016, and in January of successive years, the award of Gradam an Uachtaráin will be conferred by the President of Ireland on the candidates who have been selected by the Awarding Council.

*Senator Feargal Quinn*

*November, 2015.*