



THIRTY-FOURTH AMENDMENT OF THE CONSTITUTION (MARRIAGE EQUALITY) BILL 2015

EXPLANATORY MEMORANDUM

Purpose of Bill

The purpose of the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 is to amend the Constitution so as to provide that persons may marry without distinction as to their sex. If the amendment is approved at a Referendum of the people, same-sex couples will have the right to marry. Marriage will continue to be regulated by legislation and the common law.

The Programme for Government committed to holding a Constitutional Convention with a brief to consider and to report on areas for constitutional reform, including the question of provision for same-sex marriage. The Third Report of the Constitutional Convention, *Amending the Constitution to provide for same-sex marriage* of June 2013, indicated that a clear majority of Convention members favoured a change to the Constitution to provide for same-sex marriage.

Provisions of Bill

Section 1 provides for the amendment of Article 41 by the insertion of a new section 4, the text of which is set out in the *Schedule* to the Bill.

Section 2 is a standard provision and specifies that the Amendment shall be cited as the Thirty-fourth Amendment of the Constitution and that the Act shall be cited as the Thirty-fourth Amendment of the Constitution (Marriage Equality) Act 2015.

The *Schedule* contains the proposed text of the Amendment in both Irish and English as follows:

‘Féadfaidh beirt, cibé acu is fir nó mná iad, conradh a dhéanamh i leith pósadh de réir dlí.’

‘Marriage may be contracted in accordance with law by two persons without distinction as to their sex.’



**AN BILLE UM AN gCEATHRÚ LEASÚ IS TRÍOCHA AR AN
mBUNREACTH (COMHIONANNAS PÓSTA), 2015**

MEABHRÁN MÍNITHEACH

Cuspóir an Bhille

Is é is cuspóir don Bhille um an gCeathrú Leasú is Tríocha ar an mBunreacht (Comhionannas Pósta), 2015 leasú a dhéanamh ar an mBunreacht chun a fhoráil go bhféadfaidh daoine pósadh cibé acu is fir nó mná iad. Má thoilítear leis an leasú i Reifreann na ndaoine, beidh de cheart ag lánúin aonghnéis pósadh. Leanfar den phósadh a rialáil le reachtaíocht agus leis an dlí coiteann.

Tugadh gealltanais sa Chlár Rialtais go reáchtálfaí Coinbhinsiún ar an mBunreacht agus sainchúram air breithniú a dhéanamh agus tuarascáil a thabhairt ar réimsí ina bhféadfaí an Bunreacht a athchóiriú, lena n-áirítear an cheist i dtaobh foráil a dhéanamh maidir leis an bpósadh aonghnéis. Léiríodh sa Tríú Tuarascáil ón gCoinbhinsiún ar an mBunreacht, *An Bunreacht a Leasú chun Foráil a Dhéanamh Maidir leis an bPósadh Aonghnéis* dar dáta Meitheamh 2013, go raibh tromlach glan de chomhaltaí an Choinbhinsiúin i bhfabhar athrú ar an mBunreacht chun foráil a dhéanamh maidir leis an bpósadh aonghnéis.

Forálacha an Bhille

Déantar foráil le *halt 1* maidir le hAirteagal 41 a leasú trí alt 4 nua a chur isteach, a bhfuil an téacs de leagtha amach sa *Sceideal* a ghabhann leis an mBille.

Foráil chaighdeánach atá in *alt 2* agus sonraítear ann gurb é an Ceathrú Leasú is Tríocha ar an mBunreacht a ghairfear den Leasú agus gurb é an tAcht um an gCeathrú Leasú is Tríocha ar an mBunreacht (Comhionannas Pósta), 2015 a ghairfear den Acht.

Tá téacs beartaithe an leasaithe sa Ghaeilge agus sa Sacs-Bhéarla araon sa *Sceideal*, mar a leanas:

‘Féadfaidh beirt, cibé acu is fir nó mná iad, conradh a dhéanamh i leith pósadh de réir dlí.’

‘Marriage may be contracted in accordance with law by two persons without distinction as to their sex.’