

CONSTITUENCY COMMISSION

Statement on relevant provisions of the Constitution in relation to Dáil constituencies, and population statistics relating to Dáil and European Parliament constituencies

A. Dáil constituencies

1. Equality of representation

Article 16.2.2° of the Constitution provides that:

“The number of members shall from time to time be fixed by law, but the total number of members of Dail Eireann shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population.”

Article 16.2.3° of the Constitution provides that:

“The ratio between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as it is practicable, be the same throughout the country.”

and Article 16.2.4° provides that:

“The Oireachtas shall revise the constituencies at least once in every twelve years, with due regard to changes in distribution of the population.....”

Dail constituencies were last revised under the Electoral (Amendment) Act 2005.

The text of Article 16.2 of the Constitution is set out in full on page 4; section 6 of the Electoral Act 1997 detailing the function and terms of reference of the Commission (relating to both Dail and European Constituencies) is at page 7.

2. Court cases

The constitutional requirements in relation to equality of representation were considered by the High Court in the case of O’Donovan v the Attorney General (1961 IR 114) and

the Supreme Court in “In the matter of Article 26 of the Constitution and in the matter of the Electoral (Amendment) Bill, 1961” (1961 IR 169).

The Court found in the O'Donovan case that the Electoral (Amendment) Act 1959 was unconstitutional because the ratio of members to population was not, so far as was practicable, the same throughout the country and because due regard had not been had to changes in the distribution of the population. The Court did not lay down what variation from the national average would be regarded as permissible.

The judgment also stated that:

“Attention should be paid to one important point. It is not the rise or fall of population in any particular constituency to which ‘due’ regard is to be had. It is something much wider than that. It is the constituencies themselves which have to be revised so as to give effect to the contemplated changes in the distribution of population. They, the constituencies, must be so formed and revised as to give effect to the changes.” (1961 IR 151)

3. The Electoral (Amendment) Bill 1961

The variances from national average representation in the constituencies set out in the Electoral (Amendment) Bill 1961 passed by both Houses of the Oireachtas were all within a 1,000 population of the average population per member. Pursuant to Article 26 of the Constitution, the President referred the Bill to the Supreme Court for decision as to whether the Bill (or any provision or provisions thereof) was repugnant to the Constitution or to any provision thereof. The Court said:

"The subclause (i.e. Article 16.2.3^o) recognises that exact parity in the ratio between members and the population of each constituency is unlikely to be obtained and is not required. The decision as to what is practicable is within the jurisdiction of the Oireachtas. It may reasonably take into consideration a variety of factors, such as the desirability so far as possible to adhere to well-known boundaries such as those of counties, townlands and electoral divisions. The existence of divisions created by such physical features as rivers, lakes and mountains may also have to be reckoned with. The problem of what is practicable is primarily one for the Oireachtas, whose members have knowledge of the problems and difficulties to be solved which this Court cannot have. Its decision should not be reviewed by this Court unless there is a manifest infringement of the Article. This Court cannot, as is suggested, lay down a figure above or below which a variation from what is called the national average is not permitted." (1961 IR 183)

4. Population details per Dáil constituency

The table at page 5 contains details of the following information in relation to each constituency based on the population data taken from the Census of Population 2006:

- the number of members established for the constituency under the Electoral (Amendment) Act 2005;
- the population of the constituency;
- the population per member; and
- the percentage variance of population per member in the constituency from the national average population per member.

B. European Parliament Constituencies**Population details per European Constituency**

Statistics relating to the existing European constituencies are contained in the Table on page 6. Under the provisions of the Nice Treaty, the total number of members to be elected in the State to the European Parliament shall be 12 (13 at present).

CONSTITUTION OF IRELAND

Article 16

THE NATIONAL PARLIAMENT

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| 16. | 2. | 1° | Dáil Éireann shall be composed of members who represent constituencies determined by law. |
| | | 2° | The number of members shall from time to time be fixed by law, but the total number of members of Dáil Éireann shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population. |
| | | 3° | The ratio between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as it is practicable, be the same throughout the country. |
| | | 4° | The Oireachtas shall revise the constituencies at least once in every twelve years, with due regard to changes in distribution of the population, but any alterations in the constituencies shall not take effect during the life of Dáil Éireann sitting when such revision is made. |
| | | 5° | The members shall be elected on the system of proportional representation by means of the single transferable vote. |
| | | 6° | No law shall be enacted whereby the number of members to be returned for any constituency shall be less than three. |

Existing Dáil Constituencies

<i>CONSTITUENCY</i>	<i>NO. OF TDS</i>	<i>2006 POPULATION</i>	<i>POPULATION PER TD</i>	<i>% VARIANCE FROM NATIONAL AVERAGE POPULATION PER TD</i>
<i>Carlow-Kilkenny</i>	5	133,745	26,749	4.73
<i>Cavan-Monaghan</i>	5	120,000	24,000	-6.03
<i>Clare</i>	4	105,571	26,393	3.33
<i>Cork East</i>	4	104,423	26,106	2.21
<i>Cork North-Central</i>	4	91,591	22,898	-10.35
<i>Cork North-West</i>	3	78,953	26,318	3.04
<i>Cork South-Central</i>	5	129,379	25,876	1.31
<i>Cork South-West</i>	3	76,949	25,650	0.42
<i>Donegal North-East</i>	3	76,225	25,408	-0.52
<i>Donegal South-West</i>	3	71,039	23,680	-7.29
<i>Dublin Central</i>	4	104,674	26,169	2.46
<i>Dublin Mid-West</i>	4	100,399	25,100	-1.73
<i>Dublin North</i>	4	120,309	30,077	17.76
<i>Dublin North-Central</i>	3	72,518	24,173	-5.36
<i>Dublin North-East</i>	3	69,717	23,239	-9.01
<i>Dublin North-West</i>	3	73,327	24,442	-4.30
<i>Dublin South</i>	5	118,704	23,741	-7.05
<i>Dublin South-Central</i>	5	122,168	24,434	-4.34
<i>Dublin South-East</i>	4	100,305	25,076	-1.82
<i>Dublin South-West</i>	4	97,989	24,497	-4.09
<i>Dublin West</i>	3	92,900	30,967	21.24
<i>Dún Laoghaire</i>	5	114,166	22,833	-10.60
<i>Galway East</i>	4	100,629	25,157	-1.50
<i>Galway West</i>	5	131,041	26,208	2.61
<i>Kerry North</i>	3	69,444	23,148	-9.37
<i>Kerry South</i>	3	70,391	23,464	-8.13
<i>Kildare North</i>	4	105,186	26,297	2.96
<i>Kildare South</i>	3	81,149	27,050	5.91
<i>Laois-Offaly</i>	5	137,927	27,585	8.00
<i>Limerick East</i>	5	118,235	23,647	-7.42
<i>Limerick West</i>	3	71,199	23,733	-7.08
<i>Longford-Westmeath</i>	4	106,211	26,553	3.96
<i>Louth</i>	4	111,267	27,817	8.91
<i>Mayo</i>	5	123,839	24,768	-3.03
<i>Meath East</i>	3	87,188	29,063	13.79
<i>Meath West</i>	3	83,169	27,723	8.54
<i>Roscommon-South Leitrim</i>	3	77,760	25,920	1.48
<i>Sligo-North Leitrim</i>	3	70,852	23,617	-7.53
<i>Tipperary North</i>	3	75,927	25,309	-0.91
<i>Tipperary South</i>	3	74,748	24,916	-2.45
<i>Waterford</i>	4	106,530	26,633	4.27
<i>Wexford</i>	5	131,749	26,350	3.17
<i>Wicklow</i>	5	130,356	26,071	2.07
Total	166	4,239,848	25,541	

Existing European Constituencies

<i>Constituency</i>	<i>No. of MEPs</i>	<i>2006 Population</i>	<i>Population per MEP</i>	<i>% Variance From National Average Population per MEP Based on 13 Seats</i>
Dublin	4	1,187,176	296,794	-9.00
East	3	1,107,947	369,316	13.24
North-West	3	882,335	294,112	-9.82
South	3	1,062,390	354,130	8.58
	13*	4,239,848	326,142	

*The number of MEPs to be elected in 2009 is 12

Electoral Act, 1997**Part II****Constituency Commission****Section 6**

6. (1) It shall be the function of a Constituency Commission to make a report in relation to the constituencies for—
- (a) the election of members to the Dáil, and
 - (b) the election of representatives to the European Parliament.
- (2) In preparing a report under subsection (1)(a) a Constituency Commission shall, in observing the relevant provisions of the Constitution in relation to Dáil constituencies, have regard to the following:
- (a) the total number of members of the Dáil, subject to Article 16. 2. 2 of the Constitution, shall be not less than 164 and not more than 168;
 - (b) each constituency shall return three, four or five members;
 - (c) the breaching of county boundaries shall be avoided as far as practicable;
 - (d) each constituency shall be composed of contiguous areas;
 - (e) there shall be regard to geographic considerations including significant physical features and the extent of and the density of population in each constituency; and
 - (f) subject to the provisions of this section, the Commission shall endeavour to maintain continuity in relation to the arrangement of constituencies.
- (3) In preparing a report under subsection (1)(b) a Commission shall have regard to the following:
- (a) the total number of representatives to be elected in the State to the European Parliament shall be 15 or such other number as may be specified for the time being pursuant to the treaties governing the European Communities;
 - (b) there shall be reasonable equality of representation as between constituencies; and
 - (c) the matters specified in paragraphs (b) to (f) of subsection (2).
- (4) The reference in subsection (2)(c) to county boundaries shall be deemed not to include a reference to the boundary of a county borough or any boundary between any two of the administrative counties standing established by virtue of Part II of the Local Government (Dublin) Act, 1993.