

3 Dáil Éireann: Constitutional provisions and equality of representation

3.1 Equality of representation

The basic provisions governing membership of Dáil Éireann and the revision of Dáil constituencies are set out in Article 16 of the Constitution, the relevant paragraphs of which provide:

“2.2 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.

2.3 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.

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

These constitutional provisions have been considered in judgments of the High Court and the Supreme Court. The principles and guidance in those cases have been borne in mind by the Commission in the formulation of its recommendations. Information on these cases was provided in the statement prepared by the Commission as described in paragraph 2.4 above and is included in Appendix 5.

It is important to note that the constitutional requirement that the total number of Dáil members be fixed at not less than one member for each 30,000 of the population and not more than one per 20,000 applies to the population of the State as a whole and is not a constraint upon individual constituencies. In its recommended arrangement of constituencies the Commission has endeavoured to minimise the variance from the national average in each constituency. As already mentioned, the recommendations ensure that in all but five constituencies there is no excess over the 30,000 figure and in all of those the excess is less than 500 while in no case does the constituency variance exceed 5 per cent.

3.2 Total Dáil membership

The population ascertained at the 2011 census was 4,588,252 and, on this basis, having regard to Article 16.2.2 of the Constitution total Dáil membership could be fixed at any number between 153 and 229. The statutory terms of reference limit the range to between 153 and 160 members. As mentioned in the Introduction, this is the first occasion on which the terms of reference for a revision have required a Commission to base its recommendations upon a range of membership numbers for the Dáil which is lower than that for the preceding revision (see s.6 (2)(a) of the Electoral Act 1997 (as amended)).

A table showing constituency size and total Dáil membership since 1923 is given in Appendix 7. Total Dáil membership has stood at 166 since 1980, a level determined on the basis of the 1979

population of 3,368,217. The 2011 population at 4,588,252 is 1,220,035 (+36%) greater than in 1979. The national average population per TD in existing constituencies, before revision, is 27,640 for each of the 166 members compared to 20,290 in the 1980 revision. The new range of 153 to 160 members provides for a national average representation of between 28,677 and 29,989.

3.3 Overall approach to revision

The Commission approached its work by reviewing each constituency in the light of the constitutional requirements and its statutory terms of reference. Where an adjustment was necessary, the Commission examined the available options and considered what arrangement of constituencies would best meet the terms of reference.

Starting work on the basis of the preliminary results, the Commission first gave consideration to the possibilities of adhering to county boundaries in the drawing of the constituency boundaries. Analysis showed that counties as such did not offer a complete or satisfactory solution. The constitutional requirements and the terms of reference could not be fully met at any of the points in the range (153 to 160) available to the Commission by adhering to county boundaries alone.

The Commission next considered existing Dáil constituencies based on each point in the range of 153 to 160. It was clear that the lower numbers in the range would require a greater level of departure from the existing arrangement of constituencies. At the lower numbers in the range, the variances from national average representation in existing constituencies were considerably greater than at the higher numbers in the range. These higher variances, being avoidable, were not acceptable to the Commission.

Following this analysis the Commission settled on a point towards the higher end of the range on which to base its considerations for recommendations. Work proceeded in the period between the establishment of the Commission and the publication of final census results on the basis of a 158 member Dáil. This allowed the Commission to advance its work while maintaining the flexibility to make adjustments should the 158 total present particular difficulties in meeting the constitutional requirements and the terms of reference.

In complying with the constitutional requirements and terms of reference, the Commission endeavoured to suit the constituency size to the population and particular circumstances of each locality. It is not a constitutional or statutory criterion that the arrangement of constituencies should seek to achieve any particular number of or balance between the three constituency sizes.

As regards the criterion of avoiding so far as practicable breaches of county boundaries, the Commission has adhered to the existing view and practice of previous commissions namely that joining two entire counties in a single constituency does not constitute a breach of the boundary between them. This is the case for example in Sligo–Leitrim. While the Commission was not required to avoid breaching city boundaries or the boundaries between the local government counties in Dublin, it did endeavour whenever practicable to adhere to those Dublin boundaries. The recommended constituency formations involve new adjustments of county boundaries in Cavan, Donegal, Galway, Kildare, Mayo and Tipperary. The county boundaries of Kerry, Leitrim, Limerick, Offaly and Waterford are no longer breached. The existing breaches of the county boundaries of Carlow, Clare, Meath and Westmeath are retained.

A further criterion of the terms of reference is that of endeavouring to maintain continuity in relation to the arrangement of existing constituencies. The combination of the necessary reduction in Dáil membership and population increase presents a particular difficulty in that regard. A continuing population increase with an uneven increase in its distribution across the country makes significant changes in constituency seat numbers and arrangements unavoidable.