An tAcht um an Aonú Leasú is Tríocha ar an mBunreacht (Leanaí), 2012

Thirty-First Amendment of the Constitution (Children) Act 2012

THIRTY-FIRST AMENDMENT OF THE CONSTITUTION (CHILDREN) ACT 2012

ARRANGEMENT OF SECTIONS

Section

1. Amendment of the Constitution.

2. Citation.

SCHEDULE

Part 1

Part 2

AN tACHT UM AN AONÚ LEASÚ IS TRÍOCHA AR AN mBUNREACHT (LEANAÍ), 2012

RIAR NA nALT

Alt

1. An Bunreacht a leasú.

2. Lua.

AN SCEIDEAL

Cuid 1

Cuid 2

THIRTY-FIRST AMENDMENT OF THE CONSTITUTION (CHILDREN) ACT 2012

AN ACT TO AMEND THE CONSTITUTION.

[28*th April,* 2015]

WHEREAS by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed to amend the Constitution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Amendment of the Constitution.

1.—The Constitution is hereby amended as follows:

(*a*) section 5 of Article 42 of the Irish text shall be repealed;

(*b*) section 5 of Article 42 of the English text shall be repealed;

(*c*) the Article, the text of which is set out in *Part 1* of the *Schedule*, shall be inserted after Article 42 of the Irish text;

(*d*) the Article, the text of which is set out in *Part 2* of the *Schedule*, shall be inserted after Article 42 of the English text.

Citation.

2.—(1) The amendment of the Constitution effected by this Act shall be called the Thirty-first Amendment of the Constitution.

(2) This Act may be cited as the Thirty-first Amendment of the Constitution (Children) Act 2012.

AN tACHT UM AN AONÚ LEASÚ IS TRÍOCHA AR AN mBUNREACHT (LEANAÍ), 2012

ACHT CHUN AN BUNREACHT A LEASÚ.

[28 *Aibreán,* 2015]

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreacht, foráil ar bith den Bhunreacht a leasú ar an modh a shocraítear leis an Airteagal sin:

AGUS DE BHRÍ go bhfuil beartaithe an Bunreacht a leasú:

ACHTAÍTEAR AG AN OIREACHTAS AR AN ÁBHAR SIN MAR A LEANAS:

An Bunreacht a leasú.

1.—Leasaítear an Bunreacht leis seo mar a leanas:

(*a*) aisghairfear alt 5 d'Airteagal 42 den téacs Gaeilge;

(*b*) aisghairfear alt 5 d'Airteagal 42 den téacs Sacs-Bhéarla;

(*c*) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i *gCuid 1* den *Sceideal* isteach i ndiaidh Airteagal 42 den téacs Gaeilge;

(*d*) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i *gCuid 2* den *Sceideal* isteach i ndiaidh Airteagal 42 den téacs Sacs-Bhéarla.

Lua.

2.—(1) An tAonú Leasú is Tríocha ar an mBunreacht a thabharfar ar an leasú a dhéantar ar an mBunreacht leis an Acht seo.

(2) Féadfar an tAcht um an Aonú Leasú is Tríocha ar an mBunreacht (Leanaí), 2012 a ghairm den Acht seo.

Thirty-First Amendment of the Constitution (Children) Act 2012.

SCHEDULE

Part 1

Leanaí

Airteagal 42A

1 Admhaíonn agus deimhníonn an Stát cearta nádúrtha dochloíte na leanaí uile agus ní foláir dó na cearta sin a chosaint is a shuíomh lena dhlíthe sa mhéid gur féidir é.

2 1° I gcásanna neamhchoiteanna nuair a tharlaíonn nach ndéanann na tuistí, gan beann ar a stádas pósta, a ndualgais dá gclann sa mhéid gur dócha go ndéanfar dochar do shábháilteacht nó do leas aon linbh dá gclann, ní foláir don Stát, ós é an Stát caomhnóir leasa an phobail, iarracht a dhéanamh, le beart comhréireach mar a shocraítear le dlí, chun ionad na dtuistí a ghlacadh, ag féachaint go cuí i gcónaí, áfach, do chearta nádúrtha dochloíte an linbh.

2° Déanfar socrú le dlí chun aon leanbh a uchtáil i gcás nach ndearna na tuistí a ndualgais don leanbh ar feadh cibé tréimhse ama a ordófar le dlí agus nuair is riachtanas ar mhaithe le barr leasa an linbh é.

3 Déanfar socrú le dlí chun aon leanbh a shuíomh go saorálach le haghaidh uchtála agus a uchtáil.

4 1° Déanfar socrú le dlí go measfar, le linn na n-imeachtaí uile—

i a thabharfaidh an Stát, ós é an Stát caomhnóir leasa an phobail, chun nach ndéanfar dochar do shábháilteacht ná do leas aon linbh, nó

ii a bhaineann le huchtáil, caomhnóireacht nó coimeád aon linbh, nó rochtain ar aon leanbh,

a réiteach, gur ní ró-thábhachtach é barr leasa an linbh.

2° Déanfar socrú le dlí chun a chur in áirithe, sa mhéid gur féidir é, go ndéanfar sna himeachtaí uile dá dtagraítear i bhfo-alt 1° den alt seo i leith aon linbh ar féidir leis nó léi teacht ar a bharúlacha féin nó ar a barúlacha féin, barúlacha an linbh a fháil agus tromachar cuí a thabhairt dóibh ag féachaint d'aois agus d'aibíocht an linbh.

An tAcht um an Aonú Leasú is Tríocha ar an mBunreacht (Leanaí), 2012.

AN SCEIDEAL

Cuid 1

Leanaí

Airteagal 42A

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2° Déanfar socrú le dlí chun aon leanbh a uchtáil i gcás nach ndearna na tuistí a ndualgais don leanbh ar feadh cibé tréimhse ama a ordófar le dlí agus nuair is riachtanas ar mhaithe le barr leasa an linbh é.

3 Déanfar socrú le dlí chun aon leanbh a shuíomh go saorálach le haghaidh uchtála agus a uchtáil.

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PART 2

CHILDREN

Article 42A

1 The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights.

2 1° In exceptional cases, where the parents, regardless of their marital status, fail in their duty towards their children to such extent that the safety or welfare of any of their children is likely to be prejudicially affected, the State as guardian of the common good shall, by proportionate means as provided by law, endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

2° Provision shall be made by law for the adoption of any child where the parents have failed for such a period of time as may be prescribed by law in their duty towards the child and where the best interests of the child so require.

3 Provision shall be made by law for the voluntary placement for adoption and the adoption of any child.

4 1° Provision shall be made by law that in the resolution of all proceedings—

i brought by the State, as guardian of the common good, for the purpose of preventing the safety and welfare of any child from being prejudicially affected, or

ii concerning the adoption, guardianship or custody of, or access to, any child,

the best interests of the child shall be the paramount consideration.

2° Provision shall be made by law for securing, as far as practicable, that in all proceedings referred to in subsection 1° of this section in respect of any child who is capable of forming his or her own views, the views of the child shall be ascertained and given due weight having regard to the age and maturity of the child.

CUID 2

CHILDREN

Article 42A

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