



SECTION 7



Union with Ireland Act 1800

1800 CHAPTER 67 39 and 40 Geo 3

An Act for the Union of Great Britain and Ireland.

[2nd July 1800]

Annotations:

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 References in this Act to Great Britain and Ireland, United Kingdom of Great Britain and Ireland or Ireland to be construed as exclusive of Republic of Ireland: S.R. & O.1923/405, (Rev. X, p. 298: 1923, p. 400), art. 2

Preamble.

Whereas in pursuance of his Majesty's most gracious recommendation to the two Houses of Parliament in Great Britain and Ireland respectively, to consider of such measures as might best tend to strengthen and consolidate the connection between the two kingdoms, the two Houses of the Parliament of Great Britain and the two Houses of the Parliament of Ireland have severally agreed and resolved, that, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power and resources of the British Empire, it will be adviseable to concur in such measures as may best tend to unite the two kingdoms of Great Britain and Ireland into one kingdom, in such manner, and on such terms and conditions, as may be established by the Acts of the respective Parliaments of Great Britain and Ireland:

1.] **The Parliaments of England and Ireland have agreed upon the articles following:**

And whereas, in furtherance of the said resolution, both Houses of the said two Parliaments respectively have likewise agreed upon certain Articles for effectuating and establishing the said purposes, in the tenor following:

Changes to legislation: There are currently no known outstanding effects for the Union with Ireland Act 1800. (See end of Document for details)

ARTICLE FIRST

That Great Britain and Ireland shall upon Jan. 1, 1801, be united into one kingdom; and that the titles appertaining to the crown, &c. shall be such as his Majesty shall be pleased to appoint.

That it be the First Article of the Union of the kingdoms of Great Britain and Ireland, that the said kingdoms of Great Britain and Ireland shall, upon the first day of January which shall be in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one kingdom, by the name of the United Kingdom of Great Britain and Ireland, and that the royal stile and titles appertaining to the imperial crown of the said United Kingdom and its dependencies, and also the ensigns, armorial flags and banners thereof, shall be such as his Majesty, by his royal proclamation under the Great Seal of the United Kingdom, shall be pleased to appoint.

ARTICLE SECOND

That the succession to the crown shall continue limited and settled as at present.

That it be the Second Article of Union, that the succession to the imperial crown of the said United Kingdom, and of the dominions thereunto belonging, shall continue limited and settled in the same manner as the succession to the imperial crown of the said kingdoms of Great Britain and Ireland now stands limited and settled, according to the existing laws and to the terms of union between England and Scotland.

ARTICLE THIRD

That the United Kingdom be represented in one Parliament.

That it be the Third Article of Union, that the said United Kingdom be represented in one and the same Parliament, to be stiled the Parliament of the United Kingdom of Great Britain and Ireland.

ARTICLE FOURTH

†That such Act as shall be passed in Ireland to regulate the mode of summoning and returning the lords and commoners to serve in the united Parliament of the United Kingdom, shall be considered as part of the treaty of union.

. . . ^{F1}That such Act as shall be passed in the Parliament of Ireland previous to the union, to regulate the mode by which the lords spiritual and ttemporal and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament, shall be considered as forming part of the treaty of union, and shall be incorporated in the Acts of the respective Parliaments by which the said union shall be ratified and established: . . .

Annotations:

Amendments (Textual)

F1 Words repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), [Sch. Pt. I](#)

Changes to legislation: There are currently no known outstanding effects for the Union with Ireland Act 1800. (See end of Document for details)

Annotations:

Amendments (Textual)

F1 Words repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), [Sch. Pt. I](#)

†That any peer of Ireland may be elected to serve in the House of Commons of the United Kingdom, unless previously elected to sit in the House of Lords, but shall not be entitled to the privilege of peerage, etc.

That any person holding any peerage of Ireland now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county, city or borough . . . ^{F2}, in the House of Commons of the United Kingdom, . . . ^{F3}; but that so long as such peer of Ireland shall so continue to be a member of the House of Commons, he shall not be entitled to the privilege of peerage, . . . ^{F4}

Annotations:

Amendments (Textual)

F2 Words repealed by [Peerage Act 1963 \(c. 48\)](#), [Sch. 2](#)

F3 Words repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), [Sch. Pt. I](#)

F4 Words repealed by virtue of repeal by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. III](#) of s. 1 of this Act so far as it ratifies those words and by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), [Sch. Pt. I](#)

Annotations:

Amendments (Textual)

F2 Words repealed by [Peerage Act 1963 \(c. 48\)](#), [Sch. 2](#)

F3 Words repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), [Sch. Pt. I](#)

F4 Words repealed by virtue of repeal by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. III](#) of s. 1 of this Act so far as it ratifies those words and by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), [Sch. Pt. I](#)

His Majesty may create peers, and make promotions in the peerage of Ireland after the union, under certain regulations.

That it shall be lawful for his Majesty, his heirs and successors, to create peers of Ireland, and to make promotions in the peerage thereof, after the union; provided that no new creation of any such peers shall take place after the union, until three of the peerages of Ireland which shall have been existing at the time of the union shall have become extinct; and upon such extinction of three peerages that it shall be lawful for his Majesty, his heirs and successors, to create one peer of Ireland; and in like manner so often as three peerages of Ireland shall become extinct, it shall be lawful for his Majesty, his heirs and successors, to create one other peer of the said part of the United Kingdom; and if it shall happen that the peers of Ireland shall, by extinction of peerages or otherwise, be reduced to the number of one hundred exclusive of all such peers of Ireland as shall hold any peerage of Great Britain subsisting at the time of the union, or of the United Kingdom created since the union, by which such peers shall be entitled to an hereditary seat in the House of Lords of the United Kingdom then and in that case it shall and may be lawful for his Majesty, his heirs and successors, to create one peer of Ireland, as often as any one of such one hundred peerages shall fail by extinction, or as often as any one peer of Ireland shall become entitled by descent or creation to an hereditary seat in the House of Lords of the United Kingdom; it being the true intent and meaning of this Article, that at all times after the union it shall and may be lawful for his Majesty, his

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heirs and successors, to keep up the peerage of Ireland to the number of one hundred, over and above the number of such of the said peers as shall be entitled by descent or creation to an hereditary seat in the House of Lords of the United Kingdom:

Peerages in abeyance to be deemed existing peerages, and no peerage to be deemed extinct but on default of claim for a year after the death of the late possessor. If a claim be after that period made and allowed, and a new creation shall have taken place in the interval, no new right of creation shall accrue to his Majesty on the next extinction of a peerage.

That if any peerage shall at any time be in abeyance, such peerage shall be deemed and taken as an existing peerage; and no peerage shall be deemed extinct, unless on default of claimants to the inheritance of such peerage for the space of one year from the death of the person who shall have been last possessed thereof; and if no claim shall be made to the inheritance of such peerage, in such form and manner as may from time to time be prescribed by the House of Lords of the United Kingdom, before the expiration of the said period of a year, then and in that case such peerage shall be deemed extinct; provided that nothing herein shall exclude any person from afterwards putting in a claim to the peerage so deemed extinct; and if such claim shall be allowed as valid by judgement of the House of Lords of the United Kingdom, reported to his Majesty, such peerage shall be considered as revived; and in case any new creation of a peerage of Ireland shall have taken place in the interval, in consequence of the supposed extinction of such peerage, then no new right of creation shall accrue to his Majesty, his heirs or successors in consequence of the next extinction which shall take place of any peerage of Ireland:

Questions touching the election of members to sit in the House of Commons of the United Kingdom on the part of Ireland shall be decided as questions touching such elections in Great Britain.

That all questions touching the election of members to sit on the part of Ireland in the House of Commons of the United Kingdom shall be heard and decided in the same manner as questions touching such elections in Great Britain now are or at any time hereafter shall by law be heard and decided; subject nevertheless to such particular regulations in respect of Ireland as, from local circumstances, the Parliament of the United Kingdom may from time to time deem expedient: . . . ^{F5}

Annotations:

Amendments (Textual)

F5 Words repealed by Act 21 & 22 Vict. c. 26

Annotations:

Amendments (Textual)

F5 Words repealed by Act 21 & 22 Vict. c. 26

When his Majesty shall declare his pleasure for holding a Parliament of the United Kingdom, a proclamation shall issue to cause the lords and commons, who are to serve on the part of Ireland to be returned as shall be provided by any Act of the present session in Ireland.

That when his Majesty, his heirs or successors, shall declare his, her or their pleasure for holding the first or any subsequent Parliament of the United Kingdom, a proclamation shall issue, under the Great Seal of the United Kingdom, to cause the . . . ^{F6} commons,

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who are to serve in the Parliament thereof on the part of Ireland, to be returned in such manner as by any Act of this present session of the Parliament of Ireland shall be provided; and that the lords spiritual and temporal and commons of Great Britain shall, together with the . . . commons so returned as aforesaid on the part of Ireland, constitute the two Houses of the Parliament of the United Kingdom: . . . ^{F7}

Annotations:

Amendments (Textual)

- F6** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), **Sch. 1** and [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), **Sch. Pt. I**
- F7** Words repealed by virtue of repeal by [Statute Law Revision Act 1871 \(c. 116\)](#) of s. 1 of this Act so far as it relates to those words

Annotations:

Amendments (Textual)

- F6** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), **Sch. 1** and [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), **Sch. Pt. I**
- F7** Words repealed by virtue of repeal by [Statute Law Revision Act 1871 \(c. 116\)](#) of s. 1 of this Act so far as it relates to those words

†The lords of Parliament on the part of Ireland shall have the same privileges as the lords on the part of Great Britain, and all lords spiritual of Ireland shall have rank next after the lords spiritual of the same rank of Great Britain, and shall enjoy the same privileges, (except those depending upon sitting in the House of Lords), and the temporal peers of Ireland shall have rank next after the peers of the like rank in Great Britain at the time of the union; and all peerages of Ireland and of the United Kingdom created after the union shall have rank according to creation; and all peerages of Great Britain and of Ireland shall, in all other respects, be considered as peerages of the United Kingdom, and the peers of Ireland shall enjoy the same privileges, except those depending upon sitting in the House of Lords.

. . . ^{F8}; and that the persons holding any temporal peerages of Ireland existing at the time of the union shall, from and after the union, have rank and precedence next and immediately after all the persons holding peerages of the like orders and degrees in Great Britain subsisting at the time of the union; and that all peerages of Ireland created after the union shall have rank and precedence with the peerages of the United Kingdom so created, according to the dates of their creations; and that all peerages both of Great Britain and Ireland now subsisting or hereafter to be created shall in all other respects from the date of the union be considered as peerages of the United Kingdom; and that the peers of Ireland shall, as peers of the United Kingdom . . . ^{F9} enjoy all privileges of peers as fully as the peers of Great Britain, the right and privilege of sitting in the House of Lords and the privileges depending thereon, . . . only excepted.

Annotations:

Amendments (Textual)

- F8** Words repealed by virtue of repeal by [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 10 Pt. III** of s. 1 of this Act so far as it ratifies those words, by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), **Sch. 1** and [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), **Sch. Pt. I**

Changes to legislation: There are currently no known outstanding effects for the Union with Ireland Act 1800. (See end of Document for details)

- F9** Words repealed by virtue of repeal by [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 10 Pt. III** of s. 1 of this Act so far as it ratifies those words

Annotations:

Amendments (Textual)

- F8** Words repealed by virtue of repeal by [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 10 Pt. III** of s. 1 of this Act so far as it ratifies those words, by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), **Sch. 1** and [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), **Sch. Pt. I**
- F9** Words repealed by virtue of repeal by [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 10 Pt. III** of s. 1 of this Act so far as it ratifies those words

ARTICLE FIFTH

†The churches of England and Ireland to be united into one Protestant Episcopal Church, and the doctrine of the Church of Scotland to remain as now established.

That it be the Fifth Article of Union, that . . . ^{F10} the doctrine, worship, discipline and government of the Church of Scotland shall remain and be preserved as the same are now established by law and by the Acts for the union of the two kingdoms of England and Scotland.

Annotations:

Amendments (Textual)

- F10** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), **Sch. 1**

Annotations:

Amendments (Textual)

- F10** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), **Sch. 1**

ARTICLE SIXTH

†The subjects of Great Britain and Ireland shall be on the same footing in respect of trade and navigation, and in all treaties with foreign powers the subjects of Ireland shall have the same privileges as British subject.

That it be the Sixth Article of Union, that his Majesty's subjects of Great Britain and Ireland shall from and after the first day of January one thousand eight hundred and one be entitled to the same privileges and be on the same footing, as to encouragements and bounties on the like articles, being the growth, produce or manufacture of either country respectively, and generally in respect of trade and navigation in all ports and places in the United Kingdom and its dependencies; and that in all treaties made by his Majesty his heirs and successors, with any foreign power, his Majesty's subjects of Ireland shall have the same privileges and be on the same footing as his Majesty's subjects of Great Britain.

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From January 1, 1801, all prohibitions and bounties on the export of articles the produce or manufacture of either country to the other shall cease.

That from the first day of January one thousand eight hundred and one all prohibitions and bounties on the export of articles, the growth, produce or manufacture of either country, to the other shall cease and determine; and that the said articles shall thenceforth be exported from one country to the other without duty or bounty on such export:

All articles the produce or manufacture of either country, not herein-after enumerated as subject to specific duties, shall be imported into each country from the other, duty free, other than the countervailing duties in the Schedule No. 1. or to such as shall hereafter be imposed by the united Parliament;

That all articles, the Growth, Produce or Manufacture of either Country (not herein-after enumerated as subject to specific duties), shall from thenceforth be imported into each country from the other free from duty other than such countervailing duties . . . ^{F11} as shall hereafter be imposed by the Parliament of the United Kingdom, in the manner herein-after provided; . . . ^{F12}

Annotations:

Amendments (Textual)

F11 Words repealed by [Statute Law Revision Act 1948 \(c. 62\), Sch. 1](#)

F12 Words repealed by virtue of repeal by [Statue Law Revision Act 1871 \(c. 116\)](#) of s. 1 of this Act so far as it relates to those words

Annotations:

Amendments (Textual)

F11 Words repealed by [Statute Law Revision Act 1948 \(c. 62\), Sch. 1](#)

F12 Words repealed by virtue of repeal by [Statue Law Revision Act 1871 \(c. 116\)](#) of s. 1 of this Act so far as it relates to those words

Articles of the produce or manufacture of either country, subject to internal duty, or to duty on the materials, may be subjected on importation into each country to countervailing duties, and upon their export a drawback of the duty shall be allowed.

That any articles of the growth, produce or manufacture of either country, which are or may be subject to internal duty or to duty on the materials of which they are composed, may be made subject, on their importation into each country respectively from the other, to such countervailing duty as shall appear to be just and reasonable in respect of such internal duty or duties on the materials; . . . ^{F13} and that upon the export of the said articles from each country to the other respectively, a drawback shall be given equal in amount to the countervailing duty payable on such articles on the import thereof into the same country from the other; and that in like manner in future it shall be competent to the united Parliament to impose any new or additional countervailing duties, or to take off or diminish such existing countervailing duties as may appear, on like principles, to be just and reasonable in respect of any future or additional internal duty on any article of the growth, produce or manufacture of either country, or of any new or additional duty on any materials of which such article may be composed, or of any abatement of duty on the same; and that when any such new or additional countervailing duty shall be so imposed on the import of any article into either country from the other, a drawback, equal in amount to such countervailing duty, shall be given in like manner on the export of every such article respectively from the same country to the other:

Changes to legislation: There are currently no known outstanding effects for the Union with Ireland Act 1800. (See end of Document for details)

Annotations:

Amendments (Textual)

F13 Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#)

Annotations:

Amendments (Textual)

F13 Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#)

Articles the produce or manufacture of either country when exported through the other, shall be subject to the same charges as if exported directly from the country of which they were the produce or manufacture.

That all articles, the growth, produce or manufacture of either country, when exported through the other, shall in all cases be exported subject to the same charges as if they had been exported directly from the country of which they were the growth, produce or manufacture: . . . ^{F14}

Annotations:

Amendments (Textual)

F14 Words (including Schs. to Article Sixth) repealed by virtue of repeal by [Statute Law Revision Act 1871 \(c. 116\)](#) of s. 1 of this Act so far as it relates to those words

Annotations:

Amendments (Textual)

F14 Words (including Schs. to Article Sixth) repealed by virtue of repeal by [Statute Law Revision Act 1871 \(c. 116\)](#) of s. 1 of this Act so far as it relates to those words

F15

ARTICLE SEVENTH

Annotations:

Amendments (Textual)

F15 [Art. 7](#) repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

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ARTICLE EIGHT

All laws in force at the union, and all courts of jurisdiction within the respective kingdoms, shall remain, subject to such alterations as may appear proper to the united Parliament. †All appeals to be finally decided by the peers of the United Kingdom. There shall remain in Ireland a Court of Admiralty, and appeals therefrom shall be to

Changes to legislation: There are currently no known outstanding effects for the Union with Ireland Act 1800. (See end of Document for details)

the delegates in Chancery there. All laws contrary to the provisions enacted for carrying these articles into effect to be repealed.

That it be the Eighth Article of Union, that all laws in force at the time of the union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the Parliament of the United Kingdom to require; . . . ^{F16} provided that from and after the union there shall remain in Ireland an Instance Court of Admiralty for the determination of causes civil and maritime only, and that the appeal from sentences of the said court shall be to his Majesty's Delegates in his Court of Chancery in Ireland; and that all laws at present in force in either kingdom, which shall be contrary to any of the provisions which may be enacted by any Act for carrying these Articles into effect, be from and after the union repealed.

Annotations:

Amendments (Textual)

F16 Words repealed by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch 4 Pt. I](#)

Annotations:

Amendments (Textual)

F16 Words repealed by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch 4 Pt. I](#)

His Majesty having been pleased to approve of the foregoing articles, it is enacted, that they shall be the articles of union, and be in force for ever, from Jan. 1, 1801; provided that before that period an Act shall have been passed in Ireland for carrying them into effect.

And whereas the said Articles having, by address of the respective Houses of Parliament in Great Britain and Ireland, been humbly laid before his Majesty, his Majesty has been graciously pleased to approve the same, and to recommend it to his two Houses of Parliament in Great Britain and Ireland to consider of such measures as may be necessary for giving effect to the said Articles: In order therefore to give full effect and validity to the same, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the said foregoing recited Articles, each and every one of them, according to the true import and tenor thereof, be ratified, confirmed and approved, and be and they are hereby declared to be the Articles of the Union of Great Britain and Ireland, and the same shall be in force and have effect for ever, from the first day of January which shall be in the year of our Lord one thousand eight hundred and one; provided that before that period an Act shall have been passed by the Parliament of Ireland, for carrying into effect in the like manner the said foregoing recited Articles.

2 ^{X1}**Recital of an Act of the Parliament of Ireland to regulate the mode by which the lords and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned.**

And whereas an Act, intituled "An Act to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the Parliament of the United Kingdom on

Changes to legislation: There are currently no known outstanding effects for the Union with Ireland Act 1800. (See end of Document for details)

the part of Ireland, shall be summoned and returned to the said Parliament,” has been passed by the Parliament of Ireland, the tenor whereof is as follows:

An Act to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament . . . ^{F17}

In case of the summoning of a new Parliament, or if the seat of any of the . . . ^{F18} commoners shall become vacant by death or otherwise, then the . . . counties, cities or boroughs, or any of them, as the case may be, shall proceed to a new election; . . . and no meeting shall at any time hereafter be summoned, called, convened or held for the purpose of electing any person or persons to serve or act or be considered as representative or representatives of ^{X2}any other place, town, city, corporation or borough, . . . or as representative or representatives of the freemen, freeholders, householders or inhabitants thereof, either in the Parliament of the United Kingdom or elsewhere (unless it shall hereafter be otherwise provided by the Parliament of the United Kingdom); . . . ^{F19}

Whenever his Majesty, his heirs and successors, shall by proclamation under the Great Seal of the United Kingdom summon a new Parliament of the United Kingdom of Great Britain and Ireland, the Chancellor, Keeper or Commissioners of the Great Seal of Ireland, shall cause writs to be issued to the several counties, cities, and boroughs in Ireland . . . , for the election of members to serve in the Parliament of the United Kingdom . . . , and whenever any vacancy of a seat in the House of Commons of the Parliament of the United Kingdom for any of the said counties, cities or boroughs, shall arise by death or otherwise, the Chancellor, Keeper or Commissioners of the Great Seal, upon such vacancy being certified to them respectively by the proper warrant, shall forthwith cause a writ to issue for the election of a person to fill up such vacancy; . . . ^{F20}

Annotations:

Editorial Information

- X1** Unreliable marginal note
X2 "Any other place, town, city, corporation or borough" means any not theretofore named in the recited Act

Amendments (Textual)

- F17** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), [Sch. 1](#) and [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), [Sch. Pt. I](#)
F18 Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), [Sch. 1](#)
F19 Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), [Sch. 1](#), [Criminal Law Act 1967 \(c. 58\)](#), s. 13, [Sch. 4 Pt. II](#) and [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), [Sch. Pt. I](#)
F20 Words repealed with savings by [Representation of the People Act 1949 \(c. 68\)](#), s. 175, [Sch. 9](#)

Modifications etc. (not altering text)

- C3** Great Seal of Northern Ireland now used for all matters in Northern Ireland for which Great Seal of Ireland was formerly used, and kept by Secretary of State: [Government of Ireland Act 1920 \(c. 67\)](#), s. 44, [Irish Free State \(Consequential Provisions\) Act 1922 \(13 Geo. 5 Sess. 2 c. 2\)](#), Sch. 1 paras. 1, [2\(4\)](#) and [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 4](#)

*Changes to legislation: There are currently no known outstanding effects
for the Union with Ireland Act 1800. (See end of Document for details)*

Recited Act to be taken as a part of this Act.

Be it enacted, that the said Act so herein recited be taken as a part of this Act, and be deemed to all intents and purposes incorporated within the same.

F21³

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| <p>Annotations:</p> <hr/> |
| <p>Amendments (Textual)</p> <p>F21 S. 3 repealed (5.11.1993) by 1993 (c. 50), s. 1(1), Sch. 1 Pt. XI Group2</p> |

Changes to legislation:

There are currently no known outstanding effects for the Union with Ireland Act 1800.

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Government of Ireland Act, 1920.

[10 & 11 GEO. 5. CH. 67.]

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RANGEMENT OF SECTIONS.

A.D. 1920.

ESTABLISHMENT OF PARLIAMENTS FOR SOUTHERN IRELAND AND NORTHERN IRELAND AND A COUNCIL OF IRELAND.

Section.

1. Establishment of Parliaments of Southern and Northern Ireland.
2. Constitution of Council of Ireland.

POWER TO ESTABLISH A PARLIAMENT FOR THE WHOLE OF IRELAND.

3. Power to establish a Parliament for the whole of Ireland.

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4. Legislative powers of Irish Parliaments.
5. Prohibition of laws interfering with religious equality, taking property without compensation, &c.
6. Conflict of laws.
7. Powers of Council of Ireland to make orders respecting private Bill legislation for whole of Ireland.

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8. Executive powers.
9. Reserved matters.
10. Powers of Council of Ireland.

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11. Summoning, &c., of Parliaments.
12. Royal assent to Bills.
13. Constitution of Senates.
14. Constitution of the Parliaments.
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A.D. 1920. Section.

16. Money Bills.
17. Disagreement between two Houses of Parliament of Southern Ireland or Parliament of Northern Ireland.
18. Privileges, qualifications, &c. of members of the Parliaments.

IRISH REPRESENTATION IN THE HOUSE OF COMMONS.

19. Representation of Ireland in the House of Commons of the United Kingdom.

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20. Establishment of Southern and Northern Irish Exchequers.
21. Powers of taxation.
22. Reserved taxes.
23. Irish contribution to Imperial expenditure.
24. Irish residuary share of reserved taxes.
25. Power of granting relief from income tax and super-tax.
26. Provisions as to land purchase annuities.
27. Existing public loans.
28. Provisions against double death duties.
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30. Interavailability of excise licences.
31. Irish Church Fund.
32. Joint Exchequer Board.
33. Power of trustees to invest in Irish securities.
34. Temporary provision as to payments into and out of the Irish Exchequer.
35. Provisions applicable after date of Irish union.
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38. Establishment of courts.
39. Divisions and constitution of Supreme Court of Southern Ireland.

Section.

A.D. 1920.

40. Divisions and constitution of Supreme Court of Northern Ireland.
41. Application of existing enactments and rules.
42. Constitution and officers of High Court of Appeal for Ireland.
43. Jurisdiction of High Court of Appeal for Ireland.
44. Provisions as to Lord Chancellor.
45. Provisions as to Master of the Rolls.
46. Transitory provisions.
47. Provisions as to judicature before and after Irish union.
48. County court judges.
49. Appeals from the High Court of Appeal for Ireland.
50. Appeals where validity of Irish law questioned.
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SCHEDULES.



CHAPTER 67.

An Act to provide for the better Government of Ireland. A.D. 1920.
[23rd December 1920.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

ESTABLISHMENT OF PARLIAMENTS FOR SOUTHERN IRELAND AND NORTHERN IRELAND AND A COUNCIL OF IRELAND.

1.—(1) On and after the appointed day there shall be established for Southern Ireland a Parliament to be called the Parliament of Southern Ireland consisting of His Majesty, the Senate of Southern Ireland, and the House of Commons of Southern Ireland, and there shall be established for Northern Ireland a Parliament to be called the Parliament of Northern Ireland consisting of His Majesty, the Senate of Northern Ireland, and the House of Commons of Northern Ireland.

Establishment of parliaments of Southern and Northern Ireland.

(2) For the purposes of this Act, Northern Ireland shall consist of the parliamentary counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone, and the parliamentary boroughs of Belfast and Londonderry, and Southern Ireland shall consist of so much of Ireland as is not comprised within the said parliamentary counties and boroughs.

2.—(1) With a view to the eventual establishment of a Parliament for the whole of Ireland, and to bringing about harmonious action between the parliaments and governments of Southern Ireland and Northern Ireland, and to the promotion

Constitution of Council of Ireland.

A.D. 1920. of mutual intercourse and uniformity in relation to matters affecting the whole of Ireland, and to providing for the administration of services which the two parliaments mutually agree should be administered uniformly throughout the whole of Ireland, or which by virtue of this Act are to be so administered, there shall be constituted, as soon as may be after the appointed day, a Council to be called the Council of Ireland.

(2) Subject as hereinafter provided, the Council of Ireland shall consist of a person nominated by the Lord Lieutenant acting in accordance with instructions from His Majesty who shall be President and forty other persons, of whom seven shall be members of the Senate of Southern Ireland, thirteen shall be members of the House of Commons of Southern Ireland, seven shall be members of the Senate of Northern Ireland, and thirteen shall be members of the House of Commons of Northern Ireland.

The members of the Council of Ireland shall be elected in each case by the members of that House of the Parliament of Southern Ireland or Northern Ireland of which they are members.

The election of members of the Council of Ireland shall be the first business of the Senates and Houses of Commons of Southern Ireland and Northern Ireland.

A member of the Council shall, on ceasing to be a member of that House of the Parliament of Southern Ireland or Northern Ireland by which he was elected a member of the Council, cease to be a member of the Council: Provided that, on the dissolution of the Parliament of Southern Ireland or Northern Ireland, the persons who are members of the Council elected by either House of that Parliament shall continue to hold office as members of the Council until the date of the first meeting of the new Parliament and shall then retire unless re-elected.

The President of the Council shall preside at each meeting of the Council at which he is present and shall be entitled to vote in case of an equality of votes, but not otherwise.

The first meeting of the Council shall be held at such time and place as may be appointed by the Lord Lieutenant.

The Council may act notwithstanding a vacancy in their number, and the quorum of the Council shall be fifteen; subject

as aforesaid, the Council may regulate their own procedure, A.D. 1920. including the delegation of powers to committees.

(3) The constitution of the Council of Ireland may from time to time be varied by identical Acts passed by the Parliament of Southern Ireland and the Parliament of Northern Ireland, and the Acts may provide for all or any of the members of the Council of Ireland being elected by parliamentary electors, and determine the constituencies by which the several elective members are to be returned and the number of the members to be returned by the several constituencies and the method of election.

POWER TO ESTABLISH A PARLIAMENT FOR THE WHOLE OF IRELAND.

3.—(1) The Parliaments of Southern Ireland and Northern Ireland may, by identical Acts agreed to by an absolute majority of members of the House of Commons of each Parliament at the third reading (hereinafter referred to as constituent Acts), establish, in lieu of the Council of Ireland, a Parliament for the whole of Ireland consisting of His Majesty and two Houses (which shall be called and known as the Parliament of Ireland), and may determine the number of members thereof and the manner in which the members are to be appointed or elected, and the constituencies for which the several elective members are to be returned, and the number of members to be returned by the several constituencies, and the method of appointment or election, and the relations of the two Houses to one another; and the date at which the Parliament of Ireland is established is hereinafter referred to as the date of Irish union:

Power to establish a Parliament for the whole of Ireland.

Provided that the Bill for a constituent Act shall not be introduced except upon a resolution passed at a previous meeting of the House in which the Bill is to be introduced.

(2) On the date of Irish union the Council of Ireland shall cease to exist and there shall be transferred to the Parliament and Government of Ireland all powers then exerciseable by the Council of Ireland, and (except so far as the constituent Acts otherwise provide) the matters which under this Act cease to be reserved matters at the date of Irish union, and any other powers for the joint exercise of which by the Parliaments or Governments of Southern and Northern Ireland provision has been made under this Act.

A.D. 1920.

(3) There shall also be transferred to the Parliament and Government of Ireland, except so far as the constituent Acts otherwise provide, all the powers and duties of the Parliaments and Governments of Southern Ireland and Northern Ireland, including all powers as to taxation, and, unless any powers and duties are retained by the Parliaments and Governments of Southern Ireland and Northern Ireland under the constituent Acts, those Parliaments and Governments shall cease to exist :

Provided that, if any powers and duties are so retained, the constituent Acts shall make provision with respect to the financial relations between the Exchequers of Southern and Northern Ireland on the one hand and the Irish Exchequer on the other.

(4) If by the constituent Acts any powers and duties are so retained as aforesaid, the Parliaments of Southern Ireland and Northern Ireland may subsequently by identical Acts transfer any of those powers and duties to the Government and Parliament of Ireland, and, in the event of all such powers and duties being so transferred, the Parliaments and Governments of Southern Ireland and Northern Ireland shall cease to exist.

LEGISLATIVE POWERS.

Legislative
powers of
Irish
Parliaments.

4.—(1) Subject to the provisions of this Act, the Parliament of Southern Ireland and the Parliament of Northern Ireland shall respectively have power to make laws for the peace, order, and good government of Southern Ireland and Northern Ireland with the following limitations, namely, that they shall not have power to make laws except in respect of matters exclusively relating to the portion of Ireland within their jurisdiction, or some part thereof, and (without prejudice to that general limitation) that they shall not have power to make laws in respect of the following matters in particular, namely :—

- (1) The Crown or the succession to the Crown, or a regency, or the property of the Crown (including fore-shore vested in the Crown), or the Lord Lieutenant, except as respects the exercise of his executive power in relation to Irish services as defined for the purposes of this Act; or
- (2) The making of peace or war, or matters arising from a state of war; or the regulation of the conduct of any portion of His Majesty's subjects during the existence

- of hostilities between foreign states with which His Majesty is at peace, in relation to those hostilities; or
- (3) The navy, the army, the air force, the territorial force, or any other naval, military, or air force, or the defence of the realm, or any other naval, military, or air force matter (including any pensions and allowances payable to persons who have been members of or in respect of service in any such force or their widows or dependants, and provision for the training, education, employment and assistance for the reinstatement in civil life of persons who have ceased to be members of any such force); or
 - (4) Treaties, or any relations with foreign states, or relations with other parts of His Majesty's dominions, or matters involving the contravention of treaties or agreements with foreign states or any part of His Majesty's dominions, or offences connected with any such treaties or relations, or procedure connected with the extradition of criminals under any treaty, or the return of fugitive offenders from or to any part of His Majesty's dominions; or
 - (5) Dignities or titles of honour; or
 - (6) Treason, treason felony, alienage, naturalization, or aliens as such, or domicile; or
 - (7) Trade with any place out of the part of Ireland within their jurisdiction, except so far as trade may be affected by the exercise of the powers of taxation given to the said parliaments, or by regulations made for the sole purpose of preventing contagious disease, or by steps taken by means of inquiries or agencies out of the part of Ireland within their jurisdiction for the improvement of the trade of that part or for the protection of traders of that part from fraud; the granting of bounties on the export of goods; quarantine; navigation, including merchant shipping (except as respects inland waters, the regulation of harbours, and local health regulations); or
 - (8) Submarine cables; or
 - (9) Wireless telegraphy; or
 - (10) Aerial navigation; or

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- (11) Lighthouses, buoys, or beacons (except so far as they can consistently with any general Act of the Parliament of the United Kingdom be constructed or maintained by a local harbour authority); or
- (12) Coinage; legal tender; negotiable instruments (including bank notes) except so far as negotiable instruments may be affected by the exercise of the powers of taxation given to the said Parliaments; or any change in the standard of weights and measures; or
- (13) Trade marks, designs, merchandise marks, copyright, or patent rights; or
- (14) Any matter which by this Act is declared to be a reserved matter, so long as it remains reserved.

Any law made in contravention of the limitations imposed by this section shall, so far as it contravenes those limitations, be void.

(2) The limitation on the powers of the said Parliaments to the making of laws with respect to matters exclusively relating to the portion of Ireland within their respective jurisdictions shall not be construed so as to prevent the said Parliaments by identical legislation making laws respecting matters affecting both Southern and Northern Ireland.

Prohibition
of laws
interfering
with
religious
equality,
taking pro-
perty with-
out compen-
sation, &c.

5.—(1) In the exercise of their power to make laws under this Act neither the Parliament of Southern Ireland nor the Parliament of Northern Ireland shall make a law so as either directly or indirectly to establish or endow any religion, or prohibit or restrict the free exercise thereof, or give a preference, privilege, or advantage, or impose any disability or disadvantage, on account of religious belief or religious or ecclesiastical status, or make any religious belief or religious ceremony a condition of the validity of any marriage, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at that school, or alter the constitution of any religious body except where the alteration is approved on behalf of the religious body by the governing body thereof, or divert from any religious denomination the fabric of cathedral churches, or, except for the purpose of roads, railways, lighting, water, or drainage works, or other works of public utility upon payment of compensation, any other property, or take any property without compensation.

Any law made in contravention of the restrictions imposed by this subsection shall, so far as it contravenes those restrictions, be void. A.D. 1920.

(2) Any existing enactment by which any penalty, disadvantage, or disability is imposed on account of religious belief or on a member of any religious order as such shall, as from the appointed day, cease to have effect in Ireland.

6.—(1) Neither the Parliament of Southern Ireland nor the Parliament of Northern Ireland shall have power to repeal or alter any provision of this Act (except as is specially provided by this Act), or of any Act passed by the Parliament of the United Kingdom after the appointed day and extending to the part of Ireland within their jurisdiction, although that provision deals with a matter with respect to which the Parliament has power to make laws. Conflict of laws.

(2) Where any Act of the Parliament of Southern Ireland or the Parliament of Northern Ireland deals with any matter with respect to which that Parliament has power to make laws which is dealt with by any Act of the Parliament of the United Kingdom passed after the appointed day and extending to the part of Ireland within its jurisdiction, the Act of the Parliament of Southern Ireland or the Parliament of Northern Ireland shall be read subject to the Act of the Parliament of the United Kingdom, and so far as it is repugnant to that Act, but no further, shall be void.

(3) Any order, rule or regulation made in pursuance of, or having the force of, an Act of Parliament of the United Kingdom shall be deemed to be a provision of an Act within the meaning of this section.

7.—(1) The Council of Ireland shall have power to make orders with respect to matters affecting interests both in Southern Ireland and Northern Ireland, in any case where the matter— Powers of Council of Ireland to make orders respecting Private Bill legislation for whole of Ireland.

(a) is of such a nature that if it had affected interests in one of those areas only it would have been within the powers of the Parliament for that area; and

(b) is a matter to effect which, it would, apart from this provision, have been necessary to apply to the Parliament of the United Kingdom by petition for leave to bring in a Private Bill.

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(2) The provisions contained in the First Schedule to this Act shall have effect with respect to the procedure for making such orders.

(3) Any order so made by the Council of Ireland under this section shall be presented to the Lord Lieutenant for His Majesty's assent, in like manner as a Bill passed by the Senate and House of Commons of Southern Ireland or Northern Ireland, and, on such assent being given, the order shall have effect in Southern and Northern Ireland respectively, as if enacted by the Parliament of Southern Ireland or Northern Ireland, as the case may be.

EXECUTIVE AUTHORITY.

Executive powers.

8.—(1) The executive power in Southern Ireland and in Northern Ireland shall continue vested in His Majesty the King, and nothing in this Act shall affect the exercise of that power, except as respects Irish services as defined for the purposes of this Act.

(2) As respects Irish services, the Lord Lieutenant or other chief executive officer or officers for the time being appointed in his place, on behalf of His Majesty, shall exercise any prerogative or other executive power of His Majesty the exercise of which may be delegated to him by His Majesty :

Provided that, if any such power is delegated to the Lord Lieutenant in respect of Southern Ireland or Northern Ireland, the power shall also be delegated to him in respect of Northern Ireland or Southern Ireland.

(3) Subject to the provisions of this Act relating to the Council of Ireland, powers so delegated shall be exercised—

(a) in Southern Ireland, through such departments as may be established by Act of the Parliament of Southern Ireland, or, subject to any alteration by Act of that Parliament, by the Lord Lieutenant ; and

(b) in Northern Ireland, through such departments as may be established by Act of the Parliament of Northern Ireland, or, subject to any alteration by Act of that Parliament, by the Lord Lieutenant ;

and the Lord Lieutenant may appoint officers to administer those departments, and those officers shall hold office during the pleasure of the Lord Lieutenant.

(4) The persons who are for the time being heads of such departments of the Government of Southern Ireland as may be determined by Act of the Parliament of Southern Ireland or, in the absence of any such determination, by the Lord Lieutenant, and such other persons (if any) as the Lord Lieutenant may appoint, shall be the ministers of Southern Ireland: A.D. 1920.

The persons who are for the time being heads of such departments of the Government of Northern Ireland as may be determined by Act of the Parliament of Northern Ireland, or, in the absence of any such determination, by the Lord Lieutenant, and such other persons (if any) as the Lord Lieutenant may appoint, shall be the ministers of Northern Ireland:

Provided that—

(a) no such person shall be a minister of Southern Ireland or a minister of Northern Ireland unless he is a member of the Privy Council of Ireland; and

(b) no such person shall hold office as a minister of Southern Ireland or as a minister of Northern Ireland for a longer period than six months, unless he is or becomes a member of the Parliament of Southern Ireland or of Northern Ireland, as the case may be, but in reckoning those six months any time prior to the date of the first meeting of the Parliament of Southern Ireland or of Northern Ireland, as the case may be, or during which that Parliament stands prorogued shall be excluded; and

(c) any such person not being the head of a department of the Government of Southern Ireland or a department of the Government of Northern Ireland shall hold office as a minister of Southern Ireland or a minister of Northern Ireland during the pleasure of the Lord Lieutenant in the same manner as the head of a department of the Government of Southern Ireland or a department of the Government of Northern Ireland holds his office.

(5) The persons who are ministers of Southern Ireland for the time being shall be an executive committee of the Privy Council of Ireland (to be called the Executive Committee of Southern Ireland) to aid and advise the Lord Lieutenant in the exercise of his executive power in relation to Irish services in Southern Ireland.

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The persons who are ministers of Northern Ireland for the time being shall be an executive committee of the Privy Council of Ireland (to be called the Executive Committee of Northern Ireland) to aid and advise the Lord Lieutenant in the exercise of his executive power in relation to Irish services in Northern Ireland.

(6) In the exercise of power delegated to the Lord Lieutenant in pursuance of this section no preference, privilege, or advantage shall be given to, nor shall any disability or disadvantage be imposed on, any person on account of religious belief except where the nature of the case in which the power is exercised itself involves the giving of such preference, privilege, or advantage, or the imposing of such a disability or disadvantage.

(7) The seats of the Governments of Southern Ireland and Northern Ireland shall be at Dublin and Belfast, respectively, or such places as the Parliaments of Southern Ireland and Northern Ireland may respectively determine.

(8) For the purposes of this Act, "Irish services" in relation to Southern Ireland and Northern Ireland respectively are all public services in connection with the administration of civil government in Southern Ireland and Northern Ireland, except the administration of matters with respect to which the Parliament of Southern Ireland and the Parliament of Northern Ireland have under the provisions hereinbefore contained no power to make laws, including in this exception all public services in connection with the administration of matters by this Act declared to be reserved matters so long as they continue to be reserved; and the public services in connection with the matters so reserved are in this Act referred to as reserved services.

Reserved
matters.

9.—(1) The Royal Irish Constabulary and the Dublin Metropolitan Police and the management and control of those forces and the administration of the Acts relating thereto, including appointments remuneration and removal of magistrates thereunder, shall be reserved matters until such date, not being later than the expiration of three years after the appointed day, as His Majesty in Council may determine, and on the date so determined the public services in connection with the administration of those Acts and the management and control of those forces shall, by virtue of this Act, be transferred from the Government of the United Kingdom to the Government of Southern Ireland as respects Southern Ireland and to the

Government of Northern Ireland as respects Northern Ireland, and shall then cease to be reserved services and become Irish services: A.D. 1920.

Provided that, if the date of Irish union occurs before the said services are so transferred then, unless otherwise provided by the constituent Acts, those services shall as soon as may be after the date of Irish union be transferred from the Government of the United Kingdom to the Government of Ireland.

(2) The following matters, namely,—

- (a) the postal service;
- (b) the Post Office Savings Bank and Trustee Savings Banks;
- (c) designs for stamps, whether for postal or revenue purposes;
- (d) the registration of deeds; and
- (e) the Public Record Office of Ireland;

shall be reserved matters until the date of Irish union, and thereafter if the constituent Acts so provide, and on that date if there should be no provision to the contrary in the constituent Acts, or at such later date (if any) as may be prescribed by those Acts, as the case may be, the public services in connection with the administration of those matters, except so far as they are matters with respect to which the Parliament of Ireland have not power to make laws, shall, by virtue of this Act, be transferred from the Government of the United Kingdom to the Government of Ireland, and shall then cease to be reserved services and become Irish services:

Provided that—

- (a) if before the date of Irish union the Parliaments of Southern Ireland and Northern Ireland by identical Acts make provision for the transfer of any of the said services to the Council of Ireland or otherwise for the exercise of the powers relating thereto by the Parliaments and Governments of Southern Ireland and Northern Ireland jointly, such services shall be transferred in accordance with those Acts, and shall, on such transfer, cease to be reserved services; and
- (b) nothing in this subsection shall prevent the Parliament or Government of Southern Ireland or Northern Ireland establishing a Public Record Office of Southern Ireland or Northern Ireland, as the case may be, for the reception and preservation of public

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records appertaining to Southern Ireland or Northern Ireland which otherwise would be deposited in the Public Record Office of Ireland, and, if any such office is so established, provision may be made by the Lord Lieutenant for the removal to that office of such probates, letters of administration, or other testamentary records granted or coming into existence not earlier than twenty years prior to the appointed day as, in his opinion, properly belong to the part of Ireland in which the office is situated and can conveniently be removed to that office.

(3) The general subject-matter of the Acts relating to land purchase in Ireland shall be a reserved matter unless and until otherwise provided by any Act of the Parliament of the United Kingdom relating to land purchase in Ireland, passed in the present or any future session of that Parliament:

Provided that this reservation shall not include—

- (a) the powers and duties of the Congested Districts Board for Ireland, other than the power of that Board to require advances to be made to them under section seventy-two of the Irish Land Act, 1903; and
- (b) the powers and duties of the Irish Land Commission and the Commissioners of Public Works in Ireland with respect to the collection and recovery of purchase annuities, and, except to such extent as may be provided by Irish transfer orders, the powers of the Irish Land Commission with respect to holdings subject to purchase annuities and the apportionment and consolidation of such annuities.

(4) On any transfer under or by virtue of this Act of any reserved matter, the general provisions of this Act (so far as applicable) and the provisions of this Act as to existing Irish officers and existing pensions shall apply with respect to the transfer, with the substitution of the date of the transfer for the appointed day or the date of the passing of this Act.

10.—(1) The Parliaments of Southern Ireland and Northern Ireland may, by identical Acts, delegate to the Council of Ireland any of the powers of the Parliaments and Governments of Southern Ireland and Northern Ireland, and such Acts may determine the manner in which the powers so delegated are to be exerciseable by the Council.

(2) With a view to the uniform administration throughout Ireland of public services in connection with railways and

fisheries, and the administration of the Diseases of Animals Acts any powers (not being powers relating to reserved matters) exercisable by any department of the Government of the United Kingdom at the appointed day with respect to railways and fisheries and the contagious diseases of animals in Ireland and the power of making laws with respect to railways and fisheries and the contagious diseases of animals shall, as from the appointed day, become powers of the Council of Ireland, and not of the Governments and Parliaments of Southern Ireland and Northern Ireland:

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Provided that nothing in this subsection shall prevent the Parliament of Southern Ireland or of Northern Ireland making laws authorising the construction, extension, or improvement of railways where the works to be constructed are situate wholly in Southern Ireland or Northern Ireland as the case may be:

Provided also that the appointed day fixed for the purpose of this subsection shall be a date not earlier than the expiration of the period of two years mentioned in section three (1) of the Ministry of Transport Act, 1919, and all claims arising before the appointed day under section eight of the Ministry of Transport Act, 1919, or determinable as if they were claims so arising shall be satisfied by the Minister of Transport in accordance with that section. The rates, fares, tolls, dues, and other charges directed by the Minister of Transport under the Ministry of Transport Act, 1919, and in force on the appointed day, may be charged until fresh provision shall be made by the Council of Ireland, or the Parliament of the United Kingdom, with regard to the amount of any such rates, fares, tolls, dues, and other charges.

9 & 10 Geo. 5.
c. 50.

(3) The Council may consider any questions which may appear in any way to bear on the welfare of both Southern Ireland and Northern Ireland, and may, by resolution, make suggestions in relation thereto as they may think proper, but suggestions so made shall have no legislative effect, and in particular it shall be the duty of the Council of Ireland as soon as may be after the constitution thereof to consider what Irish services ought in the common interest to be administered by a body having jurisdiction over the whole of Ireland; and what reserved services which are transferable on the passing of identical Acts ought to be so transferred, and to make recommendations to the Parliaments of Southern Ireland and Northern Ireland as to the advisability of passing identical Acts delegating to the

A.D. 1920. Council of Ireland the administration of any such Irish services, with a view to avoiding the necessity of administering them separately in Southern Ireland or Northern Ireland, and providing for the transfer of any such reserved services at the earliest possible date.

(4) Before any order made by the Council in exercise of any legislative powers vested in the Council comes into force, the order shall be presented to the Lord Lieutenant for His Majesty's assent in like manner as a Bill passed by the Senate and House of Commons of Southern Ireland or Northern Ireland, and, on such assent being given, the Order shall have effect in Southern Ireland and Northern Ireland, respectively, as if enacted by the Parliament of Southern Ireland or Northern Ireland, as the case may be.

(5) For the purposes of their powers and duties with respect to Private Bill legislation, railways and fisheries and diseases of animals the Council shall have power to appoint such officers as, with the consent of the Joint Exchequer Board, they may think necessary, and the salaries and remuneration of those officers, and any other expenses of the Council with respect to such matters as aforesaid, to such amount as the Joint Exchequer Board may approve shall, so far as not met by fees paid to or other receipts of the Council, be apportioned between Southern Ireland and Northern Ireland in such manner as the Joint Exchequer Board may determine, and the amounts so apportioned shall be charged on and paid out of the Consolidated Fund of Southern Ireland and the Consolidated Fund of Northern Ireland respectively; and for the purposes of their other powers and duties the Council shall have power to appoint such secretaries and officers as, subject to the consent of the Treasury of Southern Ireland and the Treasury of Northern Ireland, they may think fit, and the salary and remuneration of those officers and any other expenses of the Council to such amount as the said Treasuries may approve shall, so far as not met as aforesaid, be paid out of moneys provided by the Parliaments of Southern Ireland and Northern Ireland in such proportions as the said Treasuries may mutually agree, or in default of agreement may be determined by the Joint Exchequer Board hereinafter constituted.

(6) It shall be lawful for either Parliament at any time by Act to revoke the delegation to the Council of Ireland of any powers which are in pursuance of such identical Acts as aforesaid for the time being delegated to the Council

and thereupon the powers in question shall cease to be exercisable by the Council of Ireland and shall become exercisable in the parts of Ireland within their respective jurisdictions by the Parliaments and Governments of Southern Ireland and Northern Ireland, and the Council shall take such steps as may be necessary to carry out the transfer, including adjustments of any funds in their hands or at their disposal: A.D. 1920.

Provided that this subsection shall not apply to any service which on ceasing to be a reserved service has, in pursuance of identical Acts passed by the two Parliaments, been transferred to the Council of Ireland.

PROVISIONS AS TO PARLIAMENTS OF SOUTHERN AND
NORTHERN IRELAND.

11.—(1) There shall be a session of the Parliament of Southern Ireland and of the Parliament of Northern Ireland, once at least in every year, so that twelve months shall not intervene between the last sitting of either Parliament in one session and their first sitting in the next session. Summoning, &c., of parliaments.

(2) The Lord Lieutenant shall, in His Majesty's name, summon, prorogue, and dissolve the Parliament of Southern Ireland and the Parliament of Northern Ireland.

12. The Lord Lieutenant shall give and withhold the assent of His Majesty to Bills passed by the Senate and House of Commons of Southern Ireland or the Senate and House of Commons of Northern Ireland, and to orders of the Council of Ireland, subject to the following limitations:— Royal assent to Bills.

- (1) He shall comply with any instructions given by His Majesty in respect of any such Bill or order; and
- (2) He shall, if so directed by His Majesty, reserve any such Bill or order for the signification of His Majesty's pleasure, and a Bill or order so reserved shall not have any force unless and until within one year from the day on which it was presented to the Lord Lieutenant for His Majesty's assent, the Lord Lieutenant makes known that it has received His Majesty's assent.

13.—(1) The Senate of Southern Ireland shall be constituted as provided in the Second Schedule to this Act. Constitution of Senates.

(2) The Senate of Northern Ireland shall be constituted as provided in the Third Schedule to this Act.

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(3) The provisions contained in the Fourth Schedule to this Act shall have effect with respect to the nomination, election and term of office of members of the Senates of Southern Ireland and Northern Ireland.

Constitution
of Houses of
Commons.

14.—(1) The House of Commons of Southern Ireland shall consist of one hundred and twenty-eight members returned by the constituencies in Ireland named in Part I. of the Fifth Schedule to this Act, and the number of members to be returned by each such constituency shall be the number mentioned in the second column of that Part.

(2) The House of Commons of Northern Ireland shall consist of fifty-two members returned by the constituencies in Ireland named in Part II. of the Fifth Schedule to this Act, and the number of members to be returned by each such constituency shall be the number mentioned in the second column of that Part.

(3) The members shall be elected by the same electors and in the same manner as members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, except that at any contested election of the full number of members the election shall be according to the principle of proportional representation, each elector having one transferable vote, as defined by the Representation of the People Act, 1918, and His Majesty in Council shall have the same power of making regulations in respect thereto as he has under subsection (3) of section twenty of that Act, and that subsection shall apply accordingly.

7 & 8 Geo. 5.
c. 64.

(4) The House of Commons of Southern Ireland and the House of Commons of Northern Ireland when summoned shall, unless sooner dissolved, have continuance for five years from the day on which the summons directs the House to meet and no longer.

(5) After three years from the day of the first meeting of the Parliament of Southern Ireland or Northern Ireland, that Parliament may alter the qualification and registration of the electors, the law relating to elections and the questioning of elections, the constituencies, and the distribution of the members among the constituencies, provided that in any new distribution the number of the members shall not be altered, and due regard shall be had to the population of the constituencies other than University constituencies.

Application
of election
laws.

15.—(1) All existing election laws relating to the Commons House of Parliament of the United Kingdom and the members

thereof shall, so far as applicable and subject to the provisions of this Act, and especially to any provision enabling the Parliaments of Southern Ireland and Northern Ireland to alter those laws as respects the House of Commons of Southern Ireland and Northern Ireland respectively, extend to the House of Commons of Southern Ireland and Northern Ireland and the members thereof. A.D. 1920.

(2) His Majesty may, by Order in Council, make such provisions as may appear to him necessary or proper for making any provisions of the election laws applicable to elections of members of the Senate and House of Commons of Southern Ireland and Northern Ireland.

16.—(1) Bills imposing taxation or appropriating revenue or moneys shall originate only in the House of Commons of Southern Ireland or Northern Ireland, but a Bill shall not be taken to impose taxation or to appropriate revenue or moneys by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the payment or appropriation of fees for licences or fees for services under the Bill. Money Bills.

(2) The House of Commons of Southern Ireland or Northern Ireland shall not adopt or pass any vote, resolution, address, or Bill for the appropriation for any purpose of any part of the public revenue of Southern Ireland or Northern Ireland or of any tax, except in pursuance of a recommendation from the Lord Lieutenant in the session in which the vote, resolution, address, or Bill is proposed.

(3) The Senate of Southern Ireland or Northern Ireland may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government of Southern Ireland or Northern Ireland, or for services administered by the Council of Ireland and may not amend any Bill so as to increase any proposed charges or burdens on the people.

(4) Any Bill which appropriates revenue or moneys for the ordinary annual services of the Government of Southern Ireland or Northern Ireland, or services administered by the Council of Ireland, shall deal only with that appropriation.

17.—(1) If the House of Commons of Southern Ireland or Northern Ireland pass any Public Bill, which is sent up to the

A.D. 1920. Senate of Southern Ireland or Northern Ireland at least one month before the end of the session and the Senate of Southern or Northern Ireland reject or fail to pass it or pass it with amendments to which the House of Commons will not agree, and if the House of Commons in the next session again pass the Bill with or without any amendments which have been made or agreed to by the Senate, and the Senate reject or fail to pass it or pass it with amendments to which the House of Commons will not agree, the Lord Lieutenant may, during that session, convene a joint sitting of the members of such two Houses.

Houses of Parliament of Southern Ireland or Parliament of Northern Ireland.

(2) The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the House of Commons and upon the amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by a majority of the total number of members of such two Houses present at such sitting shall be taken to have been carried.

(3) If the Bill with the amendments, if any, so taken to have been carried is affirmed by a majority of the total number of members of the two Houses present at such sitting, it shall be taken to have been duly passed by both Houses :

Provided that, if the Senate of Southern Ireland or Northern Ireland shall reject or fail to pass any Bill dealing with the imposition of taxation or the appropriation of revenue or moneys for the public service, such joint sitting may be convened during the same session in which the Senate so reject or fail to pass such Bill.

Privileges, qualifications, &c. of members of the parliaments.

18.—(1) The powers, privileges, and immunities of the Senate and House of Commons of Southern Ireland and the Senate and House of Commons of Northern Ireland, and of the members and of the committees thereof, shall be such as may be defined by Act of the Parliament in question, and, until so defined, shall be those held and enjoyed by the Commons House of Parliament of the United Kingdom and its members and committees at the date of the passing of this Act.

(2) The law for the time being in force relating to the qualification and disqualification of the members of the Commons House of Parliament of the United Kingdom, and the taking of any oath required to be taken by a member of that House, shall, save as otherwise provided by this Act, apply to the members of

the Senate and House of Commons of Southern Ireland and members of the Senate and House of Commons of Northern Ireland. A.D. 1920.

(3) A person shall not be disqualified for being a member of the Senate or House of Commons of Southern Ireland or a member of the Senate or House of Commons of Northern Ireland by reason only that he is a peer, whether of the United Kingdom, Great Britain, England, Scotland, or Ireland.

(4) A member of the House of Commons of Southern Ireland or Northern Ireland shall be incapable of being chosen or elected or of sitting as a member of the Senate of Southern Ireland or Northern Ireland, and a member of the Senate of Southern Ireland or Northern Ireland shall be incapable of being chosen or elected or of sitting as a member of the House of Commons of Southern Ireland or Northern Ireland; but a Minister of Southern Ireland or Northern Ireland who is a member of either House of the Parliament of Southern Ireland or Northern Ireland shall have the right to sit and speak in both Houses, but shall vote only in the House of which he is a member.

(5) A member of the Senate or House of Commons of Southern Ireland or Northern Ireland may resign his seat by giving notice of resignation to the person and in the manner directed by standing orders of the House, or, if there is no such direction, by notice in writing of resignation sent to the Lord Lieutenant, and his seat shall become vacant on notice of resignation being given.

(6) The powers of the Council of Ireland or the Senate or House of Commons of Southern Ireland or Northern Ireland shall not be affected by any vacancy therein, or by any defect in the nomination, election, or qualification of any member thereof.

(7) His Majesty may, by Order in Council, declare that the holders of the offices in the executive of Southern Ireland and Northern Ireland named in the Order shall not be disqualified for being members of the Senate or House of Commons of Southern Ireland and Northern Ireland respectively by reason of holding office under the Crown, and, except as otherwise provided by Act of the Parliament of Southern Ireland or Northern Ireland, the Order shall have effect as if it were enacted in this Act, and on acceptance of any such office the seat of any such person in the House of Commons of Southern Ireland or Northern Ireland shall not be vacated.

A.D. 1920.

IRISH REPRESENTATION IN THE HOUSE OF COMMONS.

Representa-
tion of
Ireland in
the House of
Commons of
the United
Kingdom.

19. Unless and until the Parliament of the United Kingdom otherwise determine, the following provisions shall have effect:—

- (a) After the appointed day the number of members to be returned by constituencies in Ireland to serve in the Parliament of the United Kingdom shall be forty-six, and the constituencies returning those members shall (in lieu of the existing constituencies) be the constituencies named in Parts I. and II. of the Fifth Schedule to this Act, and the number of members to be returned by each such constituency shall be the number mentioned in the third column of those Parts of that Schedule:
- (b) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to elections of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, be altered by the Parliament of Southern Ireland or Northern Ireland:
- (c) On the appointed day, the members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom shall vacate their seats, and writs shall, as soon as conveniently may be, be issued for the purpose of holding an election of members to serve in the Parliament of the United Kingdom for the constituencies, mentioned in Parts I. and II. of the Fifth Schedule to this Act.

FINANCIAL PROVISIONS.

Establish-
ment of
Southern and
Northern
Irish
Exchequers.

20.—(1) There shall be an Exchequer and Consolidated Fund of Southern Ireland and an Exchequer and Consolidated Fund of Northern Ireland separate from one another and from those of the United Kingdom.

(2) All sums paid into the Exchequer of Southern Ireland and the Exchequer of Northern Ireland shall form the Consolidated Fund of Southern Ireland and the Consolidated Fund of Northern Ireland respectively, and, subject to the provisions of any Act of the Parliament of Southern Ireland or Northern Ireland, or this Act, or any other Act of the Parliament of the United Kingdom charging any sums on any such Consolidated Fund, all such sums shall be appropriated to the public service of Southern Ireland or Northern Ireland, as the case may be, by

Act of the Parliament of Southern Ireland or Northern Ireland, and shall not be applied for any purpose for which they are not so appropriated. A.D. 1920.

(3) Save as may be otherwise provided by Act of the Parliament of Southern Ireland or Northern Ireland, the existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Exchequer and Consolidated Fund of Southern Ireland and Northern Ireland, and an officer shall be appointed by the Lord Lieutenant to be Comptroller and Auditor-General for Southern Ireland and Northern Ireland respectively.

(4) Save as may be otherwise provided by Act of the Parliament of Southern Ireland or Northern Ireland, the accounts of the Consolidated Fund of Southern Ireland and Northern Ireland respectively, shall be audited as appropriation accounts, in manner provided by the Exchequer and Audit Departments Act, 1866, and any Act amending the same, by or under the direction of the appropriate Comptroller and Auditor-General. 29 & 30 Vict.
c. 39.

(5) For the purposes of this Act, any contributions by Southern Ireland and Northern Ireland towards the expenses of the Council of Ireland shall be treated as expenses of public services of Southern Ireland and Northern Ireland respectively.

21.—(1) The power of the Parliaments of Southern Ireland and Northern Ireland to make laws shall include power to make laws with respect to the imposing, charging, levying, and collection of taxes within their respective jurisdictions, other than customs duties, excise duties on articles manufactured and produced, and excess profits duty, corporation profits tax, and any other tax on profits, and (except to the extent hereinafter mentioned) income tax (including super-tax), or any tax substantially the same in character as any of those duties or taxes, and the Governments of Southern Ireland and Northern Ireland shall have full control over the charging, levying, and collection of such taxes as their respective Parliaments have power to impose, and the proceeds of all such taxes shall be paid into the Consolidated Fund of Southern Ireland or Northern Ireland, as the case may be. Powers of
taxation.

Provided that it shall not be competent for the Parliament of Southern Ireland or the Parliament of Northern Ireland to impose any tax, whether recurrent or non-recurrent, of the nature of a general tax upon capital, not being a tax substantially the same in character as an existing tax.

A.D. 1920.

(2) Provision shall be made by the Parliaments of Southern Ireland and Northern Ireland for the cost within their respective jurisdictions of Irish services and, except as provided by this Act, any charge on the Consolidated Fund of the United Kingdom for those services, including any charge for the benefit of the Local Taxation (Ireland) Account, or any grant or contribution out of moneys provided by the Parliament of the United Kingdom so far as made for those services shall cease, and money for loans in Ireland shall cease to be advanced out of the Local Loans Fund.

(3) For the purposes of this Act, the excise duty on a licence granted to a manufacturer or producer of an article, the amount of which varies either directly or indirectly according to the amount of the article manufactured or produced, shall be treated as an excise duty on an article manufactured or produced; but, save as aforesaid, nothing in this Act shall be construed as preventing the Parliaments of Southern Ireland and Northern Ireland from making laws with respect to excise licence duties, or duties of excise other than excise duties on articles manufactured or produced.

39 & 40 Vict.
c. 36.

(4) Any articles which are brought into Great Britain or the Isle of Man from Ireland, or into Ireland from Great Britain or the Isle of Man, shall be deemed to be articles exported or imported for the purposes of the forms to be used, and the information to be furnished under the Customs Consolidation Act, 1876, or any Act amending that Act, but not for any other purpose.

(5) Nothing in this section shall be construed as authorising the Parliament or Government of Southern Ireland or Northern Ireland to impose, charge, levy, or collect any duties of postage so long as the postal service remains a reserved service.

Reserved
taxes.

22.—(1) The imposing, charging, levying, and collection of customs duties and of excise duties on articles manufactured and produced and the granting of customs and excise drawbacks and allowances, and, except to the extent hereinafter mentioned, the imposing, charging, levying, and collection of income tax (including super-tax) and excess profits duty, corporation profits tax, and any other tax on profits shall be reserved matters, and the proceeds of those duties and taxes shall be paid into the Consolidated Fund of the United Kingdom.

(2) The Joint Exchequer Board shall in each year determine what part of the proceeds of the said duties and taxes (except such of those proceeds as consist of arrears of excess profits duty payable in respect of any period before the passing of this Act) are properly attributable to Ireland, and in making that calculation the Board shall treat the proceeds collected in Ireland of any such duty or tax as the proceeds of that duty or tax in Ireland, subject to such adjustments as the Board think equitable, with a view to attributing to Ireland any proceeds of any of such duties and taxes collected in Great Britain but properly attributable to Ireland and to attributing to Great Britain the proceeds of any such duties and taxes collected in Ireland but properly attributable to Great Britain, and the sum so determined to be the Irish share of the proceeds of the said duties and taxes is hereinafter referred to as the Irish share of reserved taxes.

A.D. 1920.

(3) Subject as aforesaid, the Joint Exchequer Board may make regulations for determining the manner in which in cases of doubt the proceeds of such duties and taxes as aforesaid are to be apportioned as between Great Britain and Ireland.

(4) The Commissioners of Customs and Excise and the Commissioners of Inland Revenue shall furnish to the Joint Exchequer Board such information as the Board may require for the purposes aforesaid, and, to enable the Commissioners to furnish such information, the Commissioners may require any taxpayer in any return made by him under any enactment imposing any such duty or tax to furnish such information as may be necessary for the purpose.

(5) The reservation of the levying of such duties and taxes as aforesaid shall include a reservation of all powers and obligations incidental to the levying thereof or designed for preventing the evasion thereof, and all powers and obligations respecting coastwise traffic contained in the enactments relating to customs.

23.—(1) Ireland shall in each year make a contribution towards the Imperial liabilities and expenditure mentioned in the Sixth Schedule to this Act.

Irish contribution to Imperial expenditure.

(2) The amount of the contribution shall, in each year until the end of the second financial year after the appointed day, be, subject as hereinafter provided, a sum calculated at the rate of eighteen million pounds a year, and after the end of the said

A.D. 1920. second financial year shall in each financial year be such proportion as is hereinafter mentioned of the amount which the Joint Exchequer Board certify to have been the amount for the preceding financial year of the said liabilities and expenditure.

(3) The proportion of Imperial liabilities and expenditure to be so contributed shall be such as the Joint Exchequer Board may, having regard to the relative taxable capacities of Ireland and the United Kingdom, determine to be just; but the proportion so determined shall be subject to revision by the Joint Exchequer Board at the end of the fifth financial year after the date when it was first so determined and at the end of every fifth financial year thereafter.

(4) The said contribution shall be apportioned as between Southern Ireland and Northern Ireland in the following manner, that is to say:—

(a) So long as the contribution remains at the rate of eighteen million pounds a year, fifty-six per centum thereof shall be apportioned to Southern Ireland and forty-four per centum thereof to Northern Ireland:

(b) Thereafter such part shall be apportioned to Southern Ireland and Northern Ireland respectively as the Joint Exchequer Board may determine to correspond to their relative taxable capacities at the time when the proportion of Imperial liabilities and expenditure to be contributed is fixed.

(5) If the Joint Exchequer Board at any time after the end of the said second financial year are of opinion that the said contribution for the first or second financial year ought justly to have been some less sum than eighteen million pounds, or ought to have been apportioned as between Southern and Northern Ireland otherwise than in the manner hereinbefore provided, they shall certify accordingly and direct, as the case requires, either that an amount equal to the difference between the contribution made and that less sum shall be credited to the Exchequers of Southern and Northern Ireland in the proportions in which the contribution was made by them, or that the contribution shall be treated as having been apportioned between Southern and Northern Ireland in such manner as may be specified in the certificates, and such adjustments as are necessary for the purpose of giving effect to any direction under this section may be made by the Board in any payments to be subsequently made to those Exchequers on account of the Irish residuary share of reserved taxes

24.—(1) There shall in respect of each year be charged on and paid out of the Consolidated Fund of the United Kingdom to the Exchequers of Southern Ireland and Northern Ireland a sum equal to the Irish share of reserved taxes in that year after deducting—

A.D. 1920.
Irish re-
siduary share
of reserved
taxes.

- (a) the amount of the Irish contribution towards Imperial liabilities and expenditure; and
- (b) whilst any services remain reserved services, the net cost to the Exchequer of the United Kingdom during the year of the services so remaining reserved services, excluding therefrom such sums as the Joint Exchequer Board may certify to have been expended in the provision of buildings (including the sites thereof) and equipment for the purposes of the Supreme Court of Northern Ireland.

(2) The sum so payable to those Exchequers (in this Act referred to as the Irish residuary share of reserved taxes) shall be apportioned between them in such manner and shall be paid at such times, in such manner, and according to such regulations, as the Joint Exchequer Board may direct, and those regulations may provide for payments being made to the Exchequers of Southern Ireland and Northern Ireland, respectively, on account of the sums which may ultimately be found to be payable to those Exchequers in respect of the Irish residuary share of reserved taxes.

(3) In determining the apportionment as between the Exchequers of Southern and Northern Ireland of the Irish residuary share of reserved taxes, the Joint Exchequer Board shall act on the following principles:—

- (a) So far as the amount of the said share depends on the proceeds of any tax, they shall determine what parts of the proceeds are properly attributable to Southern and Northern Ireland respectively, and shall allot the amount so determined accordingly:
- (b) So far as the amount of the said share depends on the amount of the Irish contribution towards Imperial liabilities and expenditure, they shall allot to Southern Ireland and Northern Ireland their respective shares in that contribution determined in manner hereinbefore provided:
- (c) So far as the amount of the said share depends on the cost of any service, they shall, where the cost of the service in Southern and Northern Ireland respectively

A.D. 1920.

can be ascertained, allot to Southern and Northern Ireland the cost of the service in Southern and Northern Ireland respectively; and, where the cost of the service in Southern and Northern Ireland cannot in their opinion be ascertained with sufficient accuracy, they shall divide the cost between them in proportion to population.

(4) The Joint Exchequer Board shall apportion any sum which under this Act is to be made good by deductions from the Irish residuary share of reserved taxes on the like principles.

Power of granting relief from income tax and super-tax.

25.—(1) The Parliament of Southern Ireland or of Northern Ireland shall have power to grant relief from income tax and super-tax or either of those taxes to individuals resident and domiciled in Southern Ireland and Northern Ireland respectively and such relief may be given either generally to all such individuals or to individuals whose total income is less than such amount as may be determined by the Act granting the relief.

(3) Such relief as aforesaid shall be granted, by way of repayment of any part or the whole of the income tax or super-tax paid by the individuals to whom the relief is granted, and the Act granting the relief may provide for the amounts so repayable being repaid in like manner as other repayments under the Income Tax Acts.

(4) The making of such repayments shall rest with the Government of Southern Ireland or Northern Ireland, as the case may be, and the repayments shall be made out of, the Consolidated Fund of Southern Ireland or Northern Ireland, as the case may be:

Provided that the Commissioners of Inland Revenue and other authorities and officers by whom income tax and super-tax are levied and collected may, at the request and at the expense of the Government of Southern Ireland or Northern Ireland, as the case may be, make such payments on behalf of the Government of Southern Ireland or Northern Ireland.

(5) Sums paid under this section, whether or not paid by the Commissioners of Inland Revenue, shall not be taken into account in determining for the purposes of this Act the amount of the Irish share of reserved taxes.

Provisions as to land purchase annuities.

26.—(1) Purchase annuities payable in respect of land situate in Southern Ireland and Northern Ireland respectively, including any arrears thereof due or accruing due on the appointed day, shall be collected by the Governments of Southern Ireland

and Northern Ireland, and the amounts so collected shall be paid into their respective Exchequers, but nothing in this Act shall confer on either such Government any powers with respect to the redemption of purchase annuities. A.D. 1920.

(2) In each year a sum equal to the amount payable in that year in respect of purchase annuities shall be paid into the Irish Land Purchase fund or account, or other appropriate fund or account, out of moneys provided by the Parliament of the United Kingdom.

(3) Where after the appointed day an existing purchase annuity is redeemed, a sum equal to the annuity shall be paid out of moneys provided by the Parliament of the United Kingdom to the Exchequer of Southern Ireland or Northern Ireland, as the case may require, in each year so long as the purchase annuity would, if not redeemed, have continued to be payable.

(4) Payments under this section out of moneys provided by the Parliament of the United Kingdom shall not be treated as part of the cost to the Exchequer of the United Kingdom of reserved services except so far as they represent new purchase annuities.

(5) For the purposes of this Act—

the expression “purchase annuities,” in addition to purchase annuities as defined in the Purchase of Land (Ireland) Act, 1891, includes annuities for the repayment of advances made under any of the Land Purchase Acts prior to the Purchase of Land (Ireland) Act, 1891, and annuities for the repayment of advances made under the Labourers (Ireland) Act, 1906, or under any other Act relating to land purchase in Ireland; 54 & 55 Vict
c. 48.

the expression “existing purchase annuity” means a purchase annuity payable in respect of an advance made in pursuance of a purchase agreement entered into, or, in the case of a purchase annuity payable under the Labourers (Ireland) Act, 1906, in pursuance of a scheme approved before the passing of this Act; 6 Edw. 7.
c. 37.

the expression “new purchase annuity” means a purchase annuity payable in respect of an advance made in pursuance of a purchase agreement entered into or, in the case of a purchase annuity payable under the Labourers (Ireland) Act, 1906, in pursuance of a scheme approved, after the passing of this Act.

A.D. 1920.
Existing
public loans.

27.—(1) The power of collecting and enforcing the payment of sums due on account of loans made before the appointed day to authorities and persons in Southern Ireland or Northern Ireland out of the local loans fund, the development fund the road improvement fund or other similar public fund, shall be transferred to the Governments of Southern Ireland and Northern Ireland respectively, and the amounts so collected by them shall be paid into their respective Exchequers :

Provided that this section shall not apply to advances out of the local loans fund for the purposes of the enactments relating to land purchase in Ireland.

(2) A sum equal to the amount due in respect of such loans shall in each year be paid into the appropriate fund out of moneys provided by the Parliament of the United Kingdom, and shall, subject to the deduction of such sum as the Joint Exchequer Board think just to cover such loss as may be anticipated to result from payments on account of any such loans proving to be irrecoverable, be made good by deductions from the Irish residuary share of reserved taxes in accordance with regulations made by the Treasury.

Provisions
against
double death
duties.

28.—(1) Where the Commissioners of Inland Revenue are satisfied that estate duty or any duty in the nature of estate duty is payable in Southern Ireland or Northern Ireland by reason of a death in respect of any property situated in Southern Ireland or Northern Ireland and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the estate duty payable in Great Britain in respect of that property on the same death.

(2) Where the Department of the Government of Southern Ireland or Northern Ireland corresponding to the Commissioners of Inland Revenue are satisfied that estate duty is payable in Great Britain by reason of a death in respect of any property situate in Great Britain and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the estate duty or duty in the nature of estate duty payable in Southern Ireland or Northern Ireland in respect of that property on the same death.

(3) The foregoing provisions shall apply as between Southern Ireland on the one hand and Northern Ireland on the other in like manner as they apply as between Great Britain on the one hand and Southern or Northern Ireland on the other.

(4) If any question arises as to whether any property is to be treated for the purposes of this section as situate in Great Britain or in Southern Ireland or in Northern Ireland, the question shall be decided by the Joint Exchequer Board.

A.D. 1920.

(5) Any Irish transfer order providing for the adaptation of the enactments relating to the resealing or certification in one country of probate or letters of administration or confirmation of executors granted in another country, may provide that the court or officer before resealing or certifying the probate or letters of administration or confirmation shall be satisfied that estate duty, or duty in the nature of estate duty, has been paid in respect of so much, if any, of the estate as is liable to that duty in the country in which the resealing or certification takes place, and for requiring the resealing or certification of probate, letters of administration, or confirmation of executors, in cases where, by virtue of section forty-eight of the Finance (No. 2) Act, 1915, such resealing or certification is not required.

5 & 6 Geo. 5.
c. 89.

29.—(1) Where an instrument is chargeable with stamp duty in Great Britain and in Southern Ireland and in Northern Ireland, or in any two of those countries, and has been stamped in any one of those countries, the instrument shall, to the extent of the duty it bears, be deemed to be stamped in the other country or countries:

Provisions
against
double stamp
duties.

Provided that, if the stamp duty chargeable on any instrument in such other country exceeds the stamp duty chargeable in respect of that instrument in the country or countries in which the instrument has previously been stamped, the instrument shall not be deemed to have been duly stamped in such other country unless and until stamped in accordance with the laws of that country with a stamp denoting an amount equal to such excess.

(2) Where composition for stamp duty is made or agreed to be made in any one of such countries, any instrument which by virtue of the composition is exempt from the payment of duty in that country shall, for the purposes of this section, be treated in any other such country as having been stamped in the first-mentioned country with a stamp denoting the amount of duty which, but for the composition, would have been chargeable on that instrument:

Provided that, if the legislature of such other country has imposed any conditions on the recognition therein of any composition made or agreed to be made in the first-mentioned

A.D. 1920. country, this subsection shall not apply unless those conditions are complied with.

Inter-availability of excise licences

30. Any excise licence granted by the Government of Southern Ireland shall, without payment of further duty, be available in Northern Ireland unless and until the Parliament of Northern Ireland otherwise determines, and any excise licence granted by the Government of Northern Ireland shall, without payment of further duty, be available in Southern Ireland unless and until the Parliament of Southern Ireland otherwise determines :

Provided that, if the rate of duty in respect of any licence is higher in one such part of Ireland than in the other, any such licence granted in the part in which the lower duty is charged shall not be available in the other part until the difference has been paid in that other part.

Irish Church Fund.

31. The Irish Church Temporalities Fund shall belong to and be apportioned between the Governments of Southern Ireland and Northern Ireland in such manner as may be determined by the Joint Exchequer Board, and the parts apportioned to the several governments shall be managed, administered, and disposed of as directed by Act of the appropriate Parliament :

Provided that all existing charges on that fund shall, if and so far as not paid, be paid out of the Exchequer of the United Kingdom, and be made good by means of deductions from the Irish residuary share of reserved taxes in accordance with regulations made by the Treasury.

Joint Exchequer Board.

32.—(1) For the purposes of the financial provisions of this Act, there shall be established a Board to be called the Joint Exchequer Board, consisting of two members appointed by the Treasury, one member appointed by the Treasury of Southern Ireland, one member appointed by the Treasury of Northern Ireland, and a chairman appointed by His Majesty.

(2) The authority by whom a member (including the chairman) is appointed may appoint a deputy who shall be entitled to act for the member at any meeting of the Joint Exchequer Board which the member is unable to attend.

(3) It shall be the duty of the Joint Exchequer Board to determine any matter which is to be determined by the Board under this Act, or in pursuance of any Irish Transfer Order made under this Act, and also to determine any other

matter in connexion with the Irish residuary share of reserved taxes, or Irish revenue or expenditure, or the cost of any reserved service which may be referred to them for determination jointly by the Treasury and the Treasury of Southern Ireland or Northern Ireland, or jointly by the Treasuries of Southern and Northern Ireland, and also to determine for the purposes of this Act whether any tax is substantially the same in character as, or has been imposed in lieu of, another tax, and, subject to the provisions of this Act as to appeals from decisions of the Board, the decision of the Board on any matter which is to be determined by them shall be final and conclusive.

A.D. 1920.

(4) Any vacancy arising in the office of a member of the Board shall be filled by the authority by whom the member whose place is vacant was appointed.

(5) The Board may act by a majority and notwithstanding any vacancy in their number; the quorum at any meeting of the Board shall be three; subject to the provisions of this Act, the Board may regulate their own procedure.

(6) There shall be paid to the Chairman such salary or remuneration as the Treasury may determine, and the amount thereof shall be charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

33. Any stock or securities issued in respect of any loan raised by the Government of Southern Ireland or Northern Ireland shall be deemed to be included amongst the securities in which a trustee may invest under the powers of the Trustee Act, 1893, or the Trusts (Scotland) Acts, 1861 to 1910.

Power of trustees to invest in Irish securities. 56 & 57 Vict. c. 53.

34.—(1) There shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof and, as soon as may be after the appointed day, paid thereout to the Exchequers of Southern Ireland and Northern Ireland respectively such sums as the Joint Exchequer Board may certify to be necessary for the purpose of providing buildings (including the sites thereof) and for their equipment for the accommodation of the Parliaments and public departments in Southern and Northern Ireland respectively.

Temporary provision as to payments into and out of the Irish Exchequer.

(2) The Joint Exchequer Board may authorise the Lord Lieutenant to make such payments from the Exchequers of Southern Ireland and Northern Ireland as may be necessary in order to provide for bringing this Act into operation, but no such authority shall be given as respects the Exchequer of

A.D. 1920. Southern Ireland or Northern Ireland after the expiration of a period of three months from the first meeting of the Parliament of Southern Ireland or Northern Ireland, as the case may be.

Provisions
applicable
after date of
Irish union.

35.—(1) As from the end of the financial year in which the date of Irish union falls, the foregoing financial provisions shall have effect, subject to the following modifications:—

- (a) There shall be an Irish Exchequer and an Irish Consolidated Fund in the place of, or, if constituent Acts so provide, in addition to the Exchequers and Consolidated Funds of Southern Ireland and Northern Ireland:
- (b) The Parliament and Government of Ireland shall, except so far as constituent Acts otherwise provide, have all the powers of taxation (including the powers in relation to income tax and super-tax) which before the date of Irish union were vested in the Governments and Parliaments of Southern Ireland and Northern Ireland:
- (c) The Irish residuary share of reserved taxes shall be paid into the Irish Exchequer:
- (d) The Government of Ireland shall, unless the constituent Acts otherwise provide, have the power to collect and recover purchase annuities, and the annuities collected by them shall be paid into the Irish Consolidated Fund:
- (e) For the members of the Joint Exchequer Board appointed by the Treasuries of Southern Ireland and Northern Ireland, there shall be substituted two members appointed by the Irish Treasury:
- (f) The provisions making stock or securities issued in respect of loans raised by the Governments of Southern Ireland and Northern Ireland trustee securities shall extend to stock or securities issued in respect of loans raised by the Government of Ireland.

(2) Provision shall be made by the Parliament of Ireland for the cost of Irish services administered by the Government of Ireland.

(3) All sums paid into the Irish Exchequer shall form the Irish Consolidated Fund, and, subject to the provisions of any Act of the Parliament of Ireland, or this Act, or any other Act of the Parliament of the United Kingdom charging any sums on the Irish Consolidated Fund, all such sums shall be appropriated to the public service of Ireland by Act of the Parliament

of Ireland, and shall not be applied for any purpose for which they are not so appropriated. A.D. 1920.

(4) Save as may be otherwise provided by Act of the Parliament of Ireland, the existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Irish Exchequer and Consolidated Fund, and an officer shall be appointed by the Lord Lieutenant to be Comptroller and Auditor-General for Ireland.

(5) Save as may be otherwise provided by Act of the Parliament of Ireland, the accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, and any Acts amending the same, by or under the direction of the Irish Comptroller and Auditor-General.

36. If at any time after the date of Irish union an address for the purpose is presented by both Houses of the Parliament of Ireland, the Joint Exchequer Board shall forthwith take into consideration the transfer to the Parliament and Government of Ireland of the powers of imposing, charging, levying and collecting customs duties and excise duties reserved by this Act, and report thereon and on the methods by which in case of such transfer the payment of the Irish contribution to Imperial liabilities and expenditure can be secured, and shall cause a copy of their report to be laid before the Parliament of the United Kingdom and the Parliament of Ireland. Future consideration of the transfer of Customs and Excise.

LORD LIEUTENANT.

37.—(1) Notwithstanding anything to the contrary in any Act, no subject of His Majesty shall be disqualified for holding the office of Lord Lieutenant of Ireland on account of his religious belief. Office of Lord Lieutenant.

(2) The term of office of the Lord Lieutenant shall be six years, without prejudice to the power of His Majesty at any time to revoke the appointment, and with the intent that the continuance in office of the Lord Lieutenant shall not be affected by any change of ministry.

(3) The salary and expenses of the Lord Lieutenant shall be paid out of moneys provided by the Parliament of the United Kingdom, but there shall be deducted from the Irish residuary share of reserved taxes in each year, towards the payment of the Lord Lieutenant's salary, a sum of five thousand pounds.

A.D. 1920.

PROVISIONS AS TO COURTS OF LAW AND JUDGES.

Establishment of courts.

38. The Supreme Court of Judicature in Ireland shall cease to exist, and there shall be established in Ireland the following courts, that is to say, a court having jurisdiction in Southern Ireland, to be called the Supreme Court of Judicature of Southern Ireland, a court having jurisdiction in Northern Ireland, to be called the Supreme Court of Judicature of Northern Ireland, and a court having appellate jurisdiction throughout the whole of Ireland, to be called the High Court of Appeal for Ireland.

Divisions and constitution of Supreme Court of Southern Ireland.

39.—(1) The Supreme Court of Judicature of Southern Ireland shall consist of two divisions, one of which, under the name of His Majesty's High Court of Justice in Southern Ireland, shall, in Southern Ireland, have and exercise all such jurisdiction as is now exercised by His Majesty's High Court of Justice in Ireland and by the judges of that Court (including the land judges), and the other of which, under the name of His Majesty's Court of Appeal in Southern Ireland, shall, in Southern Ireland, have and exercise all such jurisdiction as is now exercised by His Majesty's Court of Appeal in Ireland.

(2) The High Court of Justice in Southern Ireland and the Court of Appeal in Southern Ireland shall, subject to the provisions of Part III. of the Seventh Schedule to this Act, be constituted in manner provided by Part I. of that Schedule.

Divisions and constitution of Supreme Court of Northern Ireland.

40.—(1) The Supreme Court of Judicature of Northern Ireland shall consist of two divisions, one of which under the name of His Majesty's High Court of Justice in Northern Ireland shall, in Northern Ireland, have and exercise all such jurisdiction as is now exercised by His Majesty's High Court of Justice in Ireland and by the judges of that court (including the land judges), and the other of which, under the name of His Majesty's Court of Appeal in Northern Ireland shall, in Northern Ireland, have and exercise all such jurisdiction as is now exercised by His Majesty's Court of Appeal in Ireland.

(2) The High Court of Justice in Northern Ireland and the Court of Appeal in Northern Ireland shall, subject to the provisions of Part III. of the Seventh Schedule to this Act, be constituted in manner provided by Part II. of that Schedule.

Application of existing enactments and rules.

41.—(1) Subject to the provisions of this Act and any modifications or adaptations made by Irish Transfer Orders under this Act, all enactments relating to the Supreme Court of

Judicature in Ireland and the judges and officers thereof shall apply to the Supreme Court of Judicature in Southern Ireland and to the Supreme Court of Judicature in Northern Ireland respectively, and the judges and officers thereof, as they apply to the Supreme Court of Judicature in Ireland and the judges and officers thereof, and as if for references to the High Court of Justice in Ireland there were substituted references to the High Court of Justice in Southern Ireland or the High Court of Justice in Northern Ireland, as the case may be, and as if for references to the Court of Appeal in Ireland there were substituted references to the Court of Appeal in Southern Ireland or the Court of Appeal in Northern Ireland, as the case may be :

A.D. 1920.

Provided that, where but for this provision an appeal under section fifty-one of the Supreme Court of Judicature Act (Ireland), 1877, would lie to a divisional court, whether by way of motion for new trial or otherwise, an appeal shall lie to the Court of Appeal in Southern Ireland or Northern Ireland as the case may be instead of to a divisional court.

40 & 41 Vict.
c. 57.

(2) The existing rules of court made under the enactments relating to the Supreme Court of Judicature in Ireland shall be deemed to have been made under those enactments as applied by this Act to the Supreme Court of Judicature in Southern Ireland and the Supreme Court of Judicature in Northern Ireland respectively, and shall have effect accordingly with the necessary modifications in Southern Ireland and Northern Ireland respectively, and any such rules of court may be altered or annulled as if they had been made under those enactments as so applied.

(3) The Judgments Extension Act, 1868, shall apply to the registration and enforcement in the Supreme Court of Southern Ireland and Northern Ireland respectively of judgments obtained or entered up in the Supreme Courts of Northern Ireland and Southern Ireland respectively, in like manner as it applies to the registration and enforcement in the Supreme Court of Judicature in Ireland, of judgments obtained or entered up in the Supreme Court of Judicature in England.

31 & 32 Vict.
c. 54.

(4) A judge of the Supreme Court of Northern Ireland, shall not be named in a commission of assize or other commission, whether general or special, in Southern Ireland, and a judge of the Supreme Court of Southern Ireland shall not be

A.D. 1920. named in a commission of assize or other commission, whether general or special, in Northern Ireland.

Constitution
and officers
of High
Court of
Appeal for
Ireland.

42.—(1) The High Court of Appeal for Ireland shall be constituted of the following ex-officio judges, that is to say, the Lord Chancellor of Ireland, who shall be president of the court, the Lord Chief Justice of Southern Ireland and the Lord Chief Justice of Northern Ireland and of such other judges as may from time to time be nominated as members thereof in manner hereinafter provided.

(2) The High Court of Appeal for Ireland, when hearing any appeal, shall consist of three judges sitting together, of whom one shall be the Lord Chancellor of Ireland, another shall be the Lord Chief Justice of Southern Ireland, or a judge of the Supreme Court of Southern Ireland nominated by him to act in his place, and the third shall be the Lord Chief Justice of Northern Ireland, or a judge of the Supreme Court of Northern Ireland nominated by him to act in his place:

Provided that—

(a) if the Lord Chancellor considers that the case is of such importance that it is advisable that the court should consist of five judges, it shall consist of such three judges as aforesaid, together with an additional judge of the Supreme Court of Southern Ireland, nominated by the Lord Chief Justice of Southern Ireland, and an additional judge of the Supreme Court of Northern Ireland, nominated by the Lord Chief Justice of Northern Ireland;

(b) if the Lord Chancellor is unable to sit, the court shall consist of four judges, namely, the Lord Chief Justice of Southern Ireland, or a judge of the Supreme Court of Southern Ireland nominated by him, the Lord Chief Justice of Northern Ireland, or a judge of the Supreme Court of Northern Ireland nominated by him, a judge of the Supreme Court of Southern Ireland nominated by the Lord Chief Justice of Southern Ireland, and a judge of the Supreme Court of Northern Ireland nominated by the Lord Chief Justice of Northern Ireland.

(3) The High Court of Appeal for Ireland when hearing an appeal from the Supreme Court of Southern Ireland shall sit in Southern Ireland, and when hearing an appeal from the Supreme Court of Northern Ireland shall sit in Northern Ireland; and if the Lord Chancellor is not sitting, the Lord Chief Justice of the court within whose jurisdiction the High Court of Appeal is sitting, shall, if he sits as a judge of that court, preside; subject as aforesaid, judges of the Supreme Court of Southern Ireland and of Northern Ireland holding corresponding offices shall, when sitting as judges of the High Court of Appeal for Ireland, rank according to the priority of their respective appointments.

A.D. 1920.

(4) No judge shall sit as a judge of the High Court of Appeal for Ireland on the hearing of an appeal from any judgment or order made in a cause or matter heard by himself either sitting alone or with other judges, or from a judgment or order reversing, varying, or affirming a judgment or order so made.

(5) There shall be attached to the High Court of Appeal for Ireland such officers as the Lord Chancellor, with the approval of the Joint Exchequer Board as to number, may appoint, and there shall be paid to such officers out of moneys provided by the Parliament of the United Kingdom such salaries and allowances as the Joint Exchequer Board may determine, and there shall be paid out of moneys so provided to every judge of the said court such allowances as may be determined by the said Board in respect of attendances at the sittings of the court when it sits in a part of Ireland in which he does not reside.

43.—(1) An appeal shall lie to the High Court of Appeal for Ireland from any decision of the Court of Appeal in Southern Ireland or the Court of Appeal in Northern Ireland, and all questions which under the Crown Cases Act, 1848, would be reserved for the decision of the Judges of the High Court shall be reserved for the decision of the High Court of Appeal for Ireland, whose decision shall, except as hereinafter provided, be final, and the High Court of Appeal for Ireland shall have jurisdiction and power to hear and determine all such appeals and questions subject to the rules or orders of the Court.

Jurisdiction
of High
Court of
Appeal for
Ireland.
11 & 12 Vict.
c. 78.

(2) The Lord Chancellor, with the assistance of the Lord Chief Justice of Southern Ireland and the Lord Chief Justice of

A.D. 1920. Northern Ireland, and as respects fees subject to the approval of the Joint Exchequer Board, shall make rules for regulating the procedure of the High Court of Appeal for Ireland, and any other matter with respect to which rules of court may be made under the Judicature (Ireland) Acts, 1877 to 1907; and the court shall for all purposes of and incidental to the determination of any appeal within its jurisdiction, and the amendment, execution and enforcement of any judgment or order made on any such appeal have all the powers, authority and jurisdiction for the time being vested in the Supreme Court of Southern Ireland and the Supreme Court of Northern Ireland.

Provisions
as to Lord
Chancellor.

44.—(1) The provisions relating to the tenure of office by a judge of the Supreme Court of Southern Ireland or Northern Ireland, shall apply to the office of Lord Chancellor of Ireland.

(2) Nothing in this Act shall affect any jurisdiction exercised by the Lord Chancellor in respect of and on behalf of His Majesty as visitor of any college or other charitable foundation; but, save as aforesaid, the Lord Chancellor shall not exercise any executive functions, and the Lord Chancellor shall cease to be Keeper of the Great Seal of Ireland, and the custody thereof and such executive functions as aforesaid shall be transferred to the Lord Lieutenant.

Provisions
as to
Master of
the Rolls.

45. Any jurisdiction of the Master of the Rolls in Ireland with respect to public records in his custody shall be transferred to the Lord Lieutenant:

Provided that nothing in this section shall affect the rank, title or precedence of the existing Master of the Rolls.

Transitory
provisions.

46. The provisions set out in Part III. of the Seventh Schedule to this Act shall have effect with respect to existing judges and officers of the Supreme Court of Ireland (including officers attached to that Court), existing barristers, solicitors and solicitors' apprentices, and pending proceedings.

Provisions as
to judicature
before and
after Irish
union.

47.—(1) All matters relating to the Supreme Court of Southern Ireland, the Supreme Court of Northern Ireland and the High Court of Appeal for Ireland shall be reserved matters until the date of Irish union, but the constituent Acts, or any Act of the Parliament of Ireland, may provide for the amalgamation of the Supreme Court of Southern Ireland and the Supreme Court of Northern Ireland and the abolition or merger in the court so constituted of the High Court of Appeal

for Ireland, and may provide, as respects judges appointed after the date of Irish union, for such judges being appointed by the Lord Lieutenant and the substitution of an address from both Houses of the Parliament of Ireland for an address from both Houses of the Parliament of the United Kingdom in the provisions relating to the removal of judges, and for the salaries and pensions of such judges being charged on and paid out of the Irish Consolidated Fund instead of the Consolidated Fund of the United Kingdom. The reservation of matters relating to Supreme Courts as aforesaid shall not extend to the regulation of the profession of solicitors.

A. D. 1920.

(2) The provisions of this Act as to existing judges and existing pensions shall, after the date of Irish union, with the necessary modifications, extend to the judges who at that date are judges of any of the said courts, and to any pensions which at that date are payable to any persons on account of service as such judges.

48.—(1) A judge of any county court or other court with a like jurisdiction in Ireland, appointed after the appointed day, shall be appointed by the Lord Lieutenant, and shall hold his office on the same tenure as that by which the office is held at the time of the passing of this Act, with the substitution of an address from both Houses of the Parliament of Southern Ireland or of Northern Ireland, as the case may be, for an address from both Houses of the Parliament of the United Kingdom, and during his continuance in office his salary shall not be diminished or his rate of pension altered without his consent.

County
court
judges.

(2) Such rearrangement of the areas within the jurisdiction of county court judges shall be made by order of the Lord Lieutenant that the area of jurisdiction of any such judge shall be wholly within Southern Ireland or Northern Ireland.

49. An appeal shall lie from the High Court of Appeal for Ireland to the House of Lords—

Appeals
from the
High Court
of Appeal
for Ireland.

(a) in any case where under existing enactments such an appeal would lie from the existing Court of Appeal in Ireland to the House of Lords;

(b) in any case where a person is aggrieved by any decision of the High Court of Appeal for Ireland in any proceedings taken by way of certiorari, mandamus, quo warranto or prohibition;

A.D. 1920.

(c) in any case where a decision of the High Court of Appeal for Ireland involves a decision of any question as to the validity of any law made by or having the effect of an Act of the Parliament of Southern Ireland or Northern Ireland and the decision is not otherwise subject to appeal:

Provided that—

- (i) where under the existing enactments an appeal does not lie to the House of Lords, except with the leave of the existing Court of Appeal in Ireland, an appeal under this section shall not lie except with the leave of the High Court of Appeal for Ireland;
- (ii) an appeal shall not lie in the cases mentioned in paragraph (c) of this section, except with the leave of the High Court of Appeal for Ireland or the House of Lords.

Appeals where validity of Irish law questioned.

50. Where any decision of a court in Ireland involves the decision of any question as to the validity of any law made by or having the effect of an Act of the Parliament of Southern Ireland or Northern Ireland, and the decision is not under the existing enactments subject to any appeal to the Court of Appeal in Ireland, an appeal shall lie to the High Court of Appeal for Ireland by virtue of this section.

Special provision for decision of constitutional questions.

51.—(1) If it appears to the Lord Lieutenant or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Act, or order having the effect of an Act of the Parliament of Southern Ireland or Northern Ireland, or any provision thereof, or any Bill introduced in either of those Parliaments, or any provision thereof, or any legislative proposal before the Council of Ireland, is beyond the powers of such Parliament or Council or whether any service is an Irish Service within the meaning of this Act or not, or if the Joint Exchequer Board, or any two members of the Board, in the execution of their duties under this Act, are desirous of obtaining the decision of any question of the interpretation of this Act, or other question of law, which arises in connexion with those duties, the Lord Lieutenant, Secretary of State, or Board, or Members thereof, as the case may be, may represent the same to His Majesty in Council, and thereupon, if His Majesty so directs, the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council.

(2) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to His Majesty being stated in open court. A.D. 1920.

(3) Nothing in this Act shall prejudice any other power of His Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition His Majesty for such reference.

52.—(1) If any decision of the Joint Exchequer Board under this Act involves a decision with respect to any question of law, any person may petition His Majesty in Council to refer the question of law to the Judicial Committee of the Privy Council, and, if His Majesty so directs, the question of law shall be referred to and heard and determined by that Committee, and, if the Judicial Committee determine that the point of law has been erroneously decided by the Joint Exchequer Board, they shall report their determination to His Majesty, and, on such a report being made, the Joint Exchequer Board shall reconsider their decision with regard to the determination of the Judicial Committee. Appeals
from deci-
sions of
Joint
Exchequer
Board.

(2) Upon the hearing of any question referred under this section, such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were a decision of an appeal, the nature of the report or recommendation to His Majesty being stated in open court.

(3) A petition shall not be entertained under this section unless it is presented within six months after the date on which the decision of the Joint Exchequer Board to which the petition relates has been published.

53. Any decision of the House of Lords or of the Judicial Committee of the Privy Council as to the validity of any law made by or having the effect of an Act of the Parliament of Southern Ireland or Northern Ireland, and any decision of the Judicial Committee of the Privy Council on any other question of law which is to be determined by the Judicial Committee of the Privy Council under this Act shall be final and conclusive and binding upon all courts. Finality of
decisions of
the House of
Lords and
Judicial
Committee.

A.D. 1920.

PROVISIONS AS TO EXISTING JUDGES AND OFFICERS.

Provisions as to existing judges and existing officers having salaries charged on the Consolidated Fund, or removable only for misconduct or incapacity.

54.—(1) All existing county' court judges, and all existing Irish officers serving in an established capacity in the civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if at the date of the passing of this Act they are removable only on address from both Houses of Parliament of the United Kingdom, continue to be removable only upon such an address, and if removable in any other manner shall continue to be removable only in the same manner as before that date; and shall continue to receive the same salaries, gratuities, and pensions, and to enjoy the same rights and privileges and to be liable to perform the same duties as before that date or such duties as His Majesty may declare to be analogous, and their salaries and pensions shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and all sums so paid shall be made good by means of deductions from the Irish residuary share of reserved taxes under this Act in accordance with regulations made by the Treasury.

(2) If any of the said judges or officers retire from office with His Majesty's approbation before completion of the period of service entitling him to a pension, His Majesty may, if he thinks fit, after considering any representation that may be made by the Government of Southern Ireland or Northern Ireland, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as His Majesty thinks proper.

(3) Subsection (1) of this section shall apply to existing Irish officers in the civil service of the Crown, who, although receiving salaries not charged on the Consolidated Fund, are removable only for misconduct or incapacity, including clerks of the crown and peace and (after the date of Irish union) officers removable under section seventy-three of the Supreme Court of Judicature Act (Ireland), 1877: Provided that, in the case of any such officer whose salary is payable otherwise than out of money provided by the Parliament of the United Kingdom, the provisions of that subsection with respect to the payment of salaries and pensions out of the Consolidated Fund of the United Kingdom shall not have effect, and in the case of any such officer whose salary is payable out of money provided by the Parliament of the United Kingdom those provisions shall have effect with the substitution of payment out of money so provided for charge on and payment out of the Consolidated Fund of the United Kingdom.

(4) Subsection (2) of this section shall apply to any officer to whom subsection (3) of this section applies, with the substitution of a reference to a period of forty years' service for the reference to the period of service entitling to a pension. A.D. 1920.

55.—(1) Subject to the provisions of this Act, all existing Irish officers in the civil service of the Crown who are not provided for under the last preceding section and are at the appointed day serving as Irish officers shall, after that day, continue to hold their offices by the same tenure and upon the same terms and conditions (including conditions as to salaries and superannuation) as theretofore and shall be liable to perform the same duties as theretofore, or such duties as the Civil Service Committee established under this Act may determine to be analogous, and while performing the same or analogous duties shall receive not less salaries than they would have received if this Act had not passed: Continuation of service of, and compensation to, other existing officers.

Provided that, notwithstanding the provision herein-before contained as to the tenure of existing Irish officers, any existing Irish officer who at the time of the passing of this Act is removable from his office by His Majesty, or by the Chief Secretary, or by any person other than the Lord Lieutenant, or in any special manner, may be removed from his office after the appointed day by the Lord Lieutenant, but, in the case of the existing permanent members of the Congested Districts Board for Ireland, only by an order of the Lord Lieutenant, which shall be laid before the House of Commons of Southern Ireland and of Northern Ireland, and, if an address is presented to the Lord Lieutenant by either such House within the next subsequent forty days on which that House has sat after any such order is laid before it praying that the order may be annulled, the Lord Lieutenant may annul the order, and it shall thenceforth be void.

(2) The Superannuation Acts, 1834 to 1914, shall continue after the appointed day to apply to any such existing Irish officer to whom they then apply, and the service of any such officer under the Government of Southern Ireland or Northern Ireland or the Council of Ireland shall, for the purpose of those Acts, be deemed to be service in the permanent civil service of the Crown and in a public office within the meaning of the Superannuation Act, 1892.

Provided that, so far as relates to the grant and ascertainment of the amount of any allowance or gratuity under those Acts as respects any such officer who at the time of his ultimate 55 & 56 Vict. c. 40.

A.D. 1920. retirement is serving under the Government of Southern Ireland or Northern Ireland, or the Council of Ireland, the Civil Service Committee shall be substituted for the Treasury.

(3) The provisions as to compensation contained in the Eighth Schedule to this Act shall apply with respect to any such existing Irish officer.

(4) The superannuation and other allowances and gratuities which may become payable after the appointed day to or in respect of existing Irish officers in the civil service of the Crown under the Superannuation Acts, 1834 to 1914, and any compensation payable to any such officers under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom, but any sums so paid shall be made good by means of deductions from the Irish residuary share of reserved taxes in accordance with regulations made by the Treasury.

(5) Where any existing Irish officer in the civil service of the Crown, to whom the Superannuation Acts, 1834 to 1914, do not apply, is at the appointed day serving as an Irish officer in a capacity which, in accordance with a condition of his employment, qualifies him for a superannuation allowance or gratuity payable otherwise than under those Acts, that condition shall, after the appointed day, have effect, subject to the following modifications, that is to say, any superannuation allowance or gratuity which may become payable to the officer in accordance with that condition after the appointed day shall, if and so far as the fund out of which such allowances and gratuities are payable at the time of the passing of this Act is, by reason of anything done or omitted after the passing of this Act, not available for its payment, be charged upon and paid out of the Consolidated Fund of Southern Ireland or Northern Ireland, as the case may be, or shall be apportioned between those funds as the Joint Exchequer Board may determine, and any powers and duties of the Treasury as to the grant or ascertainment of the amount of the superannuation allowance or gratuity, or otherwise in connexion with the condition, shall be exercised and performed by the Civil Service Committee.

(6) The Pensions Commutation Acts, 1871 to 1882, shall apply to any person to whom an annual allowance is granted in pursuance of the provisions of this Act relating to existing officers as they apply to a person who has retired in consequence of the abolition of his office, and any terminable annuity payable in respect of the commutation of an allowance shall be payable out of the same funds as the allowance.

56.—(1) For the purpose of the provisions of this Act with respect to existing officers, there shall be established a committee to be called the Civil Service Committee.

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—
Establish-
ment of
Civil Service
Committee.

(2) The committee shall consist of seven members, of whom one shall be appointed by the Treasury, one by a Secretary of State, one by the Government of Southern Ireland, one by the Government of Northern Ireland, two by the existing Irish officers, and one (who shall be chairman) by the Lord Chief Justice of England :

Provided that, after the existing Irish officers have been allocated in manner hereinafter provided, of the members of the committee appointed by the existing Irish officers one shall be appointed by such of those officers as have become officers of the Government of Southern Ireland, and one by such of those officers as have become officers of the Government of Northern Ireland.

(3) Any vacancy arising in the committee shall be filled by the authority by whom the member whose place is vacant was appointed.

(4) The Treasury may make regulations as to the manner in which the members to be appointed by the existing Irish officers are to be selected.

(5) The committee may act by any four members, and notwithstanding any vacancy in their number, and, subject to the provisions of this Act, the committee may regulate their own procedure.

(6) The determination of the Civil Service Committee on any claim or question which is to be determined by them under the provisions of this Act relating to existing officers shall be final and conclusive.

(7) Any expenses incurred by the Civil Service Committee to such amount as may be approved by the Joint Exchequer Board shall be paid out of moneys provided by the Parliament of the United Kingdom, and shall be made good by means of deductions from the Irish residuary share of reserved taxes in accordance with regulations made by the Treasury.

57.—(1) Any pension granted on account of service in Ireland as Lord Chancellor or other judge of the existing Supreme

Provisions as
to existing
pensions and

A.D. 1920.
superannua-
tion allow-
ances.

Court or of any court consolidated into that court, or as a county court judge, or as an Irish officer in an established capacity in the civil service of the Crown, or as an officer or constable of the Dublin Metropolitan Police, or Royal Irish Constabulary, and payable at the appointed day, or in the case of an officer or constable of the Dublin Metropolitan Police or Royal Irish Constabulary at the date of transfer, shall be paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, if charged on that fund at the time of the passing of this Act, and out of moneys provided by the Parliament of the United Kingdom if so payable at that time, and shall be made good by means of deductions from the Irish residuary share of reserved taxes in accordance with regulations made by the Treasury.

(2) Any pension payable at the appointed day and granted on account of service in Ireland as an Irish officer in the civil service of the Crown not serving in an established capacity or on account of service as a petty sessions clerk or officer in the registry of petty sessions clerks shall, if and so far as the fund out of which it is payable at the time of the passing of this Act is by reason of anything done or omitted after the passing of this Act not available for its payment, be charged upon and paid out of the Consolidated Fund of Southern Ireland or Northern Ireland or apportioned between those funds as the Joint Exchequer Board may determine.

Provisions
for defining
of Irish
officer and
determining
claims.

58.—(1) For the purpose of the provisions of this Act relating to existing officers, any officer shall be deemed to be an Irish officer who is serving or employed in Irish services within the meaning of this Act, and the fact that the salary of an Irish officer is provided in whole or in part out of funds administered by the Government department in which he serves, or out of an allowance voted for the office expenses of the office in which he is employed, or out of fees, instead of being charged on the Consolidated Fund or paid out of moneys provided by the Parliament of the United Kingdom, shall not prevent that officer being treated as an officer in the civil service of the Crown:

Provided that, where any officers employed at the appointed date wholly or in part on Irish services form an integral part of a staff not solely engaged on such services, the department under which they are employed shall prepare a scheme for

determining which of the members of such staff are, for the purposes of this Act, to be treated as Irish officers, and such scheme shall be submitted to the Irish Civil Service Committee and, if and when approved by that committee, shall have effect as if enacted in this Act.

A.D. 1920.

(2) If any question arises whether an officer is an Irish officer as so defined, or otherwise as to any claim or right of an officer under the provisions of this Act relating to existing officers, that question shall be determined by the Civil Service Committee.

(3) If in any case the Civil Service Committee are of opinion that the service or employment of an officer is such that he is partly an Irish officer and partly not, that committee shall determine any question which arises as respects the proportions in which any allowance, gratuity, or compensation payable to that officer is to be paid as between the Exchequer or Consolidated Fund of Southern or Northern Ireland, as the case may be, and of the United Kingdom respectively.

59.—(1) The existing Irish officers who at the appointed day are concerned solely with the administration of public services in Southern Ireland shall become officers of the Government of Southern Ireland, and the existing Irish officers who at the appointed day are concerned solely with the administration of public services in Northern Ireland shall become officers of the Government of Northern Ireland.

Allocation
of existing
officers
between
Southern
and North-
ern Ireland.

(2) The existing Irish officers who at the appointed day are concerned with the administration of public services both in Southern Ireland and Northern Ireland shall be allocated as between the Governments of Southern Ireland and Northern Ireland in such manner as the Civil Service Committee may determine; and in determining whether any particular officer is to be allocated to the Government of Southern Ireland or to the Government of Northern Ireland, the Civil Service Committee shall, so far as the exigencies of the public service admit, endeavour to give effect to the wishes of the officer:

Provided that any existing Irish officers who at the appointed day are solely employed in public services which are as from the appointed day administered by the Council of Ireland shall become officers of the Council of Ireland.

A.D. 1920.

PROVISIONS AS TO MEMBERS OF POLICE.

Continuation
of service of
and compen-
sation to
members of
the police
forces.

60.—(1) All officers and constables of the Dublin Metropolitan Police and the Royal Irish Constabulary who are serving at the day of transfer shall, after that day, continue to serve on the same terms and conditions as theretofore, and shall be liable to perform the same duties as theretofore, and while so serving shall not receive less salaries than they would have received if this Act had not passed.

(2) Any existing enactments relating to the pay or pensions of officers and constables of the Dublin Metropolitan Police and Royal Irish Constabulary shall, after the transfer, continue to apply as respects any officer and constable serving at the day of transfer with the substitution of the Lord Lieutenant for the Treasury and for the Chief Commissioner or Inspector-General as the case requires.

(3) Where any such officer or constable, being qualified under the enactments aforesaid to retire on pension for length of service on or before the day of transfer, continues to serve after that day he shall, on retiring at any subsequent time, be entitled to receive a pension not less in amount than that to which he would have been entitled if he had retired on that day, and his right to receive such pension shall not, while he continues to serve, be liable to forfeiture, except in cases in which a pension when granted is liable to forfeiture under those enactments.

(4) The provisions as to compensation contained in the Ninth Schedule to this Act shall apply with respect to the officers and constables of the Dublin Metropolitan Police and of the Royal Irish Constabulary who are serving at the day of transfer.

(5) Any pensions and other allowances and gratuities which may become payable to officers and constables of the Dublin Metropolitan Police or the Royal Irish Constabulary after the day of transfer (being in either case officers and constables who are serving at the day of transfer) under the existing enactments applicable to them, and any compensation payable to any of those persons under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom; but any sums so paid shall be made good by means of deductions from the Irish residuary share of reserved taxes in accordance with regulations made by the Treasury.

(6) The Pensions Commutation Acts, 1871 to 1882, shall apply to any member of the Dublin Metropolitan Police or Royal Irish Constabulary to whom an allowance is granted in pursuance of the provisions of this section in like manner as if he had retired from the permanent civil service of the Crown on the abolition of his office, and any terminable annuity payable in respect of the commutation of an allowance shall be payable out of the same funds as the allowance.

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(7) In this section and in the Ninth Schedule to this Act the expression "day of transfer" means the day on which the control and management of the said forces are transferred from the Government of the United Kingdom, and the expression "existing enactments" means enactments in force at the day of transfer and includes any orders made under those enactments and in force on that day.

(8) The provisions of this Act with respect to the allocation of existing Irish officers as between Southern and Northern Ireland shall, unless the administration of the Royal Irish Constabulary is transferred to the Government of Ireland, apply to officers and constables of the Royal Irish Constabulary with the substitution of references to the Lord Lieutenant acting in accordance with instructions from His Majesty and the date of transfer for references to the Civil Service Committee and the appointed day.

GENERAL.

61. All existing laws, institutions, and authorities in Ireland, whether judicial, administrative, or ministerial, and all existing taxes in Ireland, shall, except as otherwise provided by this Act, continue as if this Act had not passed, but with the modifications necessary for adapting them to this Act, and subject, as respects matters within the powers of the Parliaments of Southern Ireland and Northern Ireland, and after the date of Irish union within the powers of the Parliament of Ireland, to repeal, abolition, alteration, and adaptation in the manner and to the extent authorised by this Act.

Continuation
of existing
laws, institu-
tions, &c.

62. His Majesty the King in Council may place under the control of the Government of Southern Ireland or Northern Ireland, for the purposes of that Government, or under the control of the Council of Ireland for the purposes of that Council, such of the lands, buildings, and property in Southern

Use of
Crown lands
by Irish
Govern-
ments.

A.D. 1920. Ireland and Northern Ireland respectively vested in or held in trust for His Majesty, and subject to such conditions or restrictions (if any) as may seem expedient.

Arrange-
ments
between
departments.

63. Arrangements may be made by any department of the Government of the United Kingdom for the exercise and performance on behalf of that department of any powers or duties of that department by officers of a department of the Government of Southern Ireland or Northern Ireland, or by officers of the Council of Ireland, or by any department of the Government of Southern Ireland or Northern Ireland, or by the Council of Ireland for the exercise and performance on behalf of that department or Council by officers of a department of the Government of the United Kingdom, or by officers of a department of the Government of Northern Ireland or Southern Ireland, as the case may be, on such terms and conditions as may be agreed:

Provided that no such arrangements shall diminish in any respect the responsibility of the department or Council by which the arrangement is made.

Special pro-
visions as to
certain
Universities
and Colleges.

64.—(1) No law made by the Parliament of Southern Ireland or Northern Ireland shall have effect so as to alter the constitution or divert the property of, or repeal or diminish any existing exemption or immunity enjoyed by the University of Dublin, or Trinity College, Dublin, or the Queen's University of Belfast, unless and until the proposed alteration, diversion, repeal, or diminution is approved:—

(a) in the case of the University of Dublin, or Trinity College, Dublin, by a majority of those present and voting at a meeting of each of the following bodies convened for the purpose, namely, the governing body of the College, and the junior fellows and professors voting together, and the University Council, and the Senate; and

(b) in the case of the Queen's University of Belfast by a majority of those present and voting at a meeting of each of the following bodies convened for the purpose, namely: the Senate, and the Academic Council, and the Convocation of the University:

Provided that this section shall not apply to the taking of property (not being land in the occupation of or used in connexion with the College or either of the Universities) for the

purpose of roads, railways, lighting, water, or drainage works, or other works of public utility upon payment of compensation. A.D. 1920.

(2) There shall be paid annually, out of moneys provided by the Parliament of Southern Ireland to Trinity College, Dublin, a sum of thirty thousand pounds, to the University College, Dublin, a sum of forty-two thousand pounds, to the University College, Cork, a sum of twenty-six thousand pounds, and to the University College, Galway, a sum of seventeen thousand pounds, for the general purposes of those colleges respectively, and the sum so payable to any of those colleges, if and so far as not so paid, shall be deducted on the order of the Joint Exchequer Board from the Irish residuary share of reserved taxes and paid to the college.

(3) There shall be paid annually, out of moneys provided by the Parliament of Northern Ireland to the Queen's University of Belfast, a sum of twenty-six thousand pounds for the general purposes of the University, and that sum, if and so far as not so paid, shall be deducted on the order of the Joint Exchequer Board from the Irish residuary share of reserved taxes and paid to the University.

(4) Until the Joint Exchequer Board certify that the amount standing to the credit of the account of Trinity College under section thirty-nine of the Irish Land Act, 1903, is adequate to afford the indemnity for which provision is made by that section, there shall be paid annually out of moneys provided by the Parliament of Southern Ireland the sum of five thousand pounds to that account; and that sum, if and so far as not so paid, shall be deducted on the order of the Joint Exchequer Board from the Irish residuary share of reserved taxes and paid to that account. 3 Edw. 7.
c. 37.

65.—(1) It is hereby declared that existing enactments relative to unlawful oaths or unlawful assemblies in Ireland do not apply to the meetings or proceedings of the Grand Lodge of Free and Accepted Masons of Ireland, or of any lodge or society recognised by that Grand Lodge.

Special provisions as to Freemasons.

(2) Neither the Parliament of Southern Ireland, nor the Parliament of Northern Ireland shall have power to abrogate or affect prejudicially any privilege or exemption of the Grand Lodge of Freemasons in Ireland, or any lodge or society recognised by that Grand Lodge which is enjoyed either by

A.D. 1920. law or custom at the time of the passing of this Act, and any law made in contravention of this provision shall, so far as it is in contravention of this provision, be void.

Provisions
as to the
Bank of
Ireland.

66.—(1) If the Government of Southern Ireland signify their desire to acquire for the use of the Parliament of Southern Ireland the premises (hereinafter referred to as “the bank premises”) of the Bank of Ireland situate in or near College Green, in the City of Dublin, they shall be entitled to do so on the fulfilment of the following conditions:—

(a) there shall be provided at the expense of the Government of Southern Ireland for the use of the bank a site and buildings suitable both as to situation of site and accommodation and ready for occupation as head office of the Bank of Ireland;

(b) there shall be paid to the bank compensation in respect of the bank premises and of disturbance, after taking into consideration the value of the new premises to be provided as aforesaid;

and on the publication in the Dublin Gazette of an Order by His Majesty in Council declaring that the said conditions have been fulfilled, the bank premises shall vest in His Majesty for the use of the Parliament of Southern Ireland.

(2) Any question as to whether the site and buildings so to be provided are suitable or ready for occupation, or as to the amount of compensation, shall be determined by a court of arbitration consisting of one person appointed by the Bank of Ireland, one person appointed by the Government of Southern Ireland, and a judge of a Supreme Court of Justice for any part of the United Kingdom (who shall be the chairman of the court) appointed by His Majesty, and there shall be paid to the members of the court, other than the chairman, such fees or other remuneration as the chairman of the court may determine to be proper, and those fees or remuneration and any other expenses of the court shall be charged on and paid out of the Consolidated Fund of Southern Ireland.

Repeal of
s. 16 of
21 & 22
Geo. 3. c. 11.
(Irish).

67. The powers conferred by section sixteen of the Act passed by the Irish Parliament in the session held in the twenty-first and twenty-second years of the reign of His Majesty King George the Third, chapter eleven, intituled, An Act for the better securing the liberty of the subject, shall not be exercised and that section shall be repealed.

68.—(1) No law made by the Parliament of Southern Ireland or the Parliament of Northern Ireland or, after the date of Irish union, by the Parliament of Ireland shall have effect so as to prejudice or diminish the rights or privileges of any existing or pensioned officer of a local authority under the provisions of the Local Government (Ireland) Acts, 1898 to 1919, or any Act relating to superannuation or retiring allowance or of any existing or pensioned officer of a university or college under the provisions of subsection (8) of section sixteen of the Irish Universities Act, 1908.

A.D. 1920.
Provisions
as to certain
officers of
local autho-
rities, uni-
versities or
colleges.

8 Edw. 7.
c. 38.

(2) Subsection (8) of section sixteen of the Irish Universities Act, 1908, and section eight of the Local Government (Ireland) Act, 1919, shall, from and after the appointed day, have effect, with the substitution of the Civil Service Committee for the Treasury and for the Local Government Board and for the Department of Agriculture and Technical Instruction for Ireland.

9 & 10 Geo. 5.
c. 19.

69. His Majesty may, by Orders in Council (in this Act referred to as Irish Transfer Orders), make such regulations as seem necessary or proper for setting in motion the Parliaments and Governments of Southern and Northern Ireland, and when established the Parliament and Government of Ireland, and also for any other matter for which it seems to His Majesty necessary or proper to make provision for the purpose of bringing this Act into full operation or for giving full effect to any provisions of this Act or to any future transfer under or by virtue of this Act of a reserved service; and in particular His Majesty may by any such Order in Council—

Power to
make Irish
Transfer
Orders.

(a) make such adaptations of any enactments so far as they relate to Ireland as may appear to him necessary or proper in order to give effect to the provisions of this Act, and also make any adaptations of any enactments so far as they relate to England or Scotland, as may appear to him necessary or proper as a consequence of any change effected by the provisions of this Act; and

(b) make such adaptation of any enactments as appear to him necessary or proper with respect to the execution of reserved services and services with respect to which the Parliaments of Southern Ireland and

A.D. 1920.

Northern Ireland have not power to make laws, and in particular provide for the exercise or performance of any powers or duties in connexion with those services by any department of the Government of the United Kingdom or officer of that Government where any such powers or duties are, under any existing Act or by the common law, to be exercised or performed by any department or officer in Ireland who will cease to exist as a department or officer of the Government of the United Kingdom; and

- (c) on the transfer of the postal service make regulations with respect to the relations of the Irish and British Post Offices, and in particular provide for an apportionment of the capital liabilities of the Post Office between the Exchequers concerned, for the execution of postal services by the one Post Office at the request of and on behalf of the other, and for the terms and conditions under which the services are to be so executed, for facilities being given in connexion with any such postal services at the request of one Post Office by the other, and for the reservation of power to His Majesty by Order in Council to transfer in time of war or national emergency the powers or duties of the Irish Post Office to the British Post Office, or to the naval, military, or air force authorities of the United Kingdom; and
- (d) on the transfer under this Act of public services in connexion with the Post Office Savings Bank, or Trustee Savings Banks, make provisions for giving a depositor in the Post Office Savings Bank resident in Ireland the right to repayment of any sums due to him in respect of his deposits at the time of the transfer, and for giving the trustees of any Trustee Savings Bank in Ireland the right to close their bank and to require repayment of all sums due to them from the National Debt Commissioners, and for securing to the holder of any annuity or policy of insurance granted before the date of the transfer the payment of the annuity or of any sums due under the policy; and
- (e) make provision for securing the payment of an old age pension to any person who is entitled to the

payment of such a pension at the appointed day, A.D. 1920.
while he continues so entitled; and

- (f) make provision with respect to the transfer and apportionment of any property, assets, rights, and liabilities in connexion with Irish services and the transfer of the right to recover any taxes charged but not paid before the appointed day; and for apportioning as between the Exchequer of the United Kingdom and the Exchequers of Southern and Northern Ireland the proceeds of transferred taxes properly attributable to Ireland and levied in respect of the financial year in which the appointed day falls; and
- (g) where the day appointed for the transfer of any Irish service is subsequent to the day appointed as the day from which the Irish residuary share of reserved taxes becomes payable, provide for the proper deductions being made from that share in respect of the cost of that service during the interval between the said days; and
- (h) provide, in cases where the same Act deals with reserved matters or matters with respect to which the Parliaments of Southern Ireland and Northern Ireland have not power to make laws and with other matters, for specifying the matters dealt with by the Act which are to be treated in accordance with this Act as such other matters; and
- (i) provide for the reservation of power to His Majesty to confer on the naval, military, or air force authorities of the United Kingdom control over any harbours, lighthouses, light vessels, buoys, beacons, or other navigational marks to such extent, at such times and in such circumstances as may appear to His Majesty to be required in the national interests; and
- (j) provide for the inclusion in the National Health Insurance Joint Committee of representatives of the Governments of Southern Ireland and Northern Ireland (or if the services connected with the administration of Part I. of the National Insurance Act, 1911, 1 & 2 Geo. 5. c. 55. as amended by subsequent enactments are transferred to the Council of Ireland, a representative of the

A.D. 1920.

Council of Ireland), and for conferring on that committee such powers in relation to England, Scotland, Wales, Southern Ireland and Northern Ireland as are, before the appointed day, exerciseable by the committee in relation to England, Scotland, Ireland and Wales; and

- (k) in the event of the Parliament of Ireland being established apply, so far as applicable, and subject to this Act and the constituent Acts, and subject to any necessary adaptations, to the Parliament and Government of Ireland, and ministers, departments, and officers of that Government, the provisions of this Act relating to the Parliaments and Governments of Southern and Northern Ireland, and ministers, departments, and officers of those Governments, and provide for the transfer of officers, property, and liabilities from the Governments of Southern and Northern Ireland to the Government of Ireland.

Irish Transfer Orders to be laid before Parliament.

70.—(1) Any Irish Transfer Order made under this Act shall be laid before both Houses of the Parliament of the United Kingdom within forty days next after it is made if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and, if an address is presented to His Majesty by either of those Houses within twenty-one days on which that House has sat next after any such order is laid before it praying that any such Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the Order.

(2) Any Irish Transfer Order made under this Act shall, subject to the foregoing provisions of this section, have effect as if enacted in this Act.

Alteration of scale of election expenses.

71. The provisions of the Fourth Schedule to the Representation of the People Act, 1918, in their application to elections of members to serve in the Parliament of the United Kingdom or the Parliament of Southern Ireland or Northern Ireland for any of the constituencies named in Part I. or Part II. of the Fifth Schedule to this Act, shall have effect with the substitution of two pence for seven pence and for five pence.

72.—(1) If the Lord Lieutenant certifies that the number of members of the House of Commons of Southern Ireland or Northern Ireland validly returned at the first election of members of the Parliament of Southern Ireland or Northern Ireland is less than half the total number of members of that House, or that the number of members of the House of Commons of Southern Ireland or Northern Ireland who have taken the oath as such members within fourteen days from the date on which the Parliament of Southern Ireland or Northern Ireland is first summoned to meet is less than one half of the total number of members of that House, His Majesty in Council may, by Order, provide for the dissolution of the Parliament of Southern Ireland or Northern Ireland, as the case may be, and for the exercise of the powers of the Government of Southern Ireland or Northern Ireland, as the case may be, by the Lord Lieutenant with the assistance of a committee consisting of such persons (who shall be members of the Privy Council of Ireland) as His Majesty may appoint for the purpose, and of the powers of the Parliament of Southern Ireland or Northern Ireland, as the case may be, by a legislative assembly consisting of the members of the said committee, together with such other persons as His Majesty may appoint for the purpose, and the Order may make such modifications in this Act in its application to the part of Ireland affected as may appear to His Majesty to be necessary for giving effect to the Order, and for making the provisions of this Act (including provisions as to the Council of Ireland) operative in all respects in that part of Ireland, and may contain such other consequential, incidental, and supplemental provisions as may appear necessary for the purposes of the Order, and any such Order shall have effect as if enacted in this Act but may be varied by any subsequent Order in Council.

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Provisions applicable in case of either House of Commons not being properly constituted.

(2) The person holding office in the House of Commons of Southern Ireland and of Northern Ireland corresponding to the office of Speaker of the House of Commons of the United Kingdom shall, at the expiration of the said period of fourteen days from the date on which the Parliament of Southern Ireland or Northern Ireland, as the case may be, is first summoned to meet, send to the Lord Lieutenant a list containing the names of the members of the House who have taken the oath as such members, and, for the purposes of this section, a member shall

A.D. 1920. be deemed not to have taken that oath unless his name is included in a list so sent.

(3) At any time within three years from the first day of June, nineteen hundred and twenty-one, His Majesty in Council may, subject as hereinafter provided, by Order provide for the revocation of any Order in Council made under subsection (1) of this section and for the issue of a proclamation summoning a Parliament as constituted by this Act to meet for the part of Ireland affected by such Order in Council; and, if such a proclamation is issued and an election is held in pursuance thereof, subsections (1) and (2) of this section shall apply in the case of that election in like manner as they applied in the case of the first election of members of the Parliament of that part of Ireland:

Provided that, before any Order in Council is made under this subsection, a draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and, if before the expiration of that period both Houses present an Address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new draft Order.

Commence-
ment of Act
and ap-
pointed day.

73.—(1) This Act shall, except as expressly provided, come into operation on the appointed day, and the appointed day for the purposes of this Act shall be the first Tuesday in the eighth month after the month in which this Act is passed, or such other day not more than seven months earlier or later, as may be fixed by Order of His Majesty in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, but the Parliaments of Southern and Northern Ireland shall be summoned to meet not later than four months after the said Tuesday, and the appointed day for holding elections for the Parliaments of Southern and Northern Ireland shall be fixed accordingly:

Provided that the appointed day as respects the transfer of any service may, at the joint request of the Governments of Southern Ireland and Northern Ireland, be fixed at a date later than seven months after the said Tuesday and that the appointed day as respects the provisions relating to the representation of Ireland in the House of Commons of the United

Kingdom shall be a day not earlier than the day on which the Parliament of the United Kingdom is next dissolved after the passing of this Act. A.D. 1920.

(2) Nothing in this Act shall affect the administration of any service before the day appointed for the transfer of that service from the Government of the United Kingdom.

74. In this Act, unless the context otherwise requires— Definitions.

The expression "existing" means existing at the appointed day:

The expression "constituency" means a county, borough, or university returning a member or members to serve in the House of Commons of Southern or Northern Ireland, or the Parliament of the United Kingdom, as the case requires:

The expression "parliamentary elector" means a person entitled to be registered as a voter at a parliamentary election:

The expression "parliamentary election" means the election of a member to serve in the Parliament of the United Kingdom:

The expression "election laws" means the laws relating to the election of members to serve in the Parliament of the United Kingdom, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the method of voting and counting votes, the questioning of elections, corrupt and illegal practices, the oath, qualification and disqualification of members, and the vacating of seats:

The expression "Customs duties" includes export duties as well as import duties:

The expression "excess profits duty" includes any tax on war-time increases of wealth, and any other tax which may hereafter be imposed in lieu of excess profits duty:

The expression "postal service" includes any telegraphic and telephonic service, and the issue, transmission, and payment of Post Office money orders and postal orders, but shall not include duties with respect to old age

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pensions or national health insurance undertaken by the Postmaster-General or such other duties of a similar character undertaken by him as may be excluded by Order in Council:

The expression "submarine cable" includes any land lines used solely for the purpose of connecting a submarine cable with another submarine cable:

The expression "Treasury of Southern or Northern Ireland" means the department or officer, by whatever name called, for the time being entrusted with the administration of finance in Southern and Northern Ireland respectively:

The expression "county court judge" includes recorder:

The expression "salary" includes remuneration, allowances, and emoluments:

The expression "pension" includes superannuation allowance and gratuity, and in relation to an officer or constable of the Royal Irish Constabulary or Dublin Metropolitan Police includes a pension or gratuity payable to the widow or children of an officer or constable:

The expression "office" includes any place, situation, or employment, and the expression "officer" shall be construed accordingly:

The expression "officer" in relation to the Royal Irish Constabulary includes the Inspector-General, the Deputy-Inspector-General, an Assistant-Inspector-General, the Assistant-Inspector-General-Commandant of the Dépôt, the Town Inspector at Belfast, a county inspector, a surgeon, a storekeeper and barrack-master, the veterinary surgeon, and a district inspector, and in relation to the Dublin Metropolitan Police, includes the Chief Commissioner and Assistant-Commissioner:

The expression "constable" in relation to the Royal Irish Constabulary includes the head-constable-major, a head-constable, sergeant, acting sergeant, and constable; and in relation to the Dublin Metropolitan Police includes every member of that force not being of higher rank than chief superintendent, and not being a member of the clerical staff only:

The expression "Royal Irish Constabulary" includes the reserve force of that body.

75. Notwithstanding the establishment of the Parliaments of Southern and Northern Ireland, or the Parliament of Ireland, or anything contained in this Act, the supreme authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things in Ireland and every part thereof.

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Saving for
supreme
authority of
the Parlia-
ment of the
United
Kingdom.

76.—(1) This Act may be cited as the Government of Ireland Act, 1920.

Short title
and repeal.

(2) The Government of Ireland Act, 1914, is hereby repealed as from the passing of this Act.

§ & 5 Geo. 5.
c. 90.

A.D. 1920.
Section 7.

SCHEDULES.

FIRST SCHEDULE.

PROCEDURE OF THE COUNCIL OF IRELAND IN RELATION TO THEIR POWERS OF PRIVATE BILL LEGISLATION.

1. Where any public authority or any persons (hereinafter referred to as "the promoters") desire to obtain an order of the Council of Ireland in regard to any matter with respect to which the Council have power to make an order under section seven of this Act, the promoters may proceed by presenting a petition to the Council praying them to issue an order in accordance with the draft order submitted to them by the promoters, or in accordance with that draft, subject to such modifications as may appear necessary.

2. The Council may make standing orders (subject, in the case of orders as to fees, to the consent of the Treasuries of Southern Ireland and Northern Ireland) with respect to the procedure under this schedule and in particular with respect to—

- (a) the time and manner in which petitions are to be presented ;
- (b) the deposit of plans and books of reference ;
- (c) the publication of notices, and, where land is to be taken, the service of notices on owners, lessees, and occupiers ;
- (d) the deposit of copies of the draft order, whether as originally presented or as proposed to be altered, with the Council of Ireland, and such departments of the Governments of Southern Ireland and Northern Ireland as may be prescribed by the Lord Lieutenant, and in such cases as may be prescribed by the Lord Lieutenant with such departments of the Government of the United Kingdom as may be so prescribed ;
- (e) the holding of meetings of the Council for the consideration of petitions and draft orders ;
- (f) the reference of petitions, draft orders, and oppositions to examiners for examination and report whether standing orders have been complied with and otherwise ;
- (g) the reference of draft orders for consideration by committees of the Council ;

(h) oppositions to draft orders ;

(i) fees ;

so, however, that the standing orders shall authorise oppositions to a draft order by any persons who, if the petition had been a petition for a Bill presented to the Parliament of the United Kingdom, would have been entitled to appear and oppose the Bill, and shall require the reference of the draft order to a committee of the Council in any case where it is opposed and the opposition has not been withdrawn, and shall require the committee to sit in that part of Ireland in which the promoters reside or have their principal place of business.

(3) The Council shall, after considering any reports received by them from any department with which copies of the draft order have been deposited, and, where the draft order has been referred to a committee of the Council, the report of that committee, determine whether to issue the order as prayed for, or to issue the order with such modifications as may appear to be necessary having regard to such representations and report as aforesaid, or to refuse to issue any order :

Provided that, where a draft order has been referred to a committee of the Council, and that committee has reported that the order should not be made, the Council shall refuse to issue an order.

SECOND SCHEDULE.

Section 13.

COMPOSITION OF SENATE OF SOUTHERN IRELAND.

PART I.

OFFICES ENTITLING HOLDERS TO BE SENATORS.

The Lord Chancellor of Ireland ;

The Lord Mayor of Dublin ;

The Lord Mayor of Cork.

PART II.

NOMINATED SENATORS.

| | Number of Senators. |
|--|---------------------|
| Representatives of Commerce (including Banking), Labour, and the Scientific and Learned Professions, to be nominated by the Lord Lieutenant. | 17 |

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PART III.

ELECTED SENATORS.

| Description of Senators. | Number of Senators. | Electors. |
|---|---------------------|--|
| Archbishops or Bishops of the Roman Catholic Church holding Sees situated wholly or partly in Southern Ireland. | 4 | The Archbishops and Bishops of the Roman Catholic Church holding Sees situated wholly or partly in Southern Ireland. |
| Archbishops or Bishops of the Church of Ireland holding Sees situated wholly or partly in Southern Ireland. | 2 | The Archbishops and Bishops of the Church of Ireland holding Sees situated wholly or partly in Southern Ireland. |
| Peers who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland. | 16 | The Peers who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland. |
| Members of His Majesty's Privy Council in Ireland of not less than two years' standing who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland. | 8 | The Members of His Majesty's Privy Council in Ireland who are taxpayers or ratepayers in respect of property in and have residences in Southern Ireland. |
| Representatives of County Councils in Leinster - - - - - 4 Munster - - - - - 4 Connaught - - - - - 4 Co. Donegal - - - - - } Co. Monaghan - - - - - } 2 Co. Cavan - - - - - } | 14 | By the Members of County Councils voting together as Provinces. |

THIRD SCHEDULE.

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Section 13.

COMPOSITION OF SENATE OF NORTHERN IRELAND.

PART I.

OFFICES ENTITLING HOLDERS TO BE SENATORS.

The Lord Mayor of Belfast ;
The Mayor of Londonderry.

PART II.

ELECTED SENATORS.

Twenty-four senators to be elected by the members of the House of Commons of Northern Ireland.

FOURTH SCHEDULE.

Section 13.

PROVISIONS WITH RESPECT TO THE NOMINATION, ELECTION,]
AND TERM OF OFFICE OF SENATORS.

1. His Majesty may, by Orders in Council, make such provisions as may appear necessary or proper with respect to the election of senators, and in particular with respect to the making and keeping of lists of the electors specified in the third part of the Second Schedule, the issue of writs, the modes of service, and the returns to be made to such writs.

2.—(a) The term of office of every elected member of the Senate of Northern Ireland shall be eight years, provided that one half of such members shall retire at the end of every fourth year, the members to retire at the end of the first four years being selected by lot.

(b) With respect to the members of the Senate of Southern Ireland, the term of office of every nominated senator, and of every elected senator (other than senators elected by members of county councils) shall be ten years, and the term of office of a senator elected by members of county councils shall be three years. Provided that, where a particular qualification is required under Part III. of the Second Schedule for a senator to be elected by any of the classes of electors specified in that part of the said schedule, such a senator shall cease to hold office on ceasing to have that qualification. The disqualification of persons in Holy Orders shall not apply in respect of any Archbishop or Bishop of the Roman Catholic Church or Church of Ireland elected as a senator of the appropriate class.

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(c) The term of office of a senator shall not be affected by a dissolution of the Parliament of Southern Ireland or Northern Ireland.

(d) Senators shall retire at the end of their term of office and their seats shall be filled by new elections.

3. If the place of an elected senator becomes vacant before the expiration of his term of office by death, resignation, incapacity, or otherwise, the Lord Lieutenant shall cause a writ or writs to be issued for the election by the body by whom such senator was elected of a senator in his place, and, if the place of a nominated senator so becomes vacant, the Lord Lieutenant shall nominate a new senator in his place, but any senator so elected or nominated to fill a casual vacancy shall hold office only so long as the senator in whose stead he is elected or nominated would have held office.

4. At any contested election of four or more members of the Senate of Southern Ireland or of Northern Ireland, the election shall be according to the principle of proportional representation, each elector having one transferable vote as defined by the Representation of the People Act, 1918, and His Majesty in Council shall have the same power of making regulations in respect thereto as he has under subsection (3) of section twenty of that Act and that subsection shall apply accordingly.

Sections 14
and 71.

FIFTH SCHEDULE.

PART I.

CONSTITUENCIES IN SOUTHERN IRELAND.

Boroughs.

| Constituency. | Number of Members for Parliament of Southern Ireland. | Number of Members for Parliament of United Kingdom. |
|--|---|---|
| DUBLIN: | | |
| Mid Dublin, consisting of the College Green and the Dublin Harbour Divisions. | 4 | 1 |
| North West Dublin, consisting of the Clontarf, St. James's and St. Michan's Divisions. | 4 | 1 |
| South City, consisting of St. Patrick's and St. Stephen's Green Divisions. | 4 | 1 |
| CORK | 4 | 1 |
| Total (Boroughs) | 16 | 4 |

Counties.

A.D. 1920.

| Constituency. | Number of Members for Parliament of Southern Ireland. | Number of Members for Parliament of United Kingdom. |
|--|---|---|
| Cavan - - - - - | 3 | 1 |
| Donegal - - - - - | 6 | 1 |
| Monaghan - - - - - | 3 | 1 |
| Dublin - - - - - | 6 | 2 |
| King's County - - - - - | 4 | 1 |
| Queen's County - - - - - | 4 | 1 |
| Kildare - - - - - | 5 | 1 |
| Wicklow - - - - - | 4 | 1 |
| Wexford - - - - - | 4 | 1 |
| Carlow - - - - - | 4 | 1 |
| Kilkenny - - - - - | 4 | 1 |
| Longford - - - - - | 4 | 1 |
| Westmeath - - - - - | 4 | 1 |
| Louth - - - - - | 5 | 1 |
| Meath - - - - - | 4 | 1 |
| Clare - - - - - | 4 | 1 |
| East Limerick - - - - - | 4 | 1 |
| Borough of Limerick - - - - - | 4 | 1 |
| Kerry - - - - - | 8 | 2 |
| West Limerick - - - - - | 3 | 1 |
| Cork, East - - - - - | 3 | 1 |
| Cork, North East - - - - - | 3 | 1 |
| The remaining five divisions of Cork - - - - - | 8 | 2 |
| Tipperary, East - - - - - | 5 | 1 |
| Waterford - - - - - | 5 | 1 |
| Borough of Waterford - - - - - | 4 | 1 |
| The remaining three divisions of Tipperary - - - - - | 4 | 1 |
| Galway - - - - - | 7 | 2 |
| North Mayo - - - - - | 4 | 1 |
| West Mayo - - - - - | 4 | 1 |
| South Mayo - - - - - | 4 | 1 |
| South Roscommon - - - - - | 4 | 1 |
| East Mayo - - - - - | 5 | 1 |
| Sligo - - - - - | 5 | 1 |
| Leitrim - - - - - | 4 | 1 |
| North Roscommon - - - - - | 4 | 1 |
| Total (Counties) - - - - - | 104 | 26 |

UNIVERSITIES.

| Constituency. | Number of Members for Parliament of Southern Ireland. | Number of Members for Parliament of United Kingdom. |
|---------------------------------------|---|---|
| Dublin University - - - - - | 4 | 2 |
| National University - - - - - | 4 | 1 |
| Total (Universities) - - - - - | 8 | 3 |

A.D. 1920.

| | Number of Members for Parliament of Southern Ireland. | Number of Members for Parliament of United Kingdom. |
|----------------------------|---|---|
| Total of Members : | | |
| Borough Members - - - - | 16 | 4 |
| County Members - - - - | 104 | 26 |
| University Members - - - - | 8 | 3 |
| Total Members - - - - | 128 | 33 |

PART II.

CONSTITUENCIES IN NORTHERN IRELAND.

Boroughs.

| Constituency. | Number of Members for Parliament of Northern Ireland. | Number of Members for Parliament of United Kingdom. |
|--|---|---|
| BELFAST : | | |
| East Belfast, consisting of the Pottinger and the Victoria Divisions. | 4 | 1 |
| North Belfast, consisting of the Duncairn and the Shankill Divisions. | 4 | 1 |
| South Belfast, consisting of the Cromac and the Ormeau Divisions. | 4 | 1 |
| West Belfast, consisting of the Falls, St. Anne's and the Woodvale Divisions. | 4 | 1 |
| Total (Boroughs) - - - - | 16 | 4 |

Counties.

| Constituency. | Number of Members for Parliament of Northern Ireland. | Number of Members for Parliament of United Kingdom. |
|--|---|---|
| Antrim - - - - - | 7 | 2 |
| Armagh - - - - - | 4 | 1 |
| Fermanagh - - - - - | 8 | 2 |
| Tyrone - - - - - | | |
| Londonderry (including the Borough of Londonderry). | 5 | 1 |
| Down - - - - - | 8 | 2 |
| Total (Counties) - - - - | 32 | 8 |

UNIVERSITY.

A.D. 1920.

| Constituency. | Number of Members for Parliament of Northern Ireland. | Number of Members for Parliament of United Kingdom. |
|-------------------------------------|---|---|
| Queen's University of Belfast - - - | 4 | 1 |
| Total (University) - - - | 4 | 1 |

| | Number of Members for Parliament of Northern Ireland. | Number of Members for Parliament of United Kingdom. |
|----------------------------|---|---|
| Total of Members : | | |
| Borough members - - - - | 16 | 4 |
| County members - - - - | 32 | 8 |
| University members - - - - | 4 | 1 |
| Total members - - - - | 52 | 13 |

SIXTH SCHEDULE.

Section 23.

IMPERIAL LIABILITIES AND EXPENDITURE.

I. National Debt charges, that is to say :—

- (1) The charge in respect of the funded and unfunded debt of the United Kingdom, inclusive of terminable annuities paid out of the permanent annual charge for the National Debt and inclusive of the cost of the management of the said funded and unfunded debt; and
- (2) All other charges on the Consolidated Fund of the United Kingdom for the repayment of borrowed money or to fulfil a guarantee, other than charges in respect of local loans stock and any guaranteed stock raised for the purpose of land purchase in Ireland,

after deducting any sums received by way of interest on any advances made to the Government of any of His Majesty's Dominions or any foreign country :

Provided that any debt or charge incurred or created after the passing of this Act for raising money for the purpose of any expenditure which is not Imperial expenditure within the meaning of this Schedule shall be excluded.

II. Naval, Military, and Air Force Expenditure (including pensions and allowances payable to persons who have been members of or in respect of service in any of the naval, military, or air forces, or their widows or dependants, and provision for the training, education,

A.D. 1920. employment, and assistance for the re-instatement in civil life of persons who have ceased to be members of any such force).

III. Civil Expenditure, that is to say:—

(a) Civil List and Royal Family.

(b) Expenditure in connexion with—

(i) the Parliament of the United Kingdom;

(ii) The National Debt Commissioners;

(iii) The Foreign Office and diplomatic and consular services, including secret service, special services, and telegraph subsidies;

(iv) The Colonial Office, including special services and telegraph subsidies;

(v) Trade with any place out of the United Kingdom;

(vi) The Mint;

(c) Such of the expenditure in connexion with any other Government department as the Joint Exchequer Board may determine to be Imperial expenditure;

after deducting any sums received otherwise than by way of taxation which the Joint Exchequer Board may determine to be of the nature of Imperial receipts.

SEVENTH SCHEDULE.

Sections 39
and 46.

PART I.

SUPREME COURT OF JUDICATURE OF SOUTHERN IRELAND.

1.—(1) His Majesty's High Court of Justice in Southern Ireland shall consist of seven judges, namely, the Lord Chief Justice of Southern Ireland, who shall be president thereof, and six puisne judges, or, so long as the existing Master of the Rolls retains his office, the Master of the Rolls and five puisne judges.

(2) The Judicial Commissioner of the Land Commission shall, by virtue of his office, be an additional judge of the High Court of Justice in Southern Ireland for the purposes of his powers and duties in relation to land purchase.

2.—(1) His Majesty's Court of Appeal in Southern Ireland shall consist of the Lord Chief Justice of Southern Ireland, who shall be president thereof, and two ordinary judges, who shall be known as Lords Justices of Appeal:

Provided that, so long as the existing Master of the Rolls retains his office, he shall *ex officio* be a member of the Court of Appeal.

(2) The Lord Chief Justice of Southern Ireland may request any judge of the High Court of Justice in Southern Ireland to attend at any time for the purpose of sitting as an additional judge of the Court of Appeal in Southern Ireland, and any judge whose attendance is so requested shall attend accordingly, and while attending shall be deemed to be an additional judge of that Court of Appeal. A.D. 1920.

PART II.

SUPREME COURT OF JUDICATURE OF NORTHERN IRELAND.

1.—(1) His Majesty's High Court of Justice in Northern Ireland shall consist of three judges, namely, the Lord Chief Justice of Northern Ireland, who shall be president thereof, and two puisne judges.

(2) The Judicial Commissioner of the Land Commission shall, by virtue of his office, be an additional judge of the High Court of Justice in Northern Ireland for the purposes of his powers and duties in relation to land purchase.

2.—(1) His Majesty's Court of Appeal in Northern Ireland shall consist of the Lord Chief Justice of Northern Ireland, who shall be president thereof, and two ordinary judges, who shall be known as Lords Justices of Appeal.

(3) The Lord Chief Justice of Northern Ireland may request any Judge of the High Court of Justice in Northern Ireland to attend at any time for the purpose of sitting as an additional judge of the Court of Appeal in Northern Ireland, and any judge whose attendance is so requested shall attend accordingly, and while attending shall be deemed to be an additional judge of that Court of Appeal.

PART III.

TRANSITORY PROVISIONS.

1. All the existing judges of the Supreme Court of Judicature in Ireland, other than the Lord Chancellor, shall, as from the appointed day, be transferred to and become judges holding corresponding offices in the Supreme Court of Southern Ireland:

Provided that—

(a) if any such judge not less than one month before the appointed day notifies to the Lord Chancellor of Ireland his desire to be transferred to the Supreme Court of Northern Ireland, he shall, if the Lord Chancellor and the Lord Chief Justice of Northern Ireland approve, be transferred to and become a judge of that Court instead of a judge of the Supreme Court of Southern Ireland; and

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- (b) if any such judge so notifies to the Lord Chancellor of Ireland his desire to retire instead of being so transferred, His Majesty may, if he thinks fit, notwithstanding that such judge has not completed the period of service entitling him to a pension, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as His Majesty thinks fit;
- (c) the existing Lord Chief Justice of Ireland, if he becomes Lord Chief Justice of Southern Ireland, shall, so long as he holds that office, be entitled to retain the rank and title of Lord Chief Justice of Ireland, and to exercise any jurisdiction in respect of and on behalf of His Majesty as a visitor to any college or other charitable foundation exerciseable by him on the appointed day;
- (d) the Lord Chief Justice of Northern Ireland shall be appointed not less than one month before the appointed day.

2. If by reason of such transfers the number of judges of the Supreme Court of Southern Ireland or of the Supreme Court of Northern Ireland is greater than the number provided by this Act as the number of judges of those courts respectively, no new judge of that court shall be appointed until the number of the judges thereof has been reduced below such number as aforesaid.

3. Subject to the provisions of this Schedule with respect to the existing solicitors, all existing officers of or attached to the Supreme Court of Judicature in Ireland (including the Registrar in Lunacy and the officers employed in his office) shall, as from the appointed day, be transferred to and become officers holding corresponding offices in or attached to the Supreme Court of Southern Ireland:

Provided that—

- (a) if any such officer not less than one month before the appointed day notifies to the Lord Chancellor his desire to be transferred to the Supreme Court of Northern Ireland or to the High Court of Appeal for Ireland, he shall, if the Lord Chancellor and the Lord Chief Justices of Southern Ireland and Northern Ireland approve, be transferred to and become an officer of or attached to the Supreme Court of Northern Ireland, or the High Court of Appeal for Ireland; and
- (b) any such officer, if concerned wholly with functions of the Lord Chancellor which are retained by the Lord Chancellor, shall remain an officer of the Lord Chancellor, and, if concerned wholly or mainly with functions of the Lord Chancellor or Master of the Rolls which are by this Act transferred to the Lord Lieutenant, shall become an officer attached to the Lord Lieutenant, and shall hold office by the same tenure and upon the same terms and conditions

by and upon which he holds office on the appointed day, and any question as to whether any such officer is wholly or mainly so concerned shall be determined by the Lord Lieutenant.

4. All existing members of the Irish Bar shall, as from the appointed day, become members both of the Bar of Southern Ireland and of the Bar of Northern Ireland, and shall have right of audience in the Supreme Court both of Southern Ireland and of Northern Ireland.

5. All existing solicitors of the Supreme Court of Judicature in Ireland shall, as from the appointed day, become solicitors of the Supreme Court both of Southern Ireland and of Northern Ireland and of the High Court of Appeal for Ireland.

6. Any person who on the appointed day is apprenticed to a solicitor of the Supreme Court of Judicature in Ireland shall, if he is thereafter admitted to be a solicitor of the Supreme Court of Southern Ireland or Northern Ireland, become, by virtue of such admission, a solicitor of the Supreme Court of Northern Ireland or Southern Ireland and of the High Court of Appeal for Ireland.

7. All proceedings, whether civil or criminal, which are pending in the Supreme Court of Judicature in Ireland at the appointed day, including proceedings in which a judgment or order has been given or made but not enforced, shall be transferred either to the Supreme Court of Southern Ireland or the Supreme Court of Northern Ireland in accordance with the following rules:—

- (1) If the parties agree, the proceeding, unless it relates to land, shall be transferred to the court so agreed upon.
- (2) If the proceeding relates to land, it shall be transferred to the court within the jurisdiction of which the land is situate:

Provided that, if the land is situate partly in Southern Ireland and partly in Northern Ireland, the proceeding shall be transferred, so far as it relates to land in Southern Ireland, to the Supreme Court of Southern Ireland, and, so far as it relates to land in Northern Ireland, to the Supreme Court of Northern Ireland, unless the proceeding is one with which either court would have jurisdiction to deal, in which case the proceeding shall be transferred in accordance with the rules applicable to proceedings other than those relating to land.

- (3) In any other case, the proceeding shall be transferred to the Supreme Court of Southern Ireland, unless the plaintiff or other person by whom the proceeding was instituted gives notice to the other party or parties of his desire to have it transferred to the Supreme Court of Northern Ireland, in which case it shall be transferred to the Supreme Court of Northern Ireland, provided that any other party, if he

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objects to the transfer of the proceeding to the Supreme Court of Northern Ireland, may apply to the High Court of Appeal for Ireland, and that court shall have jurisdiction to determine to which of the courts the proceeding is to be transferred, and the decision of the High Court of Appeal for Ireland in the matter shall be final.

Where a case is transferred under the foregoing rules to either court, proceedings thereon shall be continued as if the case had originated in and the previous proceedings had been taken in that court.

Section 55.

EIGHTH SCHEDULE.

PROVISIONS AS TO COMPENSATION OF EXISTING IRISH OFFICERS.

1.—(1) If any existing Irish officer who is serving in the civil service of the Crown in an established capacity, or who, though not so serving in an established capacity, devotes his whole time to the duties of his office—

- (a) retires under the conditions hereinafter defined as the statutory conditions of retirement; or
- (b) retires with the permission of the Civil Service Committee given in accordance with this Schedule; or.
- (c) is removed from office by the Government of Southern Ireland or Northern Ireland before he attains the age of sixty-five years for any cause other than misconduct or incapacity, or is required to retire by the Government of Southern Ireland or Northern Ireland before he attains that age for any cause other than as aforesaid;

he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part I. of the Rules contained in this Schedule if he is serving in an established capacity, and in accordance with the provisions of Part II. of the Rules contained in this Schedule, if though not serving in an established capacity he devotes his whole time to the duties of his office.

(2) If any existing Irish officer who is serving in the civil service of the Crown, not being an officer who is serving in an established capacity, or an officer who though not serving in an established capacity devotes his whole time to the duties of his office, is removed from office or required to retire by the Government of Southern Ireland or Northern Ireland for any cause other than misconduct or incapacity, he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part II. of the Rules contained in this Schedule.

(3) The compensation of an officer serving in an established capacity who has previously served in a non-established capacity may be determined in accordance with the provisions of Part II. instead of the provisions of Part I. of the Rules contained in this Schedule, if he so requires, and in that case the limit of the compensation shall be the amount of compensation which might have been awarded if his whole service had been service in an established capacity, and the compensation of an officer not serving in an established capacity may be determined in accordance with the provisions of Part I. instead of the provisions of Part II. of those Rules if the Civil Service Committee are satisfied that he serves in a capacity which under a condition of his employment qualifies him for a superannuation allowance or gratuity on terms not less advantageous than if he served in an established capacity, and accordingly in the application to him of the provisions of Part I. of those Rules references to that condition shall, where the context so requires, be substituted for references to the Superannuation Acts, 1834 to 1914.

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2. For the purposes of this Schedule, the statutory conditions of retirement are that—

- (a) Retirement must take place within a period of seven years from the appointed day (in this Schedule referred to as the transitional period);
- (b) Notice of the intention to retire must be given in accordance with regulations made by the Civil Service Committee;
- (c) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Civil Service Committee, if they think fit, to any later date (not being more than two years after the date of the notice) within the transitional period; and
- (d) The retiring officer must show to the satisfaction of the Civil Service Committee that he is not incapacitated by mental or bodily infirmity for the performance of his duties and that he has not attained the age of sixty-five years at the time when the notice is given.

3. The Civil Service Committee shall not give their permission under this Schedule to an officer to retire unless that officer shows to the satisfaction of the Committee—

- (a) that the duties which he is required to perform are neither the same as nor analogous to the duties theretofore performed by him or involve an unreasonable addition to those duties;
- or

A.D. 1920.

(b) that owing to changes in the conditions of his employment, his position has been materially altered.

4.—(1) For the purpose of the provisions of this Act as to existing officers, petty sessions clerks and officers in the Registry of Petty Sessions Clerks shall be deemed to be officers in the civil service of the Crown, and officers in the Registry of Petty Sessions Clerks shall be deemed for the purposes of this Schedule to be officers to whom the Superannuation Acts, 1834 to 1914, apply.

This provision shall apply to the pensionable assistants of the petty sessions clerks at Cork and Belfast as it applies to the petty sessions clerks.

5. In this Schedule references to the Government of Southern Ireland or Northern Ireland shall include references to any department or officer of the Government of Southern Ireland or Northern Ireland and to the Council of Ireland.

RULES—PART I.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN IN AN ESTABLISHED CAPACITY.

A.—On Retirement under the Statutory Conditions of Retirement.

1. The compensation which may be awarded to the officer shall be an annual allowance, not exceeding in any case two-thirds of the salary on which the allowance is reckoned, or, if he has completed less than ten years of service as reckoned for the purposes of this provision, a gratuity.

2. The annual allowance or gratuity shall be calculated in like manner as the superannuation allowance or gratuity which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1914, if he retired on the ground of ill-health, save that, for the purposes of that calculation, the following provisions shall have effect, that is to say:—

(a) His years of service shall be reckoned as if he had served up to the end of the transitional period, or to the time when he would have reached the age of sixty-five, whichever may be the earlier, and there shall be added any additional years which he may be entitled to reckon under section four of the Superannuation Act, 1859:

(b) His salary, where there are periodical increments, shall be taken at the amount which it would have reached if he had continued to serve in the same office up to the end of the transitional period.

22 Vict. c. 26.

B.—On retirement with the permission of the Civil Service Committee under this Schedule or on being removed from office or required to retire by the Government of Southern Ireland or Northern Ireland before attaining the age of sixty-five years for any cause other than misconduct or incapacity.

1. The compensation which may be awarded to the officer shall be an annual allowance not exceeding in any case two-thirds of the salary on which the allowance is reckoned, and not less than an allowance calculated in accordance with the following provisions, that is to say :—

An annual allowance calculated in like manner as the superannuation allowance which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1914, if he retired on the ground of ill-health, save that, for the purposes of such calculation, the following provisions shall have effect, that is to say :—

- (a) Where the officer retires or is removed after the end of the transitional period, ten years shall be added as abolition years to the years of service which he would be entitled to reckon for the purposes of such superannuation allowance :
- (b) Where the officer retires or is removed during the transitional period his years of service shall be reckoned, and the amount of his salary shall be computed in the same manner as is provided in this Part of these Rules in the case of an officer retiring under the statutory conditions of retirement, and ten years shall be added as abolition years to the years of service so reckoned :

Provided that—

- (i) Where an officer at the time of leaving the service has attained the age of twenty-eight years but has not attained the age of thirty-three years, the abolition years to be added for the purpose of this article shall be seven years instead of ten, and, where an officer at the time of leaving the service has not attained the age of twenty-eight years, or where, whatever his age, his years of service as reckoned for the purposes of this article, exclusive of the abolition years, are less than ten, the abolition years to be added for those purposes shall be five years instead of ten ; and
- (ii) No abolition years shall be added in excess of the difference between the age of an officer at the time of his leaving the service and the age of sixty-five.

A.D. 1920.

C.—Officers to whom the Superannuation Act, 1909, applies.

9 Edw. 7.
c. 10.

1. An officer to whom the Superannuation Act, 1909, applies by reason only of his having elected to adopt the provisions of that Act shall, if he so requires, be treated for the purpose of the determination of his compensation under this Schedule as if he had not so elected.

2. As respects any such officer who does not require his compensation to be determined as aforesaid, and any other officer to whom the Superannuation Act, 1909, applies, the provisions contained in Heads A and B of this Part of these Rules shall have effect subject to the following modifications, that is to say:—

(a) The annual allowance or gratuity awarded under head A and the minimum annual allowance awarded under head B shall be calculated on the proportion of salary prescribed by subsection (1) of section one of the Superannuation Act, 1909, instead of the proportion prescribed by section two of the Superannuation Act, 1859, and the annual allowance which may be awarded shall not in any case exceed one-half of the salary on which the allowance is calculated:

(b) In addition to the annual allowance or gratuity there shall be awarded to the officer an additional allowance—

(i) In the case of an officer falling under head B, not less than; and

(ii) In the case of an officer falling under head A, equal to—

an allowance calculated in like manner as an additional allowance under the Superannuation Act, 1909, and for the purposes of that calculation his years of service and salary shall be reckoned and computed as in the case of his annual allowance or gratuity, but the additional allowance so awarded shall not exceed one and a half times the amount of the salary on which the allowance is calculated, except in the case of an officer to whom the Superannuation Act, 1909, applies by reason of his having elected to adopt its provisions, and then only to the extent specified in section three of that Act.

RULES—PART II.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN WHO ARE NOT SERVING IN AN ESTABLISHED CAPACITY.

1. The compensation which may be awarded to the officer shall be such gratuity or annual allowance (if any) as the Civil Service

Committee think just having regard to the following considerations, A.D. 1920.
that is to say:—

- (a) The conditions on which the officer was appointed;
- (b) The nature and duration of his employment;
- (c) In the case of officers who do not devote their whole time to the duties of their office, the amount of time so devoted;
- (d) The circumstances in which he is leaving the service;
- (e) The compensation which might have been awarded to him on leaving the service in similar circumstances if Part I. of these Rules had applied to him;
- (f) Any offer made to him of another office or employment under the Government of Southern Ireland or Northern Ireland or the Government of the United Kingdom;
- (g) The probability (if any) of his having continued in office for a longer period but for the passing of this Act; and
- (h) any other circumstances affecting his case.

2. The compensation shall in no case be greater than the compensation which might under Part I. of these Rules have been awarded to the officer on leaving the service in similar circumstances if that Part of these Rules had applied to him.

NINTH SCHEDULE.

Section 60.

PROVISION AS TO COMPENSATION OF MEMBERS OF THE ROYAL IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE.

1. Any officer or constable who after the day of transfer—

- (a) retires voluntarily under the conditions in that behalf hereinafter contained; or
- (b) is removed or required to retire for any cause other than misconduct, and is not incapacitated for the performance of his duty by mental or bodily infirmity,

shall, unless he is qualified for the maximum pension that can be granted to him for length of service only under the existing enactments applicable to him, be entitled on retirement to receive such compensation as may be awarded to him by the Lord Lieutenant in accordance with the Rules contained in this Schedule.

2. The conditions of voluntary retirement are that—

- (a) Notice of the intention to retire must be given within two years after the day of transfer;

A.D. 1920.

- (b) The notice must be given in manner prescribed by the Lord Lieutenant;
 - (c) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Lord Lieutenant, if he thinks fit, to any later date not being more than two years after the day of transfer; and
 - (d) The retiring officer or constable must show to the satisfaction of the Lord Lieutenant that he is not incapacitated for the performance of his duties by mental or bodily infirmity, and will not be entitled to retire on the maximum pension for length of service under the enactments aforesaid before the expiration of two years from the date of transfer.
3. In the exercise of his powers under this Schedule the Lord Lieutenant shall act in accordance with instructions from His Majesty.

RULES.

1. The compensation which may be awarded to an officer or constable shall be an annual allowance.

2. Where the officer or constable is removed or required to retire the annual allowance shall be calculated in like manner as the pension which the officer or constable would have been entitled to receive if he had retired for length of service under the existing enactments applicable to him and had been qualified in respect of his length of service for a pension, save that, for the purposes of that calculation, the following provisions shall have effect:—

- (a) There shall be added to his completed years of actual service if the proportion of salary on which his allowance is calculated is one-fiftieth, ten years, and if that proportion is one-sixtieth, twelve years;
- (b) His salary shall be taken at the amount which it would have reached if he had continued to serve in the same rank for the number of years so added, and, in the case of a district inspector of the Royal Irish Constabulary of the third class, as if he were entitled to promotion to the second class on the completion of one and a half years' service in the third class, and, in the case of a district inspector of the Royal Irish Constabulary of the second class, as if he were entitled to promotion to the first class on the completion of eleven years' service in the second class;
- (c) If the number of his completed years of service, as reckoned under this Rule, is less than the minimum number of years of service for which provision as respects pensions is made

in the appropriate pension scale, that scale shall apply with the substitution of the number of his completed years of service as so reckoned for that minimum number; and

A.D. 1920.

(d) If he has, in addition to his completed years of actual service, served for a period exceeding six months, his service for that period shall be reckoned as a completed year of actual service.

3. Where the officer or constable retires under the conditions of voluntary retirement, the provisions of the last preceding Rule shall apply with the substitution of five years for ten years and six years for twelve years.

4. The allowance awarded to an officer or constable shall in no case exceed two-thirds of his actual pensionable salary.

5. In the event of an officer or constable dying after an annual allowance has been awarded to him under this Schedule, the Lord Lieutenant may, if he thinks fit, grant a pension or gratuities to the widow and children of the officer or constable in like manner as if the allowance were a pension granted to the officer or constable on retirement.

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2002/5/1

T R E A T Y .

between

G R E A T B R I T A I N & I R E L A N D .

signed

6th December, 1921.

at L O N D O N .

S E C R E T.

~~PROPOSED~~ ARTICLES OF AGREEMENT.

1. Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.
2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.
3. The representative of the Crown in Ireland shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments.
4. The oath to be taken by Members of the Parliament of the Irish Free State shall be in the following form:-

I.....do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H.M. King George V., his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

5. The Irish Free State shall assume liability for the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of war pensions as existing at that date in such proportion as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counter-claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces. But this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries.

The foregoing provisions of this Article shall be reviewed at a Conference of Representatives of the British and Irish Governments to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces:-

- (a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and

- (b) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.
8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.
9. The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other dues.
10. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces and other Public Servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

11. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the government of the Irish Free State shall not be exercisable as respects Northern Ireland and the provisions of the Government of Ireland Act, 1920, shall, so far as they relate to Northern Ireland remain of full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such election before the end of the said month.

12. If before the expiration of the said month, an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act, 1920, (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

13. For the purpose of the last foregoing article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

14. After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject to such other provisions as may be agreed in manner hereinafter appearing.

15. At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of discussing the provisions subject to which the last foregoing article is to operate in the event of no such address as is therein mentioned being presented and those provisions may include:

- (a) Safeguards with regard to patronage in Northern Ireland;
- (b) Safeguards with regard to the collection of revenue in Northern Ireland;
- (c) Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland;
- (d) Safeguards for minorities in Northern Ireland;

- (e) The settlement of the financial relations between Northern Ireland and the Irish Free State.
- (f) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively:

and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the Powers of the Parliament and Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof.

16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects state aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies

in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland, and if approved shall be ratified by the necessary legislation.

*On behalf of the Irish
Delegation*

depr. O'Griobarta (auth. for the Irish Delegation)

Micéal Ó Corraí

Robairt Ó Súilleabháin

Eduinonn L. O'Duinn

Seán Ó Súilleabháin in absence

On behalf of the British

Delegation

Arthur Chamberlain

Arthur Chamberlain

Birkenhead.

Christus. Churchill

December 6, 1921.

ANNEX

1. The following are the specific facilities required.

Dockyard port at Berehaven.

- (a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

Queenstown.

- (b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's ships.

Belfast Lough.

- (c) Harbour defences to remain in charge of British care and maintenance parties.

Lough Swilly.

- (d) Harbour defences to remain in charge of British care and maintenance parties.

Aviation.

- (e) Facilities in the neighbourhood of the above Ports for coastal defence by air.

Oil Fuel Storage.

- (f) Haulbowline) To be offered for sale to commercial companies
Rathmullen) under guarantee that purchasers shall maintain
) a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:-

- (a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.
- (b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.
- (c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection, and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.

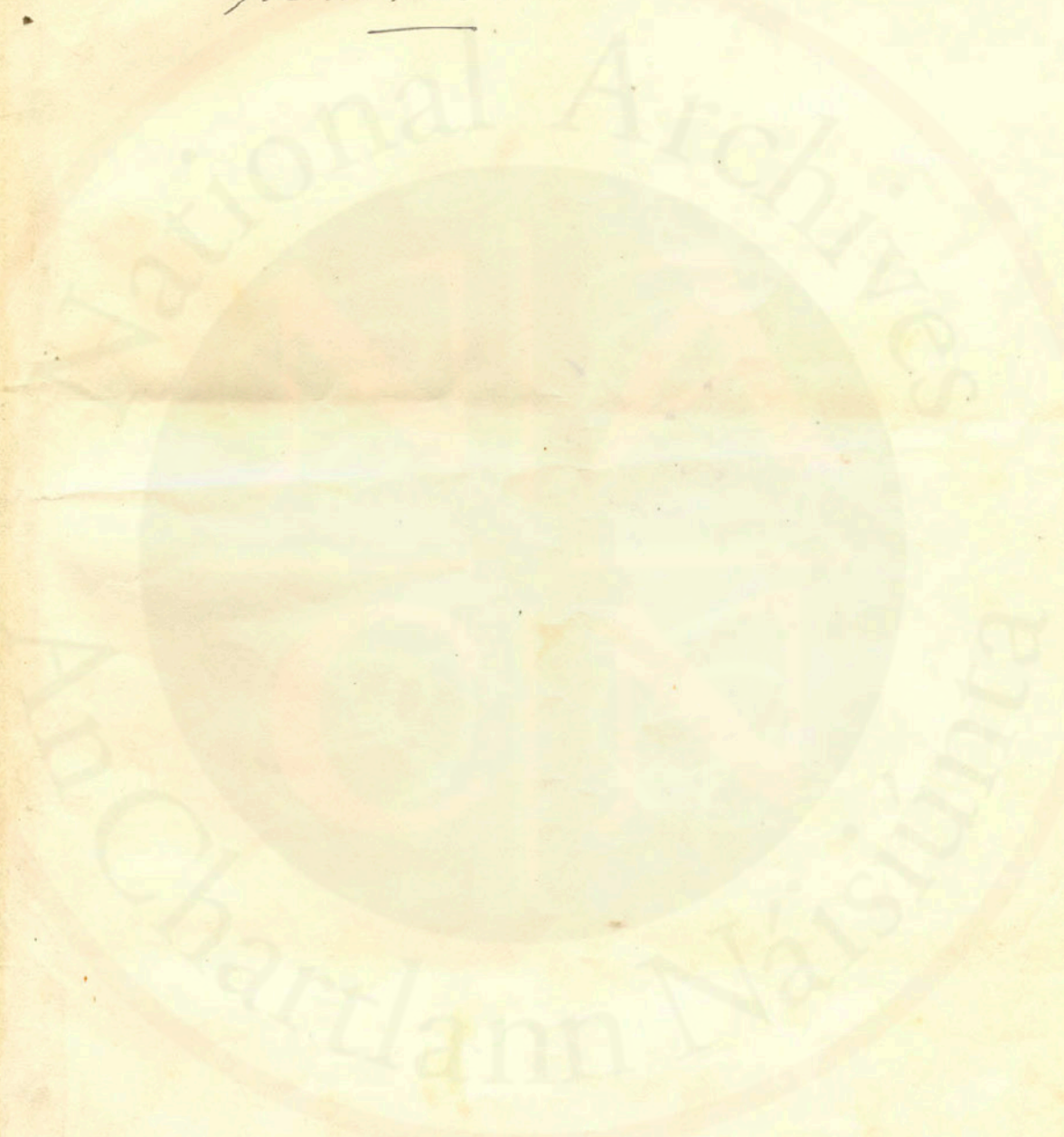
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moe
R.B.

L. M. King to the

Hanna Greenwood

Gordon Hewant.





Number 22 of 1948.

THE REPUBLIC OF IRELAND ACT, 1948.

AN ACT TO REPEAL THE EXECUTIVE AUTHORITY (EXTERNAL RELATIONS) ACT, 1936 , TO DECLARE THAT THE DESCRIPTION OF THE STATE SHALL BE THE REPUBLIC OF IRELAND, AND TO ENABLE THE PRESIDENT TO EXERCISE THE EXECUTIVE POWER OR ANY EXECUTIVE FUNCTION OF THE STATE IN OR IN CONNECTION WITH ITS EXTERNAL RELATIONS. [21st December, 1948.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

1. — The Executive Authority (External Relations) Act, 1936 (No. 58 of 1936), is hereby repealed.
2. — It is hereby declared that the description of the State shall be the Republic of Ireland.
3. — The President, on the authority and on the advice of the Government, may exercise the executive power or any executive function of the State in or in connection with its external relations.
4. — This Act shall come into operation on such day as the Government may by order appoint.
5. — This Act may be cited as The Republic of Ireland Act, 1948.



ANGLO-IRISH AGREEMENT 1985

AGREEMENT

between

THE GOVERNMENT OF IRELAND

and

THE GOVERNMENT OF
THE UNITED KINGDOM

The Government of Ireland and the Government of the United Kingdom:

Wishing further to develop the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours and as partners in the European Community;

Recognising the major interest of both their countries and, above all, of the people of Northern Ireland in diminishing the divisions there and achieving lasting peace and stability;

Recognising the need for continuing efforts to reconcile and to acknowledge the rights of the two major traditions that exist in Ireland, represented on the one hand by those who wish for no change in the present status of Northern Ireland and on the other hand by those who aspire to a sovereign united Ireland achieved by peaceful means and through agreement;

Reaffirming their total rejection of any attempt to promote political objectives by violence or the threat of violence and their determination to work together to ensure that those who adopt or support such methods do not succeed;

Recognising that a condition of genuine reconciliation and dialogue between unionists and nationalists is mutual recognition and acceptance of each other's rights;

Recognising and respecting the identities of the two communities in Northern Ireland, and the right of each to pursue its aspirations by peaceful and constitutional means;

Reaffirming their commitment to a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government;

Have accordingly agreed as follows:

A

STATUS OF NORTHERN IRELAND

ARTICLE 1

The two Governments

- (a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland;
- (b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;
- (c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

B

THE INTERGOVERNMENTAL CONFERENCE

ARTICLE 2

- (a) There is hereby established, within the framework of the Anglo-Irish Intergovernmental Council set up after the meeting between the two Heads of Government on 6 November 1981, an Intergovernmental Conference (hereinafter referred to as "the Conference"), concerned with Northern Ireland and with relations between the two parts of the island of Ireland, to deal, as set out in this Agreement, on a regular basis with
- (i) political matters;
 - (ii) security and related matters;
 - (iii) legal matters, including the administration of justice;
 - (iv) the promotion of cross-border co-operation.
- (b) The United Kingdom Government accept that the Irish Government will put forward views and proposals on matters relating to Northern Ireland within the field of activity of the Conference in so far as those matters are not the responsibility of a devolved administration in Northern Ireland. In the interest of promoting peace and stability, determined efforts shall be made through the Conference to resolve any differences. The Conference will be mainly concerned with Northern Ireland; but some of the matters under consideration will involve cooperative action in both parts of the island of Ireland, and possibly also in

Great Britain. Some of the proposals considered in respect of Northern Ireland may also be found to have application by the Irish Government. There is no derogation from the sovereignty of either the Irish Government or the United Kingdom Government, and each retains responsibility for the decisions and administration of government within its own jurisdiction.

ARTICLE 3

The Conference shall meet at Ministerial or official level, as required. The business of the Conference will thus receive attention at the highest level. Regular and frequent Ministerial meetings shall be held; and in particular special meetings shall be convened at the request of either side. Officials may meet in subordinate groups. Membership of the Conference and of sub-groups shall be small and flexible. When the Conference meets at Ministerial level an Irish Minister designated as the Permanent Irish Ministerial Representative and the Secretary of State for Northern Ireland shall be joint Chairmen. Within the framework of the Conference other Irish and British Ministers may hold or attend meetings as appropriate: when legal matters are under consideration the Attorneys General may attend. Ministers may be accompanied by their officials and their professional advisers: for example, when questions of security policy or security co-operation are being discussed, they may be accompanied by the Commissioner of the Garda Síochána and the Chief Constable of the Royal Ulster Constabulary; or when questions of economic or social policy or co-operation are being discussed, they may be accompanied by officials of the relevant Departments. A Secretariat shall be established by the two Governments to service the Conference on a continuing basis in the discharge of its functions as set out in this Agreement.

ARTICLE 4

- (a) In relation to matters coming within its field of activity, the Conference shall be a framework within which the Irish Government and the United Kingdom Government work together
- (i) for the accommodation of the rights and identities of the two traditions which exist in Northern Ireland; and
 - (ii) for peace, stability and prosperity throughout the island of Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation.
- (b) It is the declared policy of the United Kingdom Government that responsibility in respect of certain matters within the powers of the Secretary of State for Northern Ireland should be devolved within Northern Ireland on a basis which would secure widespread acceptance throughout the community. The Irish Government support that policy.
- (c) Both Governments recognise that devolution can be achieved only with the co-operation of constitutional representatives within Northern Ireland of both traditions there. The Conference shall be a framework within which the Irish Government may put forward views and proposals on the modalities of bringing about devolution in Northern Ireland, in so far as they relate to the interests of the minority community.

C

POLITICAL MATTERS

ARTICLE 5

- (a) The Conference shall concern itself with measures to recognise and accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination. Matters to be considered in this area include measures to foster the cultural heritage of both traditions, changes in electoral arrangements, the use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights in some form in Northern Ireland.
- (b) The discussion of these matters shall be mainly concerned with Northern Ireland, but the possible application of any measures pursuant to this Article by the Irish Government in their jurisdiction shall not be excluded.
- (c) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the Conference shall be a framework within which the Irish Government may, where the interests of the minority community are significantly or especially affected, put forward views on proposals for major legislation and on major policy issues, which are within the purview of the Northern Ireland Departments and which remain the responsibility of the Secretary of State for Northern Ireland.

ARTICLE 6

The Conference shall be a framework within which the Irish Government may put forward views and proposals on the role and composition of bodies appointed by the Secretary of State for Northern Ireland or by Departments subject to his direction and control including

the Standing Advisory Commission on Human Rights;

the Fair Employment Agency;

the Equal Opportunities Commission;

the Police Authority for Northern Ireland;

the Police Complaints Board.

D

SECURITY AND RELATED MATTERS

ARTICLE 7

- (a) The Conference shall consider
 - (i) security policy;
 - (ii) relations between the security forces and the community;
 - (iii) prisons policy.
- (b) The Conference shall consider the security situation at its regular meetings and thus provide an opportunity to address policy issues, serious incidents and forthcoming events.
- (c) The two Governments agree that there is a need for a programme of special measures in Northern Ireland to improve relations between the security forces and the community, with the object in particular of making the security forces more readily accepted by the nationalist community. Such a programme shall be developed, for the Conference's consideration, and may include the establishment of local consultative machinery, training in community relations, crime prevention schemes involving the community, improvements in arrangements for handling complaints, and action to increase the proportion of members of the minority in the Royal Ulster Constabulary. Elements of the programme may be considered by the Irish Government suitable for application within their jurisdiction.
- (d) The Conference may consider policy issues relating to prisons. Individual cases may be raised as appropriate, so that information can be provided or inquiries instituted.

E

LEGAL MATTERS, INCLUDING THE ADMINISTRATION OF JUSTICE

ARTICLE 8

The Conference shall deal with issues of concern to both countries relating to the enforcement of the criminal law. In particular it shall consider whether there are areas of the criminal law applying in the North and in the South respectively which might with benefit be harmonised. The two Governments agree on the importance of public confidence in the administration of justice. The Conference shall seek, with the help of advice from experts as appropriate, measures which would give substantial expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions for the trial of certain offences. The Conference shall also be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South.

F

CROSS-BORDER CO-OPERATION ON SECURITY, ECONOMIC, SOCIAL AND CULTURAL MATTERS

ARTICLE 9

- (a) With a view to enhancing cross-border co-operation on security matters, the Conference shall set in hand a programme of work to be undertaken by the Commissioner of the Garda Síochána and the Chief Constable of the Royal Ulster Constabulary and, where appropriate, groups of officials, in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel, and operational resources.

- (b) The Conference shall have no operational responsibilities; responsibility for police operations shall remain with the heads of the respective police forces, the Commissioner of the Garda Síochána maintaining his links with the Minister for Justice and the Chief Constable of the Royal Ulster Constabulary his links with the Secretary of State for Northern Ireland.

ARTICLE 10

- (a) The two Governments shall co-operate to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, and shall consider the possibility of securing international support for this work.
- (b) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the Conference shall be a framework for the promotion of co-operation between the two parts of Ireland concerning cross-border aspects of economic, social and cultural matters in relation to which the Secretary of State for Northern Ireland continues to exercise authority.
- (c) If responsibility is devolved in respect of certain matters in the economic, social or cultural areas currently within the responsibility of the Secretary of State for Northern Ireland, machinery will need to be established by the responsible authorities in the North and South for practical co-operation in respect of cross-border aspects of these issues.

G

ARRANGEMENTS FOR REVIEW

ARTICLE 11

At the end of three years from signature of this Agreement, or earlier if requested by either Government, the working of the Conference shall be reviewed by the two Governments to see whether any changes in the scope and nature of its activities are desirable.

H

INTERPARLIAMENTARY RELATIONS

ARTICLE 12

It will be for Parliamentary decision in Dublin and in Westminster whether to establish an Anglo-Irish Parliamentary body of the kind adumbrated in the Anglo-Irish Studies Report of November 1981. The two Governments agree that they would give support as appropriate to such a body, if it were to be established.

I

FINAL CLAUSES

ARTICLE 13

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of this Agreement.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in two originals at Hillsborough

on the 15th day of November 1985

For the Government
of Ireland

For the Government
of the United Kingdom

Gearóid Mac Gearailt

Margaret Thatcher

NEW IRELAND FORUM

REPORT

2nd May 1984

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CHAPTER 1

PREFACE

1.1 The New Ireland Forum was established for consultations on the manner in which lasting peace and stability could be achieved in a new Ireland through the democratic process and to report on possible new structures and processes through which this objective might be achieved.

1.2 Participation in the Forum was open to all democratic parties which reject violence and which have members elected or appointed to either House of the Oireachtas or the Northern Ireland Assembly. Four political parties took part in the Forum: the Fianna Fáil Party, the Fine Gael Party, the Labour Party and the Social Democratic and Labour Party (SDLP). These four parties together represent over ninety per cent of the nationalist population and almost three-quarters of the entire population of Ireland. The parties which participated in the Forum would have greatly preferred that discussions on a new Ireland should have embraced the elected representatives of both the unionist and nationalist population. However, the Forum sought the views of people of all traditions who agreed with its objectives and who reject violence. The establishment and work of the Forum have been of historic importance in bringing together, for the first time since the division of Ireland in 1920, elected nationalist representatives from North and South to deliberate on the shape of a new Ireland in which people of differing identities would live together in peace and harmony and in which all traditions would find an honoured place and have equal validity.

1.3 The leaders of the four participating parties met on 14 and 21 April, 1983 to consider arrangements for the Forum. Those present were the Taoiseach, Dr. Garret FitzGerald TD, Leader of the Fine Gael Party; Mr. Charles J. Haughey TD, Leader of the Fianna Fáil Party; the Tánaiste, Mr. Dick Spring TD, Leader of the Labour Party; and Mr. John Hume MP, MEP, Leader of the Social Democratic and Labour Party. The Party Leaders made the following arrangements: the Chairman to be Dr. Colm Ó hEocha, President of University College Galway and the Secretary to be Mr. John R. Tobin, Clerk of Seanad Éireann; the Forum would be assisted by an independent secretariat^[1]; membership of the Forum would comprise 27 members and 14 alternate

1.4 The members and alternates nominated were:-

FIANNA FÁIL, PARTY

Members and Alternates

Charles J. Haughey TD

Taoiseach

Brian Lenihan TD

Minister for Foreign Affairs

David Andrews TD

Gerry Collins TD

Eileen Lemass TD

Ray MacSharry TD

Rory O'Hanlon TD

Jim Tunney TD

John Wilson TD

David Molony TD

Paudge Brennan TD

Jackie Fahey TD

Jimmy Leonard TD

John O'Leary TD

Secretary: Veronica Guerin

FINE GAEL PARTY

Members and Alternates

Garret FitzGerald TD,

Peter Barry TD,

Myra Barry TD

Senator James Dooge

Paddy Harte TD

John Kelly TD

Enda Kenny TD

Maurice Manning 'FD

Nora Owen TD

Ivan Yates TD

Secretary: John Fanagan

LABOUR PARTY

Members and Alternates

Dick Spring TD, Tánaiste and

Minister for Energy

Frank Cluskey TD

Senator Stephen McGonagle

Frank Prendergast TD

Mervyn Taylor TD

Eileen Desmond TD

Senator Mary Robinson

Hugh Logue

Secretary: Diarmaid McGuinness

SOCIAL DEMOCRATIC
AND LABOUR PARTY

Members and Alternates

John Hume MP, MEP

Seamus Mallon

Austin Currie

Joe Hendron

E. K. McGrady

Sean Farren

Frank Feely

Paddy O'Donoghue

Paschal O'Hare

Secretary: Denis Haughey

Notes:

Members:

Walter Kirwan (Co-ordinator), Kieran Coughlan, Hugh Finlay, Colin Larkin, Martin McMahon, Ciaran Murphy, Richard O'Toole, Frank Sheridan, Ted Smyth.

Administration, Press and Secretariat Staff:

Margaret Beatty, Josie Briody, Nora Daffy, Nuala Donnelly, Theresa Enright, Jacqueline Garry, Desmond Morgan, Mary O'Leary, Kathleen Redmond, Patrick Sherlock.

Proceedings of the Forum

1.5 The first session of the Forum was held in public in Dublin Castle on 30 May, 1983. It was opened by the Chairman, Ó hEocha and was addressed by the Leaders of the four participating parties. There was a total of 28 private sessions and 13 public sessions and there were 56 meetings of the Steering Group, comprising the Chairman and the Party Leaders. In addition, sub-groups of the Forum examined in detail economic issues and the structures outlined in Chapters 6, 7 and 8.

1.6 Since the Forum was concerned to hear the widest possible range of opinion, in particular from Northern Ireland, written submissions were invited through advertisements in a wide range of newspapers, North and South. A total of 317 submissions was received from both parts of Ireland and from Britain, the United States of America, Belgium, France and Canada. These reflected many views, including those of the nationalist and unionist traditions, and covered a wide spectrum of topics such as economic, social, political, constitutional, legal, religious, educational and cultural matters. The Forum invited oral presentations from 31 individuals and groups in order to allow for further elaboration and discussion of their submissions. These sessions took place at 11 public meetings of the Forum from 20 September, 1983 to 9 February, 1984. The proceedings of these sessions have been published by the Forum. Appendix 1 lists the publications containing these proceedings. Appendix 2 lists individuals and groups who made written submissions.

1.7 A Forum delegation from the four participating parties visited the North on 26 and 27 September, 1983 and met groups representative of a wide range of opinion. On 23 and 24 January, 1984, another Forum delegation held discussions in London with groups from the Conservative Party, the Labour Party, the Liberal Party and the Social Democratic Party.

1.8 The following reports, which analyse in detail different aspects of the problem, were prepared by the Forum and have been published separately: The Cost of Violence arising from the Northern Ireland Crisis since 1969,. The Economic Consequences

of the Division of Ireland since 1920,. and A Comparative Description of the Economic Structure and Situation, North and South. These reports contribute to an understanding of the problems involved and provide an important point of reference. The following studies were commissioned by the Forum and have been published: The Macroeconomic Consequences of Integrated Economic Policy, Planning and Co-ordination in Ireland by DKM Economic Consultants; and The Legal Systems, North and South by Professor C. K. Boyle and Professor D. S. Greer. Studies on the implications of integration in the agriculture, energy and transport sectors, prepared for the Forum, are being published separately.

Acknowledgment of Assistance Received

1.9 The Forum records its gratitude to all who made submissions, written and oral. It acknowledges with thanks the contributions of those who acted as consultants on many aspects of the Forum's work. The very positive response to requests for assistance by the Forum and the large number of submissions and offers of help received bear striking testimony to the widespread and urgent desire among all traditions in Ireland that the Forum should succeed in contributing to peace and stability.

CHAPTER 2

INTRODUCTION

2.1 The Forum has been imbued with an overriding sense of the importance and urgency of its task. It was established against a background of deep division, insecurity and violence that threaten society, primarily in Northern Ireland but also in the Republic and to a certain extent in Britain. The continuing crisis in Northern Ireland has reached critical proportions, involving intense human suffering and misery for many thousands of people. The persistence of division and of conflict on such a scale poses a fundamental challenge to those who support and practise democratic principles as a means to resolve political problems; in particular, since Britain exercises direct responsibility, it is a serious reflection on successive British Governments. More than thirty years after European statesmen successfully resolved to set aside their ancient quarrels and to work together in the European Community, the continuation of the conflict in Northern Ireland represents a dangerous source of instability in Western Europe and a challenge to the democratic values which Europe shares in common with North America and the rest of the Western World.

2.2 The analysis by the Forum of the crisis in Northern Ireland (Chapters 3 and 4) illustrates the inherent instability of the 1920 constitutional arrangements which resulted in the arbitrary division of Ireland. Each generation since has suffered from the discrimination, repression and violence which has stemmed from those constitutional arrangements.

2.3 The study by DKM Economic Consultants shows that the economic outlook for the North is very bleak as long as the present political paralysis and violence continue. This study indicates that on the basis of foreseeable economic trends, and in the absence of a political settlement leading to an end to violence, there will be virtual stagnation in the economy and a further substantial increase in unemployment. Unemployment in the North would increase from an estimated 122,000 in 1984 to as much as 166,000 (about 32 per cent of civil employment) by the 1990s. Without political progress the scale of economic and social problems will increase greatly, exacerbating a highly dangerous situation. This will make increasingly intolerable the social and economic burden for

both sections of the community in the North. It will also lead to a major increase in the financial burden on Britain because of the mounting cost of security and the increased expenditure necessary to shore up the economy and living standards of the area. For the South, there will be a further diversion of resources to security where expenditure is already disproportionately greater than that of Britain, while the adverse effects on the economy, particularly in the border areas, will be prolonged.

2.4 The immediate outlook for the North is extremely dangerous unless an acceptable political solution is achieved. The long-term damage to society worsens each day that passes without political progress. In political, moral and human terms there is no acceptable level of violence. There are at present no political institutions to which a majority of people of the nationalist and unionist traditions can give their common allegiance or even acquiesce in. The fundamental social bonds which hold people together in a normal community, already tenuous in the abnormal conditions of Northern Ireland, have been very largely sundered by the events and experiences of the past fifteen terrible years. However, despite the drawing apart of the two traditions since 1969, respect for basic human values was for a time maintained within each tradition. But as sensibilities have become dulled and despair has deepened, there has been a progressive erosion of basic values which is in danger of becoming irreversible. The immense challenge facing political leaders in Britain and Ireland is not merely to arrest the cancer but to create the conditions for a new Ireland and a new society acceptable to all its people.

2.5 The need for progress towards this objective is now so urgent that there can be no justification for postponing action. A major reassessment by Britain which at present exercises direct responsibility for Northern Ireland is required. There is an overwhelming need to give urgent and sustained priority to the initiation of a political process leading to a durable solution.

2.6 The conflict inherent in the Northern situation has surfaced dramatically in the last 15 years and the situation is progressively deteriorating within the present structures. The alienation of nationalists in Northern Ireland from political and civil institutions,

from the security forces and from the manner of application of the law has increased to major proportions. There is fear, insecurity, confusion and uncertainty about the future in the unionist section of the community. Northern Ireland today is characterised by the fact that neither section of the community is happy with the status quo or has confidence in or a sense of direction about the future. It is essential that any proposals for political progress should remove nationalist alienation and assure the identity and security of both unionists and nationalists. Accordingly, in the search for the basis of a political solution the British and Irish Governments must together initiate a process which will permit the establishment and development of common ground between both sections of the community in Northern Ireland and among all the people of this island.

CHAPTER 3

ORIGINS OF THE PROBLEM

Failure of 1920 Settlement

3.1 The existing political systems in Ireland have evolved from the 1920 constitutional arrangements by Britain which resulted in the arbitrary division of the country. Prior to 1920 and during many centuries of British rule, Ireland was administered as an integral political unit. The establishment of Northern Ireland as a separate political unit was contrary to the desire of the great majority of Irish people for the political unity and sovereignty of Ireland as expressed in the last all-Ireland election of 1918. That election also confirmed that the Protestants of North-East Ulster, fearful for the survival of their heritage, opposed separation of Ireland and Britain. Although the (British) Government of Ireland Act, 1920 contemplated the eventual establishment of an all-Ireland Parliament within the United Kingdom, the settlement in fact entailed the partition of Ireland into two separate political units.

3.2 The Government and Parliament set up in the North were broadly acceptable to the unionist majority in the North and to the British Government; while maintaining their desire for Irish unity, when this was not attained, nationalists in the South dedicated themselves to building up the Southern state. Two groups found that their interests were not accommodated—the Northern nationalists and the Southern unionists. However, the constitutional, electoral and parliamentary arrangements in the South specifically sought to cater for the minority status of Southern unionists and did so with considerable, if not total, success. The intention underlying the creation of Northern Ireland was to establish a political unit containing the largest land area that was consistent with maintaining a permanent majority of unionists. Since they were now in a minority, the Northern nationalists were the principal victims of the arrangements and, although some hoped that the Boundary Commission would bring within the jurisdiction of the South areas of predominantly nationalist population, this did not take place.

3.3 Because of the failure of the British government to accept the democratically expressed wishes of the Irish people and because of the denial of the right of

nationalists in the North to political expression of their Irish identity and to effective participation in the institutions of Government, the 1920 arrangements did not succeed. The fundamental defects in the resulting political structures and the impact of ensuing policy led to a system in the North of supremacy of the unionist tradition over the nationalist tradition. From the beginning, both sections of the community were locked into a system based on sectarian loyalties.

3.4 The failure of the arrangements was clearly acknowledged by the British Government in 1972 when they replaced the Government and Parliament of Northern Ireland, established under the Government of Ireland Act, 1920, with direct rule. The subsequent Northern Ireland Constitution Act, 1973 was intended to provide a framework for agreed government in Northern Ireland but, following the collapse in 1974 of the ensuing Sunningdale arrangements, many of the provisions of the 1973 Act have been effectively in abeyance. Thus, over 60 years after the division of Ireland, workable and acceptable political structures have yet to be established in the North.

Consequences of the Division of Ireland up to 1968

3.5 During the Home Rule for Ireland debates in the British Parliament in 1912, many arguments were advanced by British political leaders in favour of maintaining the unity of Ireland. The British Government had introduced a Bill that proposed to give Ireland a separate Parliament with jurisdiction over her internal affairs while reserving power over key issues. However, faced with the unionist threat to resist this Bill by unlawful force, the British Government and Parliament backed down, and when the Government of Ireland Act of 1914 was placed on the statute book in Westminster, there was a provision that it would not come into operation until after Parliament had an opportunity of making provision for Ulster by special amending legislation. The message -which was not lost on unionists-was that a threat by them to use violence would succeed. To the nationalists, the conclusion was that the democratic constitutional process was not to be allowed to be effective. This legacy continues to plague British- Irish relations today.

3.6 Although partition was established by the British Parliament in the Government of Ireland Act, 1920, that Act also made provision for the two parts of Ireland coming together again, and it sought to encourage this process through a Council of Ireland. In the period immediately after 1920, many saw partition as transitory. It soon became clear, however, that successive British Governments were in practice willing to allow a system of untrammelled one-party rule in Northern Ireland to be exercised by and on behalf of the majority unionist population. Not only were the wishes of the people of the rest of Ireland as a whole discounted but the identity of nationalists in the North was disregarded.

3.7 Since its establishment, partition has continued to overshadow political activity in both parts of Ireland. The country as a whole has suffered from this division and from the absence of a common purpose. The division has absorbed the energies of many, energies that otherwise would have been directed into constructing an Ireland in which nationalists and unionists could have lived and worked together. Instead of a positive interaction of the unionist and nationalist traditions, the emphasis in both parts of Ireland was on the predominant value system of each area, leading to a drifting apart in laws and practices. The most tragic measure of the Northern Ireland crisis is the endemic violence of the situation. Moreover, the situation has persistently given rise to tensions and misunderstandings in the British-Irish relationship in place of the close and harmonious relationship that should normally exist between neighbouring countries that have so much in common.

3.8 In its report, *The Economic Consequences of the Division of Ireland since 1920*, the Forum noted that division gave rise to considerable economic costs, North and South. For example, in the absence of co-ordinated long-term planning, capital investment in areas such as energy, education and health has entailed considerable duplication of expenditure. The impact on areas contiguous to the border was particularly adverse. Not only were they detached from their trading hinterlands, but the difficulties of their location were worsened by their transformation into peripheral regions at the dividing line of two new administrative units. Had the division not taken place, or had the nationalist and unionist traditions in Ireland been encouraged to bring it to an end by reaching a mutual accommodation, the people of the whole island would be in a much

better position to benefit from its resources and to meet the common challenges that face Irish society, North and South, towards the end of the 20th century.

3.9 Since 1922, the identity of the nationalist section of the community in the North has been effectively disregarded. The symbols and procedures of the institutions to which nationalists are required to give allegiance have been a constant reminder of the denial of their identity. Apart from a few local authorities and the power-sharing Executive which was briefly in being following the Sunningdale Agreement of 1973, they have had virtually no involvement in decision-making at the political level. For over 50 years they lived under a system of exclusively unionist power and privilege and suffered systematic discrimination. They were deprived of the means of social and economic development, experienced high levels of emigration and have always been subject to high rates of unemployment. The consequences of this policy became particularly evident in those areas which have a predominantly nationalist population.

3.10 Unionists had to cope with a situation which was not their first choice. Originally, they opposed change and sought to keep all of Ireland in the United Kingdom. They later opposed Home Rule and then independence for the whole island. In the event, the South became a Dominion, and later a Republic outside the Commonwealth. Provision was made for the two parts of Ireland to come together in a Council of Ireland but the North was also given the option not to be part of the new Irish State and to revert to the United Kingdom. This option was exercised at once and the North found itself with a Home Rule devolved government which it had not sought. From the beginning, unionist insecurity in regard to their minority position in the island as a whole had a profound effect on the manner in which political structures were organised in the North. Political dialogue with the nationalists was avoided for fear of undermining the unionist system of exclusive power and privilege. Fears were stimulated of forcible absorption of unionists into an all-Ireland Republic, dominated as unionists saw it by a Roman Catholic and a Gaelic ethos. Those fears led many unionists to equate Roman Catholicism with nationalism and to regard the nationalist minority in the North as a

threat to the survival of their power and privilege.

3.11 As a result, the people in both sections of the community lived under the shadow of sectarian politics and the fear of domination of one tradition by the other.

3.12 Irish nationalism found sovereign and international expression in partial fulfilment of its objectives through the establishment of an independent, democratic state in the South. Since 1922, the primary efforts of successive Governments have been concentrated on consolidation and development of the State which has a record of significant achievement. The process of development of an institutional and legal framework, of international assertion of sovereignty, and of concentration on industrial, economic and social development resulted, however, in insufficient concern for the interests of the people of Northern Ireland. Efforts were made from time to time by all nationalist parties to highlight the effects of the partition of the country, and the injustices which the nationalist population of the North had to suffer, without response from successive British Governments. Moreover, the experience of partition has meant that for two generations there has been no unionist participation in political structures at an all-Ireland level. Rather, the Southern state has evolved without the benefit of unionist influence.

Consequences of the Crisis since 1969

3.13 Since 1969, Northern Ireland has endured a sustained political crisis. This crisis has been different from previous manifestations of the underlying problem, not only because of the scale of the violence, but also because the crisis has shown no signs of early resolution. On the contrary, the political conflict underlying the violence has worsened and will continue to do so unless there is urgent action to bring about significant political progress.

3.14 The present crisis in the North arose when non-violent campaigns in the late 1960s for basic civil rights and for an end to systematic discrimination in the areas of electoral rights, housing and employment were met with violence and repression. Even

modest steps towards dialogue and reform undertaken by the unionist administration of Northern Prime Minister, Terence O'Neill met with vigorous opposition from certain sections of unionist opinion. Some of that opposition found expression in sectarian attacks against nationalists and bomb attacks on public utilities. The partial attitude of the local institutions of law and order, especially the B-Special Constabulary, resulted in failure to protect the nationalist population against sectarian attacks, which were particularly virulent in West Belfast. The conditions were thus created for revival of a hitherto dormant IRA which sought to pose as the defenders of the nationalist people. The resulting conflict gave rise to the deployment of the British Army on the streets of Northern Ireland in 1969.

3.15 The British Army was initially welcomed by the nationalist population as providing protection from sectarian attacks. However, the relationship between the nationalist population and the British Army deteriorated shortly afterwards. This was due to insensitive implementation of security measures in nationalist areas and a series of incidents in which the British Army was no longer perceived by nationalists to be acting as an impartial force. 1970 was thus a critical turning point and the experience of nationalists then and subsequently has profoundly influenced their attitudes, especially in regard to security. Among the major incidents which contributed to this alienation were the three-day curfew imposed on the Falls Road in June 1970; the internment without trial in August, 1971 of hundreds of nationalists; the subsequent revelation that some of those taken into custody on that occasion were subjected to treatment later characterised by the Strasbourg Court of Human Rights as "inhuman and degrading"; the shooting dead of 13 people in Derry by British paratroopers in January, 1972; and the beatings and ill-treatment of detainees in Castlereagh Barracks and Gough Barracks in 1977/78, subsequently condemned in the official British Bennett Report.

3.16 Some hope of an improvement in the plight of nationalists followed the introduction of direct rule by Westminster in 1972. Negotiations in 1973 between the Northern parties and subsequently at Sunningdale between the Irish and British Governments, with Northern nationalist and unionist participation, brought about the short-lived Executive in which nationalists and unionists shared power in Northern Ireland. Provision had also been made as part of the Sunningdale Agreement for a

new North-South dimension through a Council of Ireland. Both the Irish and British Governments made declarations on the status of Northern Ireland in which the Irish Government recognised that there could be no change in the status of Northern Ireland until a majority there desired it, and the British Government affirmed that if in the future the majority of the people of the North should indicate a wish to become a part of a united Ireland, the British Government would support that wish. However, faced with extremist action by a section of the unionist community, a new British Government in 1974 failed to sustain the Sunningdale Agreement. The collapse of the Sunningdale arrangements dashed the hopes of nationalists and seriously damaged the prospects of achieving peace and stability in Northern Ireland. It recalled the earlier backdown of 1914: to unionists it reaffirmed the lesson that their threat to use force would cause British Governments to back down; to nationalists it reaffirmed their fears that agreements negotiated in a constitutional framework would not be upheld by British Governments in the face of force or threats of force by unionists.

3.17 Until the Downing Street Declaration in 1969, the plight of Northern nationalists was ignored by successive British Governments and Parliaments. However, notwithstanding the attempts to remedy some of the worst aspects of discrimination and the introduction of direct rule from London in 1972, the structures in Northern Ireland are such that nationalists are still discriminated against in social, economic, cultural and political terms. Their representation and influence in the private and public structures of power remain very restricted. There is, in practice, no official recognition of their identity nor acceptance of the legitimacy of their aspirations. In the economic sphere, as the reports of the Fair Employment Agency have shown, discrimination against Catholics in employment persists. Their day-to-day experience reinforces nationalist convictions that justice and effective exercise of their rights can come only from a solution which transcends the context of Northern Ireland and which provides institutions with which they can identify.

3.18 Despite the British Government's stated intentions of obtaining political consensus in Northern Ireland, the only policy that is implemented in practice is one of crisis management, that is, the effort to contain violence through emergency measures by the military forces and the police and through extra-ordinary judicial measures and a

greatly expanded prison system. The framework within which security policies have operated and their often insensitive implementation have, since 1974, deepened the sense of alienation of the nationalist population. Inevitably, as during the 1980/81 hunger strikes when the warnings of constitutional nationalists were ignored by the British Government, security issues have been exploited by the paramilitaries in order to intensify alienation and with a view to increasing their support. Such alienation threatens the civilised life and values of entire communities and undermines the belief that democratic policies alone can offer peace, justice and stability.

3.19 The paramilitary organisations of both extremes feed on one another and on the insensitivity of British policy and its failure to provide peace and stability. Their message is one of hatred and of suppression of the rights of those of the other tradition. Their actions have caused appalling loss of life, injury, damage to property and considerable human and economic loss to the people of both traditions. They succeed only in sowing fear, division and distrust within the whole community.

3.20 The negative effect of IRA violence on British and unionist attitudes cannot be emphasised enough. Their terrorist acts create anger and indignation and a resolve not to give into violence under any circumstances. They have the effect of stimulating additional security measures which further alienate the nationalist section of the community. They obscure the underlying political problem. They strengthen extremist unionist resistance to any form of dialogue and accommodation with nationalists. Similarly, terrorist acts by extreme loyalist groups which affect innocent nationalist people have a correspondingly negative impact on nationalist attitudes. The involvement of individual members of the security forces in a number of violent crimes has intensified this impact. Every act of murder and violence makes a just solution more difficult to achieve. The greatest threat to the paramilitary organisations would be determined constitutional action to reach and sustain a just and equitable solution and thus to break the vicious circle of violence and repression. No group must be permitted to frustrate by intimidation and threats of violence the implementation of a policy of

mutual accommodation.

3.21 The Forum's report, *The Cost of Violence arising from the Northern Ireland Crisis since 1969*, has attempted to quantify the human loss and economic costs of violence and political instability in the North. The most tragic loss is that of the deaths of over 2,300 men, women and children. These deaths in an area with a population of 1½ million are equivalent in proportionate terms to the killing of approximately 84,000 in Britain, 83,000 in France or 350,000 in the United States of America. In addition, over 24,000 have been injured or maimed. Thousands are suffering from psychological stress because of the fear and tension generated by murder, bombing, intimidation and the impact of security measures. During the past 15 years, there have been over 43,000 recorded separate incidents of shootings, bombings and arson. In the North the prison population has risen from 686 in 1967 to about 2,500 in 1983 and now represents the highest number of prisoners per head of population in Western Europe. The lives of tens of thousands have been deeply affected. The effect on society has been shattering. There is hardly a family that has not been touched to some degree by death, injury or intimidation. While the South and Britain have not suffered on the same scale, they too have been affected directly by the violence - by bombings, armed robberies and kidnappings and by other acts resulting in deaths, maiming and threats to security; they have also had to bear a significant price in terms of extraordinary security and judicial measures.

3.22 As that report also shows, the economic and financial costs have been very high. They include additional security costs and compensation for deaths, injuries and considerable damage to property. Since 1969, the estimated total direct cost, in 1982 prices, is IR£5,500 million^[1] incurred by the British Exchequer in respect of the North and IR£1,100 million^[2] incurred by the Irish Exchequer in the South. Over the past 15 years the violence has destroyed opportunities for productive employment, severely depressed investment that could have led to new jobs and greater economic well-being, and greatly damaged the potential of tourism. These further indirect costs in terms of lost output to the economies of the North and the South could be as much as

IR£4,000 million^[3] and IR£1,200 million^[4], respectively, in 1982 prices.

Notes:

[1] Equivalent to Stg.£4,507m. or US\$6,501m. at current (30 March 1984) exchange rates.

[2] Equivalent to Stg.£90lm. or US\$1,300m. at current (30 March 1984) exchange rates.

[3] Equivalent to Stg.£3,278m. or US\$4,728m. at current (30 March 1984) exchange rates.

[4] Equivalent to Stg.£983m. or US\$1,418m. at current (30 March 1984) exchange rates.

CHAPTER 4

ASSESSMENT OF THE PRESENT PROBLEM

Assessment of Recent British Policy

4.1 The present formal position of the British Government, contained in Section 1 of the Northern Ireland Constitution Act, 1973, is that the only basis for constitutional change in the status of Northern Ireland within the United Kingdom is a decision by a majority of the people of Northern Ireland. In practice, however, this has been extended from consent to change in the constitutional status of the North within the United Kingdom into an effective unionist veto on any political change affecting the exercise of nationalist rights and on the form of government for Northern Ireland. This fails to take account of the origin of the problem, namely the imposed division of Ireland which created an artificial political majority in the North. It has resulted in a political deadlock in which decisions have been based on sectarian loyalties. Sectarian loyalties have thus been reinforced and the dialogue necessary for progress prevented. The Sunningdale Agreement of 1973 introduced dialogue and partnership to the government of Northern Ireland. However, the hopes thus raised were dashed by a number of factors, amongst them, the refusal of the then British Government to support the power-sharing Executive in the face of extremist loyalist disruption.

4.2 Since the Sunningdale Agreement of 1973, several initiatives have been undertaken in response to circumstances with the stated aim of resolving the problem in a context limited to Northern Ireland. These initiatives foundered largely because the problem itself transcends the context of Northern Ireland. It is only in a fundamental change of context that the effective exercise on an equal basis of the rights of both nationalists and unionists can be permanently ensured and their identities and traditions accommodated. Although the policy of the British Government was to favour power-sharing, there was no firm determination to insist on implementation of this policy in practice. Nor was recognition of the Irish identity of Northern nationalists given any practical expression. Thus it is that initiatives, which may give the appearance of movement and flexibility to domestic and international opinion, have been inadequate through not addressing the fundamental nature of the problem. Instead the crisis has

been addressed as a security problem and the political conditions which produced the conflict and sustain the violence have in effect been ignored.

4.3 The immobility and short-term focus of British policy - the fact that it has been confined to crisis management and does not take account of fundamental causes-is making an already dangerous situation worse. There is increasing frustration with the state of political paralysis, uncertainty as to long-term British intentions and growing mutual mistrust between both sections of the community. The failure to provide the nationalist population of the North with any constructive means of expressing its nationalism and its aspirations is undermining constitutional politics. The net effect of existing policy is to drive both sections of the community in Northern Ireland further apart, alienating them from each other and providing a breeding ground for despair and violence. It has thus contributed to the emergence in both sections of the community of elements prepared to resort to violence, on the one side to preserve, and on the other to change the existing constitutional position.

4.4 The problem of security is an acute symptom of the crisis in Northern Ireland. Law and order in democratic countries and, in particular, the introduction of emergency measures depend on a basic consensus about society itself and its institutions. Present security policy has arisen from the absence of political consensus. In Northern Ireland extraordinary security actions have taken place that call into question the effectiveness of the normal safeguards of the legal process. This has led to harassment of the civilian population by use of abnormally wide powers of arrest and detention, exercised not for the purpose of bringing suspects before a court of justice and making them amenable to a process of law but for the purpose of gathering information and unjustifiably invading the privacy of a person's life; e.g. between 1978 and 1982 more than 22,000 people were arrested and interrogated, the vast majority being released without charge. This has the consequence that the availability of the legal remedy of habeas corpus in Northern Ireland is in practice extremely limited. It has also at different periods led to the use of internment without trial combined with inhuman interrogation methods that have been found to be in breach of the European Convention on Human Rights; the trial and conviction of people on evidence of paid informers; the use of plastic bullets; and killings by some members of the security forces in doubtful circumstances. The

various measures were introduced on the basis that they were essential to defeat terrorism and violent subversion, but they have failed to address the causes of violence and have often produced further violence.

4.5 Nationalists, for the most part, do not identify with the police and the security forces. It is clear that the police will not be accepted, as they are in a normal democratic society, by the nationalist section of the community nor will they themselves feel confident in their relations with nationalists, until there is a change in the political context in which they have to operate.

Nationalist Identity and Attitudes

4.6 The parties in the Forum, representing a large majority of the people of Ireland, reaffirm that their shared aim of a united Ireland will be pursued only by democratic political means and on the basis of agreement. For nationalists, a central aim has been the survival and development of an Irish identity, an objective that continues in Northern Ireland today as nationalists seek effective recognition of their Irish identity and pursue their rights and aspirations through political means. For historical reasons, Irish nationalism may have tended to define itself in terms of separation from Britain and opposition to British domination of Ireland. The positive vision of Irish nationalism, however, has been to create a society that transcends religious differences and that can accommodate all traditions in a sovereign independent Ireland united by agreement. The aim of nationalists, therefore, in seeking Irish unity is to develop and promote an Irishness that demonstrates convincingly to unionists that the concerns of the unionist and Protestant heritage can be accommodated in a credible way and that institutions can be created which would protect such concerns and provide fully for their legitimate self-expression.

4.7 The division of Ireland inevitably gave rise to the unconscious development in both parts of Ireland of partitionist attitudes on many political, economic, cultural and social questions of importance, diminishing significantly the development of a prosperous democratic society on the whole of the island. Such attitudes persist up to the present day. However, the tragedy of Northern Ireland and the suffering of the people there

has stimulated among nationalists in both parts of Ireland a new consciousness of the urgent need for understanding and accommodation. The work of the Forum has underlined the urgent need for sustained efforts and practical steps in the political, economic, cultural and social spheres to transform the present nationalist/unionist relationship and to promote and secure consensus. In addition both parts of Ireland, North and South, face a number of economic and social realities which contribute to the sense of urgency in providing for a political solution. These include the demographic profile of the population and the very high unemployment rate in both parts of the island, and the problem of steady emigration from Northern Ireland of a substantial proportion of educated young people.

Unionist Identity and Attitudes

4.8 Unionists have tended to view all forms of nationalist self-expression as being directed aggressively against them and the North's status within the United Kingdom. Although the true nationalist ideal rejects sectarianism and embraces all the people of Ireland whatever their religion, Northern Protestants fear that their civil and religious liberties and their unionist heritage would not survive in a united Ireland in which Roman Catholicism would be the religion of the majority of the population. They base this fear on a number of factors including the diminution of the numbers of Southern Protestants since partition and the perception that the Constitution and certain laws in the South unduly favour the ethos of the predominant religion. The Forum has attempted not only to determine "what do unionists seek to prevent?" but also "what do they seek to protect?". What they seek to prevent varies to some degree but includes: an all-Irish State in which they consider that the Roman Catholic Church would have undue influence on moral issues; the breaking of the link with Britain; and loss of their dominant position consequent upon giving effective recognition to the nationalist identity and aspiration. In attempting to answer the more important question of "what do unionists seek to protect?" and to identify what qualities in the unionist ethos and identity must be sustained, nationalists must first of all acknowledge that unionists, sharing the same island, have the same basic concerns about stability and security as nationalists. The major difference between the two traditions lies in their perceptions of how their interests would be affected by various political arrangements. These perceptions have been largely formed by different historical experiences and communal

values.

4.9 In public sessions of the Forum, contributors who put forward the unionist point of view were asked “what is it that the unionists wish to preserve?”. Three elements were identified in their replies:

- (1) Britishness
- (2) Protestantism
- (3) The economic advantages of the British link.

The degree of emphasis on each of these three elements varied among those who made submissions.

4.9.1 Unionists generally regard themselves as being British, the inheritors of a specific communal loyalty to the British Crown. The traditional nationalist opposition to British rule is thus seen by unionists as incompatible with the survival of their own sense of identity. Unionists generally also regard themselves as being Irish even if this does not include a willingness to live under all-Ireland political institutions. However, many of them identify with Ireland and with various features of Irish life and their culture and way of life embrace much of what is common to people throughout Ireland.

4.9.2 The Protestant tradition, which Unionism seeks to embody, is seen as representing a particular set of moral and cultural values epitomised by the concept of liberty of individual conscience. This is often accompanied by a Protestant view of the Roman Catholic ethos as being authoritarian and as less respectful of individual judgement. There is a widespread perception among unionists that the Roman Catholic Church exerts or seeks to exert undue influence in regard to aspects of the civil and legal organisation of society which Protestants consider to be a matter for private conscience. Despite the implicit separation of Church and State in the 1937 Constitution, many unionists hold the view that the Catholic ethos has unduly influenced administration in the South and that the latter, in its laws, attitudes and values has not reflected a regard for the ethos of Protestants living there.

4.9.3 There is also an economic concern in the perception of unionists in the North which is shared by nationalists. Studies by the Forum show that while living standards, North and South, are now broadly comparable, the North is heavily dependent on, and its economy sustained by the financial subvention from Britain. While a settlement of the conflict entailing an end to violence and the dynamic effects of all-Ireland economic integration would bring considerable economic benefits, reconstruction of the Northern Ireland economy and the maintenance of living standards in the meantime would require the continuing availability of substantial transfers from outside over a period of years, whether from Britain, the European Community and the United States of America, or from Ireland as a whole.

4.10 There are other factors that are important in understanding the unionist opposition to a united Ireland. Among unionists there are fears rooted in history and deriving from their minority position in Ireland as a whole. In more recent times the campaign of IRA violence has intensified those fears. Tensions have also arisen in regard to the South's extradition laws. There are similar fears in the nationalist tradition, based on experiences of discrimination, repression and violence. In modern times, the unionist sense of being besieged has continued. Unionist leaders have sought to justify their opposition to equal treatment for nationalists in Northern Ireland on the basis that the demand for political expression of the nationalist identity, no matter how reasonable and justified, would lead to nationalist domination over the unionist population in a united Ireland.

Need for Accommodation of Both Identities in a New Approach

4.11 The Forum rejects and condemns paramilitary organisations and all who resort to terror and murder to achieve their ends. It strongly urges people in Ireland of all traditions and all those who are concerned about Ireland elsewhere in the world to refuse any support or sympathy to these paramilitary bodies and associated organisations. The acts of murder and violence of these organisations, and their denial of the legitimate rights of others, have the effect of undermining all efforts to secure peace and political progress. Constitutional nationalists are determined to secure justice for all traditions. The Forum calls for the strongest possible support for political progress through the democratic process.

4.12 Before there can be fundamental progress a major reassessment by Britain of its position is now essential. Underlying British thinking is the fear that the risks of doing something to tackle the fundamental issues are greater than the risks of doing nothing. This is not the case. The situation is daily growing more dangerous. Constitutional politics are on trial and unless there is action soon to create a framework in which constitutional politics can work, the drift into more extensive civil conflict is in danger of becoming irreversible, with further loss of life and increasing human suffering. The consequences for the people in Northern Ireland would be horrific and it is inconceivable that the South and Britain could escape the serious threats to stability that would arise. With each day that passes, political action to establish new structures that will resolve the fundamental problems becomes more pressing. Such political action clearly carries less risk than the rapidly growing danger of letting the present situation drift into further chaos.

4.13 The new Ireland must be a society within which, subject only to public order, all cultural, political and religious belief can be freely expressed and practised. Fundamental to such a society are freedom of conscience, social and communal harmony, reconciliation and the cherishing of the diversity of all traditions. The criteria which relate to public legislation may not necessarily be the same as those which inform private morality. Furthermore, public legislation must have regard for the conscientious beliefs of different minority groups. The implementation of these principles calls for deepening and broadening of the sense of Irish identity. No one living in Ireland should feel less at home than another or less protected by law than his or her fellow citizen. This implies in particular, in respect of Northern Protestants, that the civil and religious liberties that they uphold and enjoy will be fully protected and guaranteed and their sense of Britishness accommodated.

4.14 It is clear that a new Ireland will require a new constitution which will ensure that the needs of all traditions are fully met. Society in Ireland as a whole comprises a wider diversity of cultural and political traditions than exists in the South, and the constitution and laws of a new Ireland must accommodate these social and political realities.

4.15 The solution to both the historic problem and the current crisis of Northern Ireland and the continuing problem of relations between Ireland and Britain necessarily requires new structures that will accommodate together two sets of legitimate rights:

- the right of nationalists to effective political, symbolic and administrative expression of their identity; and
- the right of unionists to effective political, symbolic and administrative expression of their identity, their ethos and their way of life.

So long as the legitimate rights of both unionists and nationalists are not accommodated together in new political structures acceptable to both, that situation will continue to give rise to conflict and instability. The starting point of genuine reconciliation and dialogue is mutual recognition and acceptance of the legitimate rights of both. The Forum is convinced that dialogue which fully respects both traditions can overcome the fears and divisions of the past and create an atmosphere in which peace and stability can be achieved.

4.16 A settlement which recognises the legitimate rights of nationalists and unionists must transcend the context of Northern Ireland. Both London and Dublin have a responsibility to respond to the continuing suffering of the people of Northern Ireland. This requires priority attention and urgent action to halt and reverse the constant drift into more violence, anarchy and chaos. It requires a common will to alleviate the plight of the people, both nationalists and unionists. It requires a political framework within which urgent efforts can be undertaken to resolve the underlying causes of the problem. It requires a common determination to provide conditions for peace, stability and justice so as to overcome the inevitable and destructive reactions of extremists on both sides. Both Governments, in cooperation with representatives of democratic nationalist and unionist opinion in Northern Ireland, must recognise and discharge their responsibilities.

CHAPTER 5

FRAMEWORK FOR A NEW IRELAND:

PRESENT REALITIES AND FUTURE REQUIREMENTS

5.1 The major realities identified in the Forum's analysis of the problem, as set out in earlier chapters, may be summarised as follows:-

- (1) Existing structures and practices in Northern Ireland have failed to provide either peace, stability or reconciliation. The failure to recognise and accommodate the identity of Northern nationalists has resulted in deep and growing alienation on their part from the system of political authority.
- (2) The conflict of nationalist and unionist identities has been concentrated within the narrow ground of Northern Ireland. This has prevented constructive interaction between the two traditions and fostered fears, suspicions and misunderstandings.
- (3) One effect of the division of Ireland is that civil law and administration in the South are seen, particularly by unionists, as being unduly influenced by the majority ethos on issues which Protestants consider to be a matter for private conscience and there is a widespread perception that the South in its laws, attitudes and values does not reflect a regard for the ethos of Protestants. On the other hand, Protestant values are seen to be reflected in the laws and practices in the North.
- (4) The present formal position of the British Government, namely the guarantee, contained in Section 1 of the Northern Ireland Constitution Act, 1973, has in its practical application had the effect of inhibiting the dialogue necessary for political progress. It has had the additional effect of removing the incentive which would otherwise exist on all sides to seek a political solution.
- (5) The above factors have contributed to conflict and instability with disastrous consequences involving violence and loss of life on a large scale in Northern Ireland.
- (6) The absence of political consensus, together with the erosion of the North's economy and social fabric, threatens to make irreversible the drift into more widespread civil conflict with catastrophic consequences.
- (7) The resulting situation has inhibited and placed under strain the development of normal relations between Britain and Ireland.
- (8) The nationalist identity and ethos comprise a sense of national Irish identity

and a democratically founded wish to have that identity institutionalised in a sovereign Ireland united by consent.

(9) The unionist identity and ethos comprise a sense of Britishness, allied to their particular sense of Irishness and a set of values comprising a Protestant ethos which they believe to be under threat from a Catholic ethos, perceived as reflecting different and often opposing values.

(10) Irish nationalist attitudes have hitherto in their public expression tended to underestimate the full dimension of the unionist identity and ethos. On the other hand, unionist attitudes and practices have denied the right of nationalists to meaningful political expression of their identity and ethos.

(11) The basic approach of British policy has created negative consequences. It has shown a disregard of the identity and ethos of nationalists. In effect, it has underwritten the supremacy in Northern Ireland of the unionist identity. Before there can be fundamental progress Britain must re-assess its position and responsibility.

5.2 Having considered these realities the Forum proposes the following as necessary elements of a framework within which a new Ireland could emerge:-

- (1) A fundamental criterion of any new structures and processes must be that they will provide lasting peace and stability. 26
- (2) Attempts from any quarter to impose a particular solution through violence must be rejected along with the proponents of such methods. It must be recognised that the new Ireland which the Forum seeks can come about only through agreement and must have a democratic basis.
- (3) Agreement means that the political arrangements for a new and sovereign Ireland would have to be freely negotiated and agreed to by the people of the North and by the people of the South.
- (4) The validity of both the nationalist and unionist identities in Ireland and the democratic rights of every citizen on this island must be accepted; both of these identities must have equally satisfactory, secure and durable, political, administrative and symbolic expression and protection.
- (5) Lasting stability can be found only in the context of new structures in which no tradition will be allowed to dominate the other, in which there will be equal rights

and opportunities for all, and in which there will be provision for formal and effective guarantees for the protection of individual human rights and of the communal and cultural rights of both nationalists and unionists.

(6) Civil and religious liberties and rights must be guaranteed and there can be no discrimination or preference in laws or administrative practices, on grounds of religious belief or affiliation; government and administration must be sensitive to minority beliefs and attitudes and seek consensus.

(7) New arrangements must provide structures and institutions including security structures with which both nationalists and unionists can identify on the basis of political consensus; such arrangements must overcome alienation in Northern Ireland and strengthen stability and security for all the people of Ireland.

(8) New arrangements must ensure the maintenance of economic and social standards and facilitate, where appropriate, integrated economic development, North and South. The macro-economic and financial implications are dealt with in the study by DKM Economic Consultants published with this Report, which is based on a range of assumptions with regard to the availability of external financial transfers.

(9) The cultural and linguistic diversity of the people of all traditions, North and South, must be preserved and fostered as a source of enrichment and vitality.

(10) Political action is urgently required to halt disillusionment with democratic politics and the slide towards further violence. Britain has a duty to respond now in order to ensure that the people of Northern Ireland are not condemned to yet another generation of violence and sterility. The parties in the Forum by their participation in its work have already committed themselves to join in a process directed towards that end.

5.3 it is clear that the building of a new Ireland will require the participation and co-operation of all the people of Ireland. In particular, it is evident that the people of the South must whole-heartedly commit themselves and the necessary resources to this objective. The parties in the Forum are ready to face up to this challenge and to accommodate the realities and meet the requirements identified by the Forum. However, Britain must help to create the conditions which will allow this process to begin. The British Government have a duty to join in developing the necessary process that will recognise these realities and give effect to these requirements and thus

promote reconciliation between the two major traditions in Ireland, and to make the required investment of political will and resources. The British and Irish Governments should enter into discussions to create the framework and atmosphere necessary for this purpose.

5.4 Among the fundamental realities the Forum has identified is the desire of nationalists for a united Ireland in the form of a sovereign, independent Irish state to be achieved peacefully and by consent. The Forum recognises that such a form of unity would require a general and explicit acknowledgement of a broader and more comprehensive Irish identity. Such unity would, of course, be different from both the existing Irish State and the existing arrangements in Northern Ireland because it would necessarily accommodate all the fundamental elements in both traditions.

5.5 The Parties in the Forum are convinced that such unity in agreement would offer the best and most durable basis for peace and stability. In particular, it would have a number of advantages and attractions:

- it would restore the historic integrity of Ireland and end the divisions in the country.
- It would enable both traditions to rediscover and foster the best and most positive elements in their heritages.

- It would provide the most promising framework for mutual interaction and enrichment between the two traditions.

- It would give unionists the clearest sense that all of Ireland, in all its dimensions, and not just Northern Ireland, is their inheritance and the opportunity to share in the

leadership and to shape the future of a new Ireland.

- It would end the alienation and deep sense of injustice felt by nationalists.

- It would provide a framework within which agreed institutions could apply economic policies suited to the particular and largely similar circumstances and interests of both parts of the country, and in which economies of scale and the possibilities of integrated planning could be fully exploited.

- It would best allow for the advancement internationally of the particular and largely common interests of Ireland, North and South and for the contribution, based on distinctive shared values, which the people of all traditions can make to the European and international communities.

- It would end the dissipation of energies in wasteful divisions and redirect efforts towards constructive endeavour, thus giving a major impetus to the social, cultural and economic development of the entire country.

5.6 The Parties in the Forum will continue to work by peaceful means to achieve Irish unity in agreement. There are many varying constitutional and other structures of political unity to be found throughout the world, for example, Australia, France, Italy, Spain, Switzerland and the United States of America which recognise to the extent necessary the diversity as well as the unity of the people concerned and ensure constitutional stability. It is essential that any structures for a new Ireland must meet both these criteria.

5.7 The particular structure of political unity which the Forum would wish to see established is a unitary state, achieved by agreement and consent, embracing the whole island of Ireland and providing irrevocable guarantees for the protection and preservation of both the unionist and nationalist identities. A unitary state on which agreement had been reached would also provide the ideal framework for the constructive interaction of the diverse cultures and values of the people of Ireland. A

broad outline of such a unitary state is set out in Chapter 6.

5.8 Constitutional nationalists fully accept that they alone could not determine the structures of Irish unity and that it is essential to have unionist agreement and participation in devising such structures and in formulating the guarantees they required. In line with this view, the Forum believes that the best people to identify the interests of the unionist tradition are the unionist people themselves. It would thus be essential that they should negotiate their role in any arrangements which would embody Irish unity. It would be for the British and Irish governments to create the framework and atmosphere within which such negotiations could take place.

5.9 The Forum in the course of its work, in both public and private sessions, received proposals as to how unionist and nationalist identities and interests could be accommodated in different ways and in varying degrees in a new Ireland. The Forum gave careful consideration to these proposals. In addition to the unitary state, two structural arrangements were examined in some detail - a federal/confederal state and joint authority - and a broad outline of these are set out in Chapters 7 and 8.

5.10 The Parties in the Forum also remain open to discuss other views which may contribute to political development.

CHAPTER 6

UNITARY STATE

6.1 A unitary state would embrace the island of Ireland governed as a single unit under one government and one parliament elected by all the people of the island. It would seek to unite in agreement the two major identities and traditions in Ireland. The democratic basis of a unitary state in Ireland has always existed in modern times. Historically up to 1922 Ireland was governed as a single unit and prior to the Act of Union in 1801 was constitutionally a separate and theoretically equal kingdom. Such a state would represent a constitutional change of such magnitude as to require a new constitution that would be non-denominational. This constitution could only be formulated at an all-round constitutional conference convened by the British and Irish Governments. Such a constitution would contain clauses which would guarantee civil and religious liberties to all the citizens of the state on a basis that would entail no alteration nor diminution of the provisions in respect of civil and religious liberties which apply at present to the citizens of Northern Ireland. These guarantees could not subsequently be changed, except in accordance with special procedures.

6.2 The rights of all citizens would be guaranteed in the constitution. Reinforcing guarantees would incorporate in the constitution the clauses of the European Convention on Human Rights with a right of access to the European Court of Human Rights.

6.3 In a unitary state, there would be a single legal and judicial system throughout the island. The study by Professors Boyle and Greer, *The Legal Systems, North and South* shows that there would be no significant technical obstacle to the creation of a unified legal system.

6.4 Political and administrative arrangements in a unitary state would be devised to ensure that unionists would not be denied power or influence in a state where nationalists would be in a majority. For example, provision could be made for weighted majorities in the Parliament in regard to legislation effecting changes in provisions on issues agreed to be fundamental at the establishment of the new state. In the

Senate unionists could be guaranteed a minimum number of seats. The powers of the Senate could include effective blocking powers in regard to the issues agreed to be fundamental. Mechanisms for ensuring full Northern participation in an integrated Irish civil service would have to be devised.

6.5 A unitary state would have a single police service recruited from the whole island so designed that both nationalists and unionists could identify with it on the basis of political consensus.

6.6 A redefined relationship between Britain and Ireland would take account of the unionist sense of Britishness. In a unitary state, persons in Ireland, North and South, who at present hold British citizenship would continue to have such citizenship and could pass it on to their children without prejudice to the status of Irish citizenship which they would automatically acquire. The state could develop structures, relationships and associations with Britain which could include an Irish-British Council with intergovernmental and interparliamentary structures which would acknowledge the unique relationship between Ireland and Britain and which would provide expression of the long-established connections which unionists have with Britain.

6.7 All the cultural traditions in Ireland, North and South, would be guaranteed full expression and encouragement. The educational system would reflect the two main traditions on the island. The Irish language and culture would continue to be fostered by the state, and would be made more accessible to everyone in Ireland without any compulsion or imposition on any section.

6.8 A unitary state achieved by agreement between the nationalist and unionist traditions would for the first time allow full participation by all traditions in the affairs of the island. This would require a general and more explicit acknowledgement of a broader and more comprehensive Irish identity. A unitary state would promote administrative and economic efficiency in the island by ending duplication and separate planning and investment programmes and by facilitating integrated promotion of investment, exports and tourism. Natural resources, oil, gas and minerals will be

developed for the benefit of all the people of Ireland and could make a significant contribution to securing the economic basis of the state. With no scope for conflicts of jurisdiction and with single taxation and currency systems, the implementation of an integrated economic policy suitable to the largely similar needs of the economies, North and South, would be facilitated, with consequent benefit. Integrated economic policies would ensure a united voice in advancing vital interests of both parts of Ireland, especially in the European Community, within which both North and South have common interests in areas such as agriculture and regional policy which diverge from the interests of Britain.

CHAPTER 7

FEDERAL/CONFEDERAL STATE

7.1 A two state federal/confederal Ireland based on the existing identities, North and South, would reflect the political and administrative realities of the past 60 years and would entrench a measure of autonomy for both parts of Ireland within an all-Ireland framework. While protecting and fostering the identities and ethos of the two traditions, it would enable them to work together in the common interest.

7.2 A federal/confederal constitution would be non-denominational and capable of alteration only by special procedures. There would be safeguards within each state and in the country as a whole for the protection of individual and minority rights. There would be a federal/confederal Supreme Court to interpret the constitution and to adjudicate on any conflicts of jurisdiction between federal/confederal and state governments, which could be made up of an uneven number of judges, one of whom could be from another country-possibly a Member State of the European Community - with the remaining judges coming in equal numbers from North and South. There would either be a special Bill of Rights or, alternatively, all the rights already defined and accepted in international conventions to which Ireland and the UK are signatories would be incorporated in the new federal or confederal constitution. This constitution could only be formulated at an all-round constitutional conference convened by the British and Irish governments.

7.3 In a federation, residual power would rest with the central government. Certain powers would be vested in the two individual states. A confederation would comprise the two states which would delegate certain specified powers to a confederal government.

7.4 In a federal/confederal arrangement, each state would have its own parliament and executive. Authority for security would be vested in the federal/confederal government in order to gain widespread acceptability and to ensure that the law and order functions were administered in the most effective and impartial manner.

7.5 In a federation, the federal parliament could have one or two chambers, a House of Representatives, and/or a Senate. Laws relating to previously agreed fundamental issues could be passed only if they received the support of a weighted majority of the Senate in a two chamber system or of the House of Representatives in a one chamber system. The federal government would be approved by and be responsible to the federal parliament. The powers held at the federal level would be a matter for negotiation but in an Irish context matters such as agriculture, industry, energy, transport, industrial promotion and marketing might be more efficiently administered on an island basis at federal level, while other services such as education, health, housing and social welfare might best be administered by the individual states. The functions of Head of State could be carried out by a President, the office alternating between persons representative of the Northern and Southern states.

7.6 In a confederal arrangement, the powers held at the centre could be relatively limited (for example, foreign policy, external and internal security policy and perhaps currency and monetary policy), requiring a less elaborate parliamentary structure at the confederal level. It might suffice to have an arrangement whereby the representatives of the two states would determine jointly issues of policy relating to the powers of the confederation. The decisions taken by the confederation would, as appropriate, e.g. implementation of EEC directives, fall to be implemented by the authorities in the individual states.

7.7 A federal/confederal arrangement would, in particular, provide institutions giving unionists effective power and influence in a new Ireland. The Northern parliament would have powers which could not be removed by an Act of another parliament. Existing civil and religious rights in the North would be unaffected. With a federal/confederal framework unionists would have parallel British citizenship and could maintain special links with Britain. Mechanisms for ensuring full Northern participation in the federal/confederal civil service would have to be devised. Provision would be made for the full recognition and symbolic expression of both traditions.

7.8 A federal/confederal arrangement would allow the retention within the North and

South of many laws and practices reflecting the development of both areas over the past 60 years. All the cultural traditions in Ireland, North and South, would be guaranteed full expression and encouragement.

7.9 A federal/confederal arrangement would allow all those living on the island to share and give expression to the common aspects of their identity while at the same time maintaining and protecting their separate beliefs and way of life. The central authority would promote their common interests while the state authorities protected individual interests.

CHAPTER 8

JOINT AUTHORITY

8.1 Under joint authority, the London and Dublin governments would have equal responsibility for all aspects of the government of Northern Ireland. This arrangement would accord equal validity to the two traditions in Northern Ireland and would reflect the current reality that the people of the North are divided in their allegiances. The two governments, building on existing links and in consultation with nationalist and unionist opinion, would establish joint authority designed to ensure a stable and secure system of government.

8.2 Joint authority would give political, symbolic and administrative expression of their identity to Northern nationalists without infringing the parallel wish of unionists to maintain and to have full operational expression of their identity. It would be an unprecedented approach to the unique realities that have evolved within Ireland and between Britain and Ireland.

8.3 Joint authority would involve shared rule by the British and Irish Governments. Although this could be exercised directly, there would be enabling provision for the exercise of major powers by a locally elected Assembly and Executive.

8.4 There would be full and formal recognition and symbolic expression of British and of Irish identity in Northern Ireland and promotion of the cultural expression of the two identities. Joint citizenship rights would be conferred automatically on all persons living in Northern Ireland, resulting in no diminution of the existing rights of Irish or British citizenship of persons living in Northern Ireland.

8.5 A comprehensive and enforceable non-denominational Bill of Rights for Northern Ireland would be promulgated ensuring the protection of both individual and communal

rights and freedoms.

8.6 The overall level of public expenditure would be determined by the two Governments. Problems of external representation of Northern Ireland would be resolved between the two Governments.

8.7 Under joint authority the two traditions in Northern Ireland would find themselves on a basis of equality and both would be able to find an expression of their identity in the new institutions. There would be no diminution of the Britishness of the unionist population. Their identity, ethos and link with Britain would be assured by the authority and presence of the British Government in the Joint authority arrangements. At the same time it would resolve one basic defect of (a) the failed 1920-25 attempt to settle the Irish Question and (b) the present arrangements for the government of Northern Ireland - the failure to give satisfactory political, symbolic and administrative expression to Northern nationalists. Structures would thus be provided with which the nationalists in the North could identify, which might reverse their progressive alienation from existing structures. Security arrangements in which for the first time both nationalists and unionists could have confidence could be developed, thus providing a basis for peace and order. The climate would thus be created for the emergence of normal political life, of compromise and of mutual confidence based on security in the reciprocal acceptance of identity and interests.

APPENDIX I

ORAL PRESENTATIONS

Proceedings of Public Sessions at which Oral Presentations were made.

Volume

| Number | Presenters |
|--------|--|
| No. 2 | Sir Charles Carter; Prof. Loudon Ryan (21 September, 1983). |
| No. 3 | Mr. Seán McBride; Rev. Fr. Brian Lennon SJ; Prof. David Harkness; Mr. Hugh Munro (4 October, 1983). |
| No. 4 | Mr. Robin Glendinning; Sen. John Robb; Mr. Michael McKeown (5 October, 1983). |
| No. 5 | Sir John Biggs-Davison MP; Northern Ireland Cross-Community Professional Group; Mr. Desmond Fennell (6 October, 1983). |
| No. 6 | Dr. Roy Johnston; An tUasal Labhrás Ó Murchú, Comhaltas Ceoltóiri Éireann; Mr. Frank Curran; Col. Eoghan Ó Neill; An tUasal Micheál Ó Loingsigh, Irish Sovereignty Movement (11 October, 1983). |
| No. 7 | Rev. Sydney Callaghan (20 October, 1983). |
| No. 8 | Rev. Dr. W. T. McDowell, Synod of Dublin, Presbyterian Church in Ireland; Mr. Michael O'Flanagan and Mr. Michael O'Mahony, Federalism and Peace Movement (3 November, 1983). |
| No. 9 | Women's Law and Research Group; Very Rev. Dr. S. J. Park (17 November, 1983). |
| No. 10 | Church of Ireland; Dr. Richard Kearney and Dr. Bernard Cullen; Dr. George Gordon Dallas; Mr. David Roche and Mr. Brian Gallagher, Irish Information Partnership (8 December, 1983). |
| No. 11 | Mrs. Sylvia Meehan; Messrs. Christopher and Michael McGimpsey; Mr. Clive Soley MP; Belfast Group of Unionists (19 January, 1984). |
| No. 12 | Irish Episcopal Conference (9 February, 1984). |

The Sunningdale Agreement (December 1973)

**Tripartite agreement on the Council of Ireland
- the communique issued following the Sunningdale Conference**

1. The Conference between the British and Irish Governments and the parties involved in the Northern Ireland Executive (designate) met at Sunningdale on 6, 7, 8 and 9 December 1973.

2. During the Conference, each delegation stated their position on the status of Northern Ireland.

3. The Taoiseach said that the basic principle of the Conference was that the participants had tried to see what measure of agreement of benefit to all the people concerned could be secured. In doing so, all had reached accommodation with one another on practical arrangements. But none had compromised, and none had asked others to compromise, in relation to basic aspirations. The people of the Republic, together with a minority in Northern Ireland as represented by the SDLP delegation, continued to uphold the aspiration towards a united Ireland. The only unity they wanted to see was a unity established by consent.

4. Mr Brian Faulkner said that delegates from Northern Ireland came to the Conference as representatives of apparently incompatible sets of political aspirations who had found it possible to reach agreement to join together in government because each accepted that in doing so they were not sacrificing principles or aspirations. The desire of the majority of the people of Northern Ireland to remain part of the United Kingdom, as represented by the Unionist and Alliance delegations, remained firm.

5. The Irish Government fully accepted and solemnly declared that there could be no change in the status of Northern Ireland until a majority of the people of Northern Ireland desired a change in that status. The British Government solemnly declared that it was, and would remain, their policy to support the wishes of the majority of the people of Northern Ireland. The present status of Northern Ireland is that it is part of the United Kingdom. If in the future the majority of the people of Northern Ireland should indicate a wish to become part of a united Ireland, the British Government would support that wish.

6. The Conference agreed that a formal agreement incorporating the declarations of the British and Irish Governments would be signed at the formal stage of the Conference and registered at the United Nations.

7. The Conference agreed that a Council of Ireland would be set up. It would be confined to representatives of the two parts of Ireland, with appropriate safeguards

for the British Government's financial and other interests. It would comprise a Council of Ministers with executive and harmonising functions and a consultative role, and a Consultative Assembly with advisory and review functions. The Council of Ministers would act by unanimity, and would comprise a core of seven members of the Irish Government and an equal number of members of the Northern Ireland Executive with provision for the participation of other non-voting members of the Irish Government and the Northern Ireland Executive or Administration when matters within their departmental competence were discussed. The Council of Ministers would control the functions of the Council. The Chairmanship would rotate on an agreed basis between representatives of the Irish Government and of the Northern Ireland Executive. Arrangements would be made for the location of the first meeting, and the location of subsequent meetings would be determined by the Council of Ministers. The Consultative Assembly would consist of 60 members, 30 members from Dail Eireann chosen by the Dail on the basis of proportional representation by the single transferable vote, and 30 members from the Northern Ireland Assembly chosen by that Assembly and also on that basis. The members of the Consultative Assembly would be paid allowances. There would be a Secretariat to the Council, which would be kept as small as might be commensurate with efficiency in the operation of the Council. The Secretariat would service the institutions of the Council and would, under the Council of Ministers, supervise the carrying out of the executive and harmonising functions and the consultative role of the Council. The Secretariat would be headed by a Secretary-General. Following the appointment of a Northern Ireland Executive, the Irish Government and the Northern Ireland Executive would nominate their representatives to a Council of Ministers. The Council of Ministers would then appoint a Secretary-General and decide upon the location of its permanent headquarters. The Secretary-General would be directed to proceed with the drawing up of plans for such headquarters. The Council of Ministers would also make arrangements for the recruitment of the staff of the Secretariat in a manner and on conditions which would, as far as is practicable, be consistent with those applying to public servants in the two administrations.

8. In the context of its harmonising functions and consultative role, the Council of Ireland would undertake important work relating, for instance, to the impact of EEC membership. As for executive functions, the first step would be to define and agree these in detail. The Conference therefore decided that, in view of the administrative

complexities involved, studies would at once be set in hand to identify and, prior to the formal stage of the conference, report on areas of common interest in relation to which a Council of Ireland would take executive decisions and, in appropriate cases, be responsible for carrying those decisions into effect. In carrying out these studies, and also in determining what should be done by the Council in terms of harmonisation. the objectives to be borne in mind would include the following:

- (1) to achieve the best utilisation of scarce skills, expertise and resources;
- (2) to avoid in the interests of economy and efficiency, unnecessary duplication of effort; and
- (3) to ensure complementary rather than competitive effort where this is to the advantage of agriculture, commerce and industry.

In particular, these studies would be directed to identifying, for the purposes of executive action by the Council of Ireland, suitable aspects of activities in the following broad fields:

- (a) exploitation, conservation and development of natural resources and the environment;
- (b) agricultural matters (including agricultural research, animal health and operational aspects of the Common Agriculture Policy), forestry and fisheries;
- (c) co-operative ventures in the fields of trade and industry;
- (d) electricity generation;
- (e) tourism;
- (f) roads and transport;
- (g) advisory services in the field of public health;
- (h) sport, culture and the arts.

It would be for the Oireachtas and the Northern Ireland Assembly to legislate from time to time as to the extent of functions to be devolved to the Council of Ireland. Where necessary, the British Government will cooperate in this devolution of functions. Initially,

the functions to be vested would be those identified in accordance with the procedures set out above and decided, at the formal stage of the conference. to be transferred.

9.

(i) During the initial period following the establishment of the Council, the revenue of the Council would be provided by means of grants from the two administrations in Ireland towards agreed projects and budgets, according to the nature of the service involved.

(ii) It was also agreed that further studies would be put in hand forthwith and completed as soon as possible of methods of financing the Council after the initial period which would be consonant with the responsibilities and functions assigned to it.

(iii) It was agreed that the cost of the Secretariat of the Council of Ireland would be shared equally, and other services would be financed broadly in proportion to where expenditure or benefit accrues.

(iv) The amount of money required to finance the Council's activities will depend upon the functions assigned to it from time to time.

(v) While Britain continues to pay subsidies to Northern Ireland, such payments would not involve Britain participating in the Council, it being accepted nevertheless that it would be legitimate for Britain to safe-guard in an appropriate way her financial involvement in Northern Ireland.

10. It was agreed by all parties that persons committing crimes of violence, however motivated, in any part of Ireland should be brought to trial irrespective of the part of Ireland in which they are located. The concern which large sections of the people of Northern Ireland felt about this problem was in particular forcefully expressed by the representatives of the Unionist and Alliance parties. The representatives of the Irish Government stated that they understood and fully shared this concern. Different ways of solving this problem were discussed; among them were the amendment of legislation operating in the two jurisdictions on extradition, the creation of a common law enforcement area in which an all-Ireland court would have jurisdiction, and the extension of the jurisdiction of domestic courts so as to enable them to try offences committed outside the jurisdiction. It was agreed that problems of considerable legal complexity were involved, and that the British and Irish Governments would jointly set up a commission to consider all the proposals put forward at the Conference and to recommend as a matter of extreme urgency the most effective means of dealing with

those who commit these crimes. The Irish Government undertook to take immediate and effective legal steps so that persons coming within their jurisdiction and accused of murder, however motivated, committed in Northern Ireland will be brought to trial, and it was agreed that any similar reciprocal action that may be needed in Northern Ireland be taken by the appropriate authorities.

11. It was agreed that the Council would be invited to consider in what way the principles of the European Convention on Human Rights and Fundamental Freedoms would be expressed in domestic legislation in each part of Ireland. It would recommend whether further legislation or the creation of other institutions, administrative or judicial, is required in either part or embracing the whole island to provide additional protection in the field of human rights. Such recommendations could include the functions of an Ombudsman or Commissioner for Complaints, or other arrangements of a similar nature which the Council of Ireland might think appropriate.

12. The Conference also discussed the question of policing and the need to ensure public support for and identification with the police service throughout the whole community. It was agreed that no single set of proposals would achieve these aims overnight, and that time would be necessary. The Conference expressed the hope that the wide range of agreement that had been reached, and the consequent formation of a power-sharing Executive, would make a major contribution to the creation of an atmosphere throughout the community where there would be widespread support for and identification with all the institutions of Northern Ireland.

13. It was broadly accepted that the two parts of Ireland are to a considerable extent inter-dependent in the whole field of law and order, and that the problems of political violence and identification with the police service cannot be solved without taking account of that fact.

14. Accordingly, the British Government stated that, as soon as the security problems were resolved and the new institutions were seen to be working effectively, they would wish to discuss the devolution of responsibility for normal policing and how this might be achieved with the Northern Ireland Executive and the Police.

15. With a view to improving policing throughout the island and developing community identification with and support for the police services, the governments concerned will cooperate under the auspices of a Council of Ireland through their respective police authorities. To this end, the Irish Government would set up a Police Authority,

appointments to which would be made after consultation with the Council of Ministers of the Council of Ireland. In the case of the Northern Ireland Police Authority, appointments would be made after consultation with the Northern Ireland Executive which would consult with the Council of Ministers of the Council of Ireland. When the two Police Authorities are constituted, they will make their own arrangements to achieve the objectives set out above.

16. An independent complaints procedure for dealing with complaints against the police will be set up.

17. The Secretary of State for Northern Ireland will set up an all-party committee from the Assembly to examine how best to introduce effective policing throughout Northern Ireland with particular reference to the need to achieve public identification with the police.

18. The Conference took note of a reaffirmation by the British Government of their firm commitment to bring detention to an end in Northern Ireland for all sections of the community as soon as the security situation permits, and noted also that the Secretary of State for Northern Ireland hopes to be able to bring into use his statutory powers of selective release in time for a number of detainees to be released before Christmas.

19. The British Government stated that, in the light of the decisions reached at the Conference, they would now seek the authority of Parliament to devolve full powers to the Northern Ireland Executive and Northern Ireland Assembly as soon as possible. The formal appointment of the Northern Ireland Executive would then be made.

20. The Conference agreed that a formal conference would be held early in the New year at which the British and Irish Governments and the Northern Ireland Executive would meet together to consider reports on the studies which have been commissioned and to sign the agreement reached.

Joint Declaration 1993 (Downing St. Declaration)

The Joint Declaration of 15 December 1993 (Downing St. Declaration)

MESSAGE FROM THE GOVERNMENT

This Joint Declaration is a charter for peace and reconciliation in Ireland. Peace is a very simple, but also a very powerful idea, whose time has come. The Joint Declaration provides from everyone's point of view a noble means of establishing the first step towards lasting peace with justice in Ireland. The central idea behind the Peace Declaration is that the problems of Northern Ireland, however deep and intractable, however difficult to reconcile, have to be resolved exclusively by political and democratic means. Its objective is to heal the divisions among the people of Ireland. The Declaration makes it clear that it is for the people of Ireland, North and South, to achieve agreement without outside impediment. The British Government have also declared that they will encourage, enable and facilitate such agreement, and that they will endorse whatever agreement emerges and take the necessary steps to implement it. The language of the Declaration quite clearly makes both Governments persuaders for agreement between the people of Ireland. The dynamic for future progress must reside in the full use of the democratic political process, in the underlying changes in Irish society, North and South, and in our external environment. Peace is the first essential for better relationships on this island. The Joint Declaration is only the first stage in the Peace Process. There will never be a better opportunity. Peace will allow us to develop a new atmosphere of trust and co-operation and to establish a new era of détente, which is the only way forward.

JOINT DECLARATION

1. The Taoiseach, Mr. Albert Reynolds, TD, and the Prime Minister, the Rt. Hon. John Major, MP, acknowledge that the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted, recognising that the absence of a lasting and satisfactory settlement of relationships between the peoples of both islands has contributed to continuing tragedy and suffering. They believe that the development of an agreed framework for peace, which has been discussed between them since early last year, and which is based on a number of key principles articulated by the two Governments over the past 20 years, together with the adaptation of other widely accepted principles, provides the starting point of a peace process designed to culminate in a political settlement.
2. The Taoiseach and the Prime Minister are convinced of the inestimable value to both their peoples, and particularly for the next generation, of healing divisions in Ireland and of ending a conflict which has been so manifestly to the detriment of all. Both recognise that the ending of divisions can come about only through the agreement and co-operation of the people, North and South, representing both traditions in Ireland. They therefore make a solemn commitment to promote co-operation at all levels on the basis of the fundamental principles, undertakings, obligations under international agreements, to which they have jointly committed themselves, and the guarantees which each Government has given and now reaffirms, including Northern Ireland's statutory constitutional guarantee. It is their aim to foster agreement and reconciliation, leading to a new political framework founded on consent and encompassing arrangements within Northern Ireland, for the whole island, and between these islands.
3. They also consider that the development of Europe will, of itself, require new approaches to serve interests common to both parts of the island of Ireland, and to Ireland and the United Kingdom as partners in the European Union.
4. The Prime Minister, on behalf of the British Government, reaffirms that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis, he reiterates, on behalf of the British Government, that they have no selfish strategic or economic interest in Northern Ireland. Their primary interest is to see peace, stability and reconciliation established by agreement among all the people who inhabit the island, and they will work together with the Irish Government to achieve such an agreement, which will embrace the totality of relationships. The role of the British Government will be to encourage, facilitate and enable the achievement of such agreement over a period through a process of dialogue and co-operation based on full respect for the rights and identities of both traditions in Ireland. They accept that such agreement may, as of right, take the form of agreed structures for the island as a whole, including a united Ireland achieved by peaceful means on the following basis. The British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish. They reaffirm as a binding obligation that they will, for their part, introduce the necessary legislation to give effect to this, or equally to any measure of agreement on future relationships in Ireland which the people living in Ireland may themselves freely so determine without external impediment. They believe that the people of Britain would wish, in friendship to all sides, to enable the people of Ireland to reach agreement on how they may live together in harmony and in partnership, with respect for their diverse traditions, and with full recognition of the special links and the unique

relationship which exist between the peoples of Britain and Ireland.

5. The Taoiseach, on behalf of the Irish Government, considers that the lessons of Irish history, and especially of Northern Ireland, show that stability and well-being will not be found under any political system which is refused allegiance or rejected on grounds of identity by a significant minority of those governed by it. For this reason, it would be wrong to attempt to impose a united Ireland, in the absence of the freely given consent of a majority of the people of Northern Ireland. He accepts, on behalf of the Irish Government, that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland and must, consistent with justice and equity, respect the democratic dignity and the civil rights and religious liberties of both communities, including:

- the right of free political thought;
- the right of freedom and expression of religion;
- the right to pursue democratically national and political aspirations;
- the right to seek constitutional change by peaceful and legitimate means;
- the right to live wherever one chooses without hindrance;
- the right to equal opportunity in all social and economic activity, regardless of class, creed, sex or colour.

These would be reflected in any future political and constitutional arrangements emerging from a new and more broadly based agreement.

6. The Taoiseach however recognises the genuine difficulties and barriers to building relationships of trust either within or beyond Northern Ireland, from which both traditions suffer. He will work to create a new era of trust, in which suspicion of the motives or actions of others is removed on the part of either community. He considers that the future of the island depends on the nature of the relationship between the two main traditions that inhabit it. Every effort must be made to build a new sense of trust between those communities. In recognition of the fears of the Unionist community and as a token of his willingness to make a personal contribution to the building up of that necessary trust, the Taoiseach will examine with his colleagues any elements in the democratic life and organisation of the Irish State that can be represented to the Irish Government in the course of political dialogue as a real and substantial threat to their way of life and ethos, or that can be represented as not being fully consistent with a modern democratic and pluralist society, and undertakes to examine any possible ways of removing such obstacles. Such an examination would of course have due regard to the desire to preserve those inherited values that are largely shared throughout the island or that belong to the cultural and historical roots of the people of this island in all their diversity. The Taoiseach hopes that over time a meeting of hearts and minds will develop, which will bring all the people of Ireland together, and will work towards that objective, but he pledges in the meantime that as a result of the efforts that will be made to build mutual confidence no Northern Unionist should ever have to fear in future that this ideal will be pursued either by threat or coercion.

7. Both Governments accept that Irish unity would be achieved only by those who favour this outcome persuading those who do not, peacefully and without coercion or violence, and that, if in the future a majority of the people of Northern Ireland are so persuaded, both Governments will support and give legislative effect to their wish. But, notwithstanding the solemn affirmation by both Governments in the Anglo-Irish Agreement that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland, the Taoiseach also recognises the continuing uncertainties and misgivings which dominate so much of Northern Unionist attitudes towards the rest of Ireland. He believes that we stand at a stage of our history when the genuine feelings of all traditions in the North must be recognised and acknowledged. He appeals to both traditions at this time to grasp the opportunity for a fresh start and a new beginning, which could hold such promise for all our lives and the generations to come. He asks the people of Northern Ireland to look on the people of the Republic as friends, who share their grief and shame over all the suffering of the last quarter of a century, and who want to develop the best possible relationship with them, a relationship in which trust and new understanding can flourish and grow. The Taoiseach also acknowledges the presence in the Constitution of the Republic of elements which are deeply resented by Northern Unionists, but which at the same time reflect hopes and ideals which lie deep in the hearts of many Irish men and women North and South. But as we move towards a new era of understanding in which new relationships of trust may grow and bring peace to the island of Ireland, the Taoiseach believes that the time has come to consider together how best the hopes and identities of all can be expressed in more balanced ways, which no longer engender division and the lack of trust to which he has referred. He confirms that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

8. The Taoiseach recognises the need to engage in dialogue which would address with honesty and integrity the fears of all traditions. But that dialogue, both within the North and between the people and their representatives of both parts of Ireland, must be entered into with an acknowledgement that the future security and welfare of the people of the island will depend on an open, frank and balanced approach to all the problems which for too long

have caused division.

9. The British and Irish Governments will seek, along with the Northern Ireland constitutional parties through a process of political dialogue, to create institutions and structures which, while respecting the diversity of the people of Ireland, would enable them to work together in all areas of common interest. This will help over a period to build the trust necessary to end past divisions, leading to an agreed and peaceful future. Such structures would, of course, include institutional recognition of the special links that exist between the peoples of Britain and Ireland as part of the totality of relationships, while taking account of newly forged links with the rest of Europe.

10. The British and Irish Governments reiterate that the achievement of peace must involve a permanent end to the use of, or support for, paramilitary violence. They confirm that, in these circumstances, democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.

11. The Irish Government would make their own arrangements within their jurisdiction to enable democratic parties to consult together and share in dialogue about the political future. The Taoiseach's intention is that these arrangements could include the establishment, in consultation with other parties, of a Forum for Peace and Reconciliation to make recommendations on ways in which agreement and trust between both traditions in Ireland can be promoted and established.

12. The Taoiseach and the Prime Minister are determined to build on the fervent wish of both their peoples to see old fears and animosities replaced by a climate of peace. They believe the framework they have set out offers the people of Ireland, North and South, whatever their tradition, the basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful political means. They appeal to all concerned to grasp the opportunity for a new departure. That step would compromise no position or principle, nor prejudice the future for either community. On the contrary, it would be an incomparable gain for all. It would break decisively the cycle of violence and the intolerable suffering it entails for the people of these islands, particularly for both communities in Northern Ireland. It would allow the process of economic and social co-operation on the island to realise its full potential for prosperity and mutual understanding. It would transform the prospects for building on the progress already made in the Talks process, involving the two Governments and the constitutional parties in Northern Ireland. The Taoiseach and the Prime Minister believe that these arrangements offer an opportunity to lay the foundations for a more peaceful and harmonious future, devoid of the violence and bitter divisions which have scarred the past generation. They commit themselves and their Governments to continue to work together, unremittingly, towards that objective.

The Northern Ireland Peace Agreement

The Agreement reached in the multi-party negotiations 10 April 1998

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DECLARATION OF SUPPORT

1. We, the participants in the multi-party negotiations, believe that the agreement we have negotiated offers a truly historic opportunity for a new beginning.
2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.
3. We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands.
4. We reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this agreement or otherwise.
5. We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. However, we will endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements. We pledge that we will, in good faith, work to ensure the success of each and every one of the arrangements to be established under this agreement. It is accepted that all of the institutional and constitutional arrangements - an Assembly in Northern Ireland, a North/South Ministerial Council, implementation bodies, a British-Irish Council and a British-Irish Intergovernmental Conference and any amendments to British Acts of Parliament and the Constitution of Ireland - are interlocking and interdependent and that in particular the functioning of the Assembly and the North/South Council are so closely inter-related that the success of each depends on that of the other.
6. Accordingly, in a spirit of concord, we strongly commend this agreement to the people, North and South, for their approval.

CONSTITUTIONAL ISSUES

1. The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will:

(i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;

(ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;

(iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;

(iv) affirm that if, in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments legislation to give effect to that wish;

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities;

(vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

2. The participants also note that the two Governments have accordingly undertaken in the context of this comprehensive political agreement, to propose and support changes in, respectively, the Constitution of Ireland and in British legislation relating to the constitutional status of Northern Ireland.

ANNEX A

DRAFT CLAUSES/SCHEDULES FOR INCORPORATION IN BRITISH LEGISLATION

1. (1) It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1.

(2) But if the wish expressed by a majority in such a poll is that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as may be agreed between Her Majesty's Government in the United Kingdom and the Government of Ireland.

2. The Government of Ireland Act 1920 is repealed; and this Act shall have effect notwithstanding any other previous enactment.

SCHEDULE 1

POLLS FOR THE PURPOSE OF SECTION 1

1. The Secretary of State may by order direct the holding of a poll for the purposes of section 1 on a date specified in the order.

2. Subject to paragraph 3, the Secretary of State shall exercise the power under paragraph 1 if at any time it appears likely to him that a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland.

3. The Secretary of State shall not make an order under paragraph 1 earlier than seven years after the holding of a previous poll under this Schedule.

4. (Remaining paragraphs along the lines of paragraphs 2 and 3 of existing Schedule 1 to 1973 Act.)

ANNEX B

IRISH GOVERNMENT DRAFT LEGISLATION TO AMEND THE CONSTITUTION

Add to Article 29 the following sections:

7.

1°. The State may consent to be bound by the British-Irish Agreement done at Belfast on the 10th day of April 1998, hereinafter called the Agreement.

2°. Any institution established by or under the Agreement may exercise the powers and functions thereby conferred on it in respect of all or any part of the island of Ireland notwithstanding any other provision of this Constitution conferring a like power or function on any person or any organ of State appointed under or created or established by or under this Constitution. Any power or function conferred on such an institution in relation to the settlement or resolution of disputes or controversies may be in addition to or in substitution for any like power or function conferred by this Constitution on any such person or organ of State as aforesaid.

3°. If the Government declare that the State has become obliged, pursuant to the Agreement, to give effect to the amendment of this Constitution referred to therein, then, notwithstanding Article 46 hereof, this Constitution shall be amended as follows:

i. the following Articles shall be substituted for Articles 2 and 3 of the Irish text:

Airteagal 2

Tá gach duine a shaolaítear in oileán na hÉireann, ar a n-áirítear a oileáin agus a fharraigí, i dteideal, agus tá de cheart oidhreachta aige nó aici, a bheith páirteach i náisiún na hÉireann. Tá an teideal sin freisin ag na daoine go léir atá cáilithe ar shlí eile de réir dlí chun bheith ina saoránaigh d'Éirinn. Ina theannta sin, is mór ag náisiún na hÉireann a choibhneas speisialta le daoine de bhunadh na hÉireann atá ina gcónaí ar an gcoigríoch agus arb ionann féiniúlacht agus oidhrecht chultúir dóibh agus do náisiún na hÉireann.

Airteagal 3

1. Is í toil dhiongbháilte náisiún na hÉireann, go sítheach cairdiúil, na daoine go léir a chomhroinneann críoch oileán na hÉireann i bpáirt lena chéile, in éagsúlacht uile a bhféiniúlachtaí agus a dtraidisiún, a aontú, á aithint gur trí mhodhanna síochánta amháin le toiliú thromlach na ndaoine, á chur in iúl go daonlathach, sa dá dhlínse san oileán, a dhéanfar Éire aontaithe a thabhairt i gcrích. Go dtí sin, bainfidh na dlíthe a achtófar ag an bParlaimint a bhunaítear leis an mBunreacht seo leis an limistéar feidhme céanna, agus beidh an raon feidhme céanna acu, lena bhain na dlíthe, agus a bhí ag na dlíthe, a d'achtaigh an Pharlaimint a bhí ar marthain díreach roimh theacht i ngníomh don Bhunreacht seo.

2. Féadfaidh údarais fhreagracha faoi seach na ndlínsí sin institiúidí ag a mbeidh cumhachtaí agus feidhmeanna feidhmiúcháin a chomhroinntear idir na dlínsí sin a bhunú chun críoch sonraithe agus féadfaidh na hinstitiúidí sin cumhachtaí agus feidhmeanna a fheidhmiú i leith an oileáin ar fad nó i leith aon chuid de.

ii. the following Articles shall be substituted for Articles 2 and 3 of the English text:

Article 2

It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.

Article 3

1. It is the firm will of the Irish nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island. Until then, the laws enacted by the Parliament established by this Constitution shall have the like area and extent of application as the laws enacted by the Parliament that existed immediately before the coming into operation of this Constitution.

2. Institutions with executive powers and functions that are shared between those jurisdictions may be established by their respective responsible authorities for stated purposes and may exercise powers and functions in respect of all or any part of the island."

iii. the following section shall be added to the Irish text of this Article:

"8 Tig leis an Stát dlínse a fheidhmiú taobh amuigh dá chríoch de réir bhunrialacha gnáth-admhaithe an dlí idirnáisúnta."

and

iv. the following section shall be added to the English text of this Article:

"8. The State may exercise extra-territorial jurisdiction in accordance with the generally recognised principles of international law."

4. If a declaration under this section is made, this subsection and subsection 3, other than the amendment of this Constitution effected thereby, and subsection 5 of this section shall be omitted from every official text of this Constitution published thereafter, but notwithstanding such omission this section shall continue to have the force of law.

5. If such a declaration is not made within twelve months of this section being added to this Constitution or such longer period as may be provided for by law, this section shall cease to have effect and shall be omitted from every official text of this Constitution published thereafter.

STRAND ONE

DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

1. This agreement provides for a democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community.

The Assembly

2. A 108 member Assembly will be elected by PR (STV) from existing Westminster constituencies.

3. The Assembly will exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement.

4. The Assembly - operating where appropriate on a cross-community basis - will be the prime source of authority in respect of all devolved responsibilities.

Safeguards

5. There will be safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including:

(a) allocations of Committee Chairs, Ministers and Committee membership in proportion to party strengths;

(b) the European Convention on Human Rights (ECHR) and any Bill of Rights for Northern Ireland supplementing it, which neither the Assembly nor public bodies can infringe, together with a Human Rights Commission;

(c) arrangements to provide that key decisions and legislation are proofed to ensure that they do not infringe the ECHR and any Bill of Rights for Northern Ireland;

(d) arrangements to ensure key decisions are taken on a cross-community basis;

(i) either parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting;

(ii) or a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting.

Key decisions requiring cross-community support will be designated in advance, including election of the Chair of the Assembly, the First Minister and Deputy First Minister, standing orders and budget allocations. In other cases such decisions could be triggered by a petition of concern brought by a significant minority of Assembly members (30/108).

(e) an Equality Commission to monitor a statutory obligation to promote equality of opportunity in specified areas and parity of esteem between the two main communities, and to investigate individual complaints against public bodies.

Operation of the Assembly

6. At their first meeting, members of the Assembly will register a designation of identity - nationalist, unionist or other - for the purposes of measuring cross-community support in Assembly votes under the relevant provisions above.

7. The Chair and Deputy Chair of the Assembly will be elected on a cross-community basis, as set out in paragraph 5(d) above.

8. There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt system. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all members.

9. The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports;
- consider and advise on matters brought to the Committee by its Minister.

10. Standing Committees other than Departmental Committees may be established as may be required from time to time.

11. The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure.

12. The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis.

13. When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed.

Executive Authority

14. Executive authority to be discharged on behalf of the Assembly by a First Minister and Deputy First Minister and up to ten Ministers with Departmental responsibilities.

15. The First Minister and Deputy First Minister shall be jointly elected into office by the Assembly voting on a cross-community basis, according to 5(d)(i) above.

16. Following the election of the First Minister and Deputy First Minister, the posts of Ministers will be allocated to parties on the basis of the d'Hondt system by reference to the number of seats each party has in the Assembly.

17. The Ministers will constitute an Executive Committee, which will be convened, and presided over, by the First Minister and Deputy First Minister.

18. The duties of the First Minister and Deputy First Minister will include, inter alia, dealing with and co-ordinating the work of the Executive Committee and the response of the Northern Ireland administration to external relationships.

19. The Executive Committee will provide a forum for the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers, for prioritising executive and legislative proposals and for recommending a common position where necessary (e.g. in dealing with external relationships).

20. The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.

21. A party may decline the opportunity to nominate a person to serve as a Minister or may subsequently change its nominee.

22. All the Northern Ireland Departments will be headed by a Minister. All Ministers will liaise regularly with their respective Committee.

23. As a condition of appointment, Ministers, including the First Minister and Deputy First Minister, will affirm the terms of a Pledge of Office (Annex A) undertaking to discharge effectively and in good faith all the responsibilities attaching to their office.

24. Ministers will have full executive authority in their respective areas of responsibility, within any broad programme agreed by the Executive Committee and endorsed by the Assembly as a whole.

25. An individual may be removed from office following a decision of the Assembly taken on a cross-community basis, if (s)he loses the confidence of the Assembly, voting on a cross-community basis, for failure to meet his or her responsibilities including, inter alia, those set out in the Pledge of Office. Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions.

Legislation

26. The Assembly will have authority to pass primary legislation for Northern Ireland in devolved areas, subject to:

(a) the ECHR and any Bill of Rights for Northern Ireland supplementing it which, if the courts found to be breached, would render the relevant legislation null and void;

(b) decisions by simple majority of members voting, except when decision on a cross-community basis is required;

(c) detailed scrutiny and approval in the relevant Departmental Committee;

(d) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable co-ordination, and avoid disputes, between the Assembly and the Westminster Parliament;

(e) option of the Assembly seeking to include Northern Ireland provisions in United Kingdom-wide legislation in the Westminster Parliament, especially on devolved issues where parity is normally maintained (e.g. social security, company law).

27. The Assembly will have authority to legislate in reserved areas with the approval of the Secretary of State and subject to Parliamentary control.

28. Disputes over legislative competence will be decided by the Courts.

29. Legislation could be initiated by an individual, a Committee or a Minister.

Relations with other institutions

30. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, will be in accordance with paragraph 18, and will be such as to ensure cross-community involvement.

31. Terms will be agreed between appropriate Assembly representatives and the Government of the United Kingdom to ensure effective co-ordination and input by Ministers to national policy-making, including on EU issues.

32. Role of Secretary of State:

- (a) to remain responsible for NIO matters not devolved to the Assembly, subject to regular consultation with the Assembly and Ministers;
- (b) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;
- (c) to represent Northern Ireland interests in the United Kingdom Cabinet;
- (d) to have the right to attend the Assembly at their invitation.

33. The Westminster Parliament (whose power to make legislation for Northern Ireland would remain unaffected) will:

- (a) legislate for non-devolved issues, other than where the Assembly legislates with the approval of the Secretary of State and subject to the control of Parliament;
- (b) to legislate as necessary to ensure the United Kingdom's international obligations are met in respect of Northern Ireland;
- (c) scrutinise, including through the Northern Ireland Grand and Select Committees, the responsibilities of the Secretary of State.

34. A consultative Civic Forum will be established. It will comprise representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Minister and the Deputy First Minister. It will act as a consultative mechanism on social, economic and cultural issues. The First Minister and the Deputy First Minister will by agreement provide administrative support for the Civic Forum and establish guidelines for the selection of representatives to the Civic Forum.

Transitional Arrangements

35. The Assembly will meet first for the purpose of organisation, without legislative or executive powers, to resolve its standing orders and working practices and make preparations for the effective functioning of the Assembly, the British-Irish Council and the North/South Ministerial Council and associated implementation bodies. In this transitional period, those members of the Assembly serving as shadow Ministers shall affirm their commitment to non-violence and exclusively peaceful and democratic means and their opposition to any use or threat of force by others for any political purpose; to work in good faith to bring the new arrangements into being; and to observe the spirit of the Pledge of Office applying to appointed Ministers.

Review

36. After a specified period there will be a review of these arrangements, including the details of electoral arrangements and of the Assembly's procedures, with a view to agreeing any adjustments necessary in the interests of efficiency and fairness.

Annex A

Pledge of Office

To pledge:

- (a) to discharge in good faith all the duties of office;
- (b) commitment to non-violence and exclusively peaceful and democratic means;
- (c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;
- (d) to participate with colleagues in the preparation of a programme for government;
- (e) to operate within the framework of that programme when agreed within the Executive Committee and endorsed by the Assembly;
- (f) to support, and to act in accordance with, all decisions of the Executive Committee and Assembly;
- (g) to comply with the Ministerial Code of Conduct.

CODE OF CONDUCT

Ministers must at all times:

- observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds;
- be accountable to users of services, the community and, through the Assembly, for the activities within their responsibilities, their stewardship of public funds and the extent to which key performance targets and objectives have been met;
- ensure all reasonable requests for information from the Assembly, users of services and individual citizens are complied with; and that Departments and their staff conduct their dealings with the public in an open and responsible way;
- follow the seven principles of public life set out by the Committee on Standards in Public Life;
- comply with this code and with rules relating to the use of public funds;
- operate in a way conducive to promoting good community relations and equality of treatment;
- not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests;
- ensure they comply with any rules on the acceptance of gifts and hospitality that might be offered;
- declare any personal or business interests which may conflict with their responsibilities. The Assembly will retain a Register of Interests. Individuals must ensure that any direct or indirect pecuniary interests which members of the public might reasonably think could influence their judgement are listed in the Register of Interests;

STRAND TWO

NORTH/SOUTH MINISTERIAL COUNCIL

1. Under a new British/Irish Agreement dealing with the totality of relationships, and related legislation at Westminster and in the Oireachtas, a North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the competence of the Administrations, North and South.
2. All Council decisions to be by agreement between the two sides. Northern Ireland to be represented by the First Minister, Deputy First Minister and any relevant Ministers, the Irish Government by the Taoiseach and relevant Ministers, all operating in accordance with the rules for democratic authority and accountability in force in the Northern Ireland Assembly and the Oireachtas respectively. Participation in the Council to be one of the essential responsibilities attaching to relevant posts in the two Administrations. If a holder of a relevant post will not participate normally in the Council, the Taoiseach in the case of the Irish Government and the First and Deputy First Minister in the case of the Northern Ireland Administration to be able to make alternative arrangements.
3. The Council to meet in different formats:
 - (i) in plenary format twice a year, with Northern Ireland representation led by the First Minister and Deputy First Minister and the Irish Government led by the Taoiseach;
 - (ii) in specific sectoral formats on a regular and frequent basis with each side represented by the appropriate Minister;
 - (iii) in an appropriate format to consider institutional or cross-sectoral matters (including in relation to the EU) and to resolve disagreement.
4. Agendas for all meetings to be settled by prior agreement between the two sides, but it will be open to either to propose any matter for consideration or action.
5. The Council:
 - (i) to exchange information, discuss and consult with a view to co-operating on matters of mutual interest within the competence of both Administrations, North and South;
 - (ii) to use best endeavours to reach agreement on the adoption of common policies, in areas where there is a mutual cross-border and all-island benefit, and which are within the competence of both Administrations, North and South, making determined efforts to overcome any disagreements;
 - (iii) to take decisions by agreement on policies for implementation separately in each jurisdiction, in relevant meaningful areas within the competence of both Administrations, North and South;
 - (iv) to take decisions by agreement on policies and action at an all-island and cross-border level to be implemented by the bodies to be established as set out in paragraphs 8 and 9 below.
6. Each side to be in a position to take decisions in the Council within the defined authority of those attending, through the arrangements in place for co-ordination of executive functions within each jurisdiction. Each side to remain accountable to the Assembly and Oireachtas respectively, whose approval, through the arrangements in place on either side, would be required for decisions beyond the defined authority of those attending.

7. As soon as practically possible after elections to the Northern Ireland Assembly, inaugural meetings will take place of the Assembly, the British/Irish Council and the North/South Ministerial Council in their transitional forms. All three institutions will meet regularly and frequently on this basis during the period between the elections to the Assembly, and the transfer of powers to the Assembly, in order to establish their *modus operandi*.

8. During the transitional period between the elections to the Northern Ireland Assembly and the transfer of power to it, representatives of the Northern Ireland transitional Administration and the Irish Government operating in the North/South Ministerial Council will undertake a work programme, in consultation with the British Government, covering at least 12 subject areas, with a view to identifying and agreeing by 31 October 1998 areas where co-operation and implementation for mutual benefit will take place. Such areas may include matters in the list set out in the Annex.

9. As part of the work programme, the Council will identify and agree at least 6 matters for co-operation and implementation in each of the following categories:

(i) Matters where existing bodies will be the appropriate mechanisms for co-operation in each separate jurisdiction;

(ii) Matters where the co-operation will take place through agreed implementation bodies on a cross-border or all-island level.

10. The two Governments will make necessary legislative and other enabling preparations to ensure, as an absolute commitment, that these bodies, which have been agreed as a result of the work programme, function at the time of the inception of the British-Irish Agreement and the transfer of powers, with legislative authority for these bodies transferred to the Assembly as soon as possible thereafter. Other arrangements for the agreed co-operation will also commence contemporaneously with the transfer of powers to the Assembly.

11. The implementation bodies will have a clear operational remit. They will implement on an all-island and cross-border basis policies agreed in the Council.

12. Any further development of these arrangements to be by agreement in the Council and with the specific endorsement of the Northern Ireland Assembly and Oireachtas, subject to the extent of the competences and responsibility of the two Administrations.

13. It is understood that the North/South Ministerial Council and the Northern Ireland Assembly are mutually inter-dependent, and that one cannot successfully function without the other.

14. Disagreements within the Council to be addressed in the format described at paragraph 3(iii) above or in the plenary format. By agreement between the two sides, experts could be appointed to consider a particular matter and report.

15. Funding to be provided by the two Administrations on the basis that the Council and the implementation bodies constitute a necessary public function.

16. The Council to be supported by a standing joint Secretariat, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service.

17. The Council to consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals under consideration in the EU framework. Arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings.

18. The Northern Ireland Assembly and the Oireachtas to consider developing a joint parliamentary forum, bringing together equal numbers from both institutions for discussion of matters of mutual interest and concern.

19. Consideration to be given to the establishment of an independent consultative forum appointed by the two Administrations, representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues.

ANNEX

Areas for North-South co-operation and implementation may include the following:

1. Agriculture - animal and plant health.
2. Education - teacher qualifications and exchanges.
3. Transport - strategic transport planning.
4. Environment - environmental protection, pollution, water quality, and waste management.
5. Waterways - inland waterways.
6. Social Security/Social Welfare - entitlements of cross-border workers and fraud control.
7. Tourism - promotion, marketing, research, and product development.
8. Relevant EU Programmes such as SPPR, INTERREG, Leader II and their successors.
9. Inland Fisheries.
10. Aquaculture and marine matters
11. Health: accident and emergency services and other related cross-border issues.
12. Urban and rural development.

Others to be considered by the shadow North/ South Council.

STRAND THREE

BRITISH-IRISH COUNCIL

1. A British-Irish Council (BIC) will be established under a new British-Irish Agreement to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands.
2. Membership of the BIC will comprise representatives of the British and Irish Governments, devolved institutions in Northern Ireland, Scotland and Wales, when established, and, if appropriate, elsewhere in the United Kingdom, together with representatives of the Isle of Man and the Channel Islands.
3. The BIC will meet in different formats: at summit level, twice per year; in specific sectoral formats on a regular basis, with each side represented by the appropriate Minister; in an appropriate format to consider cross-sectoral matters.
4. Representatives of members will operate in accordance with whatever procedures for democratic authority and accountability are in force in their respective elected institutions.
5. The BIC will exchange information, discuss, consult and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant Administrations. Suitable issues for early discussion in the BIC could include transport links, agricultural issues, environmental issues, cultural issues, health issues, education issues and approaches to EU issues. Suitable arrangements to be made for practical co-operation on agreed policies.
6. It will be open to the BIC to agree common policies or common actions. Individual members may opt not to participate in such common policies and common action.
7. The BIC normally will operate by consensus. In relation to decisions on common policies or common actions, including their means of implementation, it will operate by agreement of all members participating in such policies or actions.
8. The members of the BIC, on a basis to be agreed between them, will provide such financial support as it may require.
9. A secretariat for the BIC will be provided by the British and Irish Governments in co-ordination with officials of each of the other members.
10. In addition to the structures provided for under this agreement, it will be open to two or more members to develop bilateral or multilateral arrangements between them. Such arrangements could include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach. These arrangements will not require the prior approval of the BIC as a whole and will operate independently of it.
11. The elected institutions of the members will be encouraged to develop interparliamentary links, perhaps building on the British-Irish Interparliamentary Body.
12. The full membership of the BIC will keep under review the workings of the Council, including a formal published review at an appropriate time after the Agreement comes into effect, and will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations.

BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE

1. There will be a new British-Irish Agreement dealing with the totality of relationships. It will establish a standing British-Irish Intergovernmental Conference, which will subsume both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement.
2. The Conference will bring together the British and Irish Governments to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments.
3. The Conference will meet as required at Summit level (Prime Minister and Taoiseach). Otherwise, Governments will be represented by appropriate Ministers. Advisers, including police and security advisers, will attend as appropriate.
4. All decisions will be by agreement between both Governments. The Governments will make determined efforts to resolve disagreements between them. There will be no derogation from the sovereignty of either Government.
5. In recognition of the Irish Government's special interest in Northern Ireland and of the extent to which issues of mutual concern arise in relation to Northern Ireland, there will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters, on which the Irish Government may put forward views and proposals. These meetings, to be co-chaired by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, would also deal with all-island and cross-border co-operation on non-devolved issues.
6. Co-operation within the framework of the Conference will include facilitation of co-operation in security matters. The Conference also will address, in particular, the areas of rights, justice, prisons and policing in Northern Ireland (unless and until responsibility is devolved to a Northern Ireland administration) and will intensify co-operation between the two Governments on the all-island or cross-border aspects of these matters.
7. Relevant executive members of the Northern Ireland Administration will be involved in meetings of the Conference, and in the reviews referred to in paragraph 9 below to discuss non-devolved Northern Ireland matters.
8. The Conference will be supported by officials of the British and Irish Governments, including by a standing joint Secretariat of officials dealing with non-devolved Northern Ireland matters.
9. The Conference will keep under review the workings of the new British-Irish Agreement and the machinery and institutions established under it, including a formal published review three years after the Agreement comes into effect. Representatives of the Northern Ireland Administration will be invited to express views to the Conference in this context. The Conference will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations but will have no power to override the democratic arrangements set up by this Agreement.

RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

Human Rights

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:

- the right of free political thought;
- the right to freedom and expression of religion;
- the right to pursue democratically national and political aspirations;
- the right to seek constitutional change by peaceful and legitimate means;
- the right to freely choose one's place of residence;
- the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;
- the right to freedom from sectarian harassment; and
- the right of women to full and equal political participation.

United Kingdom Legislation

2. The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency.

3. Subject to the outcome of public consultation underway, the British Government intends, as a particular priority, to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. Public bodies would be required to draw up statutory schemes showing how they would implement this obligation. Such schemes would cover arrangements for policy appraisal, including an assessment of impact on relevant categories, public consultation, public access to information and services, monitoring and timetables.

4. The new Northern Ireland Human Rights Commission (see paragraph 5 below) will be invited to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and - taken together with the ECHR - to constitute a Bill of Rights for Northern Ireland. Among the issues for consideration by the Commission will be:

- the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and
- a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.

New Institutions in Northern Ireland

5. A new Northern Ireland Human Rights Commission, with membership from Northern Ireland reflecting the community balance, will be established by Westminster legislation, independent of Government, with an extended and enhanced role beyond that currently exercised by the Standing Advisory Commission on Human Rights, to include keeping under review the adequacy and effectiveness of laws and practices, making recommendations to Government as necessary; providing information and promoting awareness of human rights; considering draft legislation referred to them by the new Assembly; and, in appropriate cases, bringing court proceedings or providing assistance to individuals doing so.

6. Subject to the outcome of public consultation currently underway, the British Government intends a new statutory Equality Commission to replace the Fair Employment Commission, the Equal Opportunities Commission (NI), the Commission for Racial Equality (NI) and the Disability Council. Such a unified Commission will advise on, validate and monitor the statutory obligation and will investigate complaints of default.

7. It would be open to a new Northern Ireland Assembly to consider bringing together its responsibilities for these matters into a dedicated Department of Equality.

8. These improvements will build on existing protections in Westminster legislation in respect of the judiciary, the system of justice and policing.

Comparable Steps by the Irish Government

9. The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction. The Government will, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group, bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights and the question of the incorporation of the ECHR will be further examined in this context. The measures brought forward would ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland. In addition, the Irish Government will:

- establish a Human Rights Commission with a mandate and remit equivalent to that within Northern Ireland;
- proceed with arrangements as quickly as possible to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);
- implement enhanced employment equality legislation;
- introduce equal status legislation; and
- continue to take further active steps to demonstrate its respect for the different traditions in the island of Ireland.

A Joint Committee

10. It is envisaged that there would be a joint committee of representatives of the two Human Rights Commissions, North and South, as a forum for consideration of human rights issues in the island of Ireland. The joint committee will consider, among other matters, the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland.

Reconciliation and Victims of Violence

11. The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission.

12. It is recognised that victims have a right to remember as well as to contribute to a changed society. The achievement of a peaceful and just society would be the true memorial to the victims of violence. The participants particularly recognise that young people from areas affected by the troubles face particular difficulties and will support the development of special community-based initiatives based on international best practice. The provision of services that are supportive and sensitive to the needs of victims will also be a critical element and that support will need to be channelled through both statutory and community-based voluntary organisations facilitating locally-based self-help and support networks. This will require the allocation of sufficient resources, including statutory funding as necessary, to meet the needs of victims and to provide for community-based support programmes.

13. The participants recognise and value the work being done by many organisations to develop reconciliation and mutual understanding and respect between and within communities and traditions, in Northern Ireland and between North and South, and they see such work as having a vital role in consolidating peace and political agreement. Accordingly, they pledge their continuing support to such organisations and will positively examine the case for enhanced financial assistance for the work of reconciliation. An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.

Economic, Social and Cultural Issues

1. Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life.

2. Subject to the public consultation currently under way, the British Government will make rapid progress with:

(i) a new regional development strategy for Northern Ireland, for consideration in due course by the Assembly, tackling the problems of a divided society and social cohesion in urban, rural and border areas, protecting and enhancing the environment, producing new approaches to transport issues, strengthening the physical infrastructure of the region, developing the advantages and resources of rural areas and rejuvenating major urban centres;

(ii) a new economic development strategy for Northern Ireland, for consideration in due course by the Assembly, which would provide for short and medium term economic planning linked as appropriate to the regional development strategy; and

(iii) measures on employment equality included in the recent White Paper ("Partnership for Equality") and covering the extension and strengthening of anti-discrimination legislation, a review of the national security aspects of the present fair employment legislation at the earliest possible time, a new more focused Targeting Social Need initiative and a range of measures aimed at combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need.

3. All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.

4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

- take resolute action to promote the language;
- facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
- seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;
- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
- place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifís na Gaeilge in Northern Ireland;
- seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland; and
- encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.

5. All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements will be made to monitor this issue and consider what action might be required.

DECOMMISSIONING

1. Participants recall their agreement in the Procedural Motion adopted on 24 September 1997 "that the resolution of the decommissioning issue is an indispensable part of the process of negotiation", and also recall the provisions of paragraph 25 of Strand 1 above.
2. They note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.
3. All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.
4. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.
6. Both Governments will take all necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June.

SECURITY

1. The participants note that the development of a peaceful environment on the basis of this agreement can and should mean a normalisation of security arrangements and practices.
2. The British Government will make progress towards the objective of as early a return as possible to normal security arrangements in Northern Ireland, consistent with the level of threat and with a published overall strategy, dealing with:
 - (i) the reduction of the numbers and role of the Armed Forces deployed in Northern Ireland to levels compatible with a normal peaceful society;
 - (ii) the removal of security installations;
 - (iii) the removal of emergency powers in Northern Ireland; and
 - (iv) other measures appropriate to and compatible with a normal peaceful society.
3. The Secretary of State will consult regularly on progress, and the response to any continuing paramilitary activity, with the Irish Government and the political parties, as appropriate.
4. The British Government will continue its consultation on firearms regulation and control on the basis of the document published on 2 April 1998.
5. The Irish Government will initiate a wide-ranging review of the Offences Against the State Acts 1939-85 with a view to both reform and dispensing with those elements no longer required as circumstances permit.

POLICING AND JUSTICE

1. The participants recognise that policing is a central issue in any society. They equally recognise that Northern Ireland's history of deep divisions has made it highly emotive, with great hurt suffered and sacrifices made by many individuals and their families, including those in the RUC and other public servants. They believe that the agreement provides the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole. They also believe that this agreement offers a unique opportunity to bring about a new political dispensation which will recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community in Northern Ireland. They consider that this opportunity should inform and underpin the development of a police service representative in terms of the make-up of the community as a whole and which, in a peaceful environment, should be routinely unarmed.

2. The participants believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and co-operative criminal justice system, which conforms with human rights norms. The participants also believe that those structures and arrangements must be capable of maintaining law and order including responding effectively to crime and to any terrorist threat and to public order problems. A police service which cannot do so will fail to win public confidence and acceptance. They believe that any such structures and arrangements should be capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with the maximum delegation of authority and responsibility, consistent with the foregoing principles. These arrangements should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community.

3. An independent Commission will be established to make recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements within the agreed framework of principles reflected in the paragraphs above and in accordance with the terms of reference at Annex A. The Commission will be broadly representative with expert and international representation among its membership and will be asked to consult widely and to report no later than Summer 1999.

4. The participants believe that the aims of the criminal justice system are to:

- deliver a fair and impartial system of justice to the community;
- be responsive to the community's concerns, and encouraging community involvement where appropriate;
- have the confidence of all parts of the community; and
- deliver justice efficiently and effectively.

5. There will be a parallel wide-ranging review of criminal justice (other than policing and those aspects of the system relating to the emergency legislation) to be carried out by the British Government through a mechanism with an independent element, in consultation with the political parties and others. The review will commence as soon as possible, will include wide consultation, and a report will be made to the Secretary of State no later than Autumn 1999. Terms of Reference are attached at Annex B.

6. Implementation of the recommendations arising from both reviews will be discussed with the political parties and with the Irish Government.

7. The participants also note that the British Government remains ready in principle, with the broad support of the political parties, and after consultation, as appropriate, with the Irish Government, in the context of ongoing implementation of the relevant recommendations, to devolve responsibility for policing and justice issues.

ANNEX A

COMMISSION ON POLICING FOR NORTHERN IRELAND

Terms of Reference

Taking account of the principles on policing as set out in the agreement, the Commission will inquire into policing in Northern Ireland and, on the basis of its findings, bring forward proposals for future policing structures and arrangements, including means of encouraging widespread community support for those arrangements.

Its proposals on policing should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole.

Its proposals should include recommendations covering any issues such as re-training, job placement and educational and professional development required in the transition to policing in a peaceful society.

Its proposals should also be designed to ensure that:

- the police service is structured, managed and resourced so that it can be effective in discharging its full range of functions (including proposals on any necessary arrangements for the transition to policing in a normal peaceful society);
- the police service is delivered in constructive and inclusive partnerships with the community at all levels with the maximum delegation of authority and responsibility;
- the legislative and constitutional framework requires the impartial discharge of policing functions and conforms with internationally accepted norms in relation to policing standards;
- the police operate within a clear framework of accountability to the law and the community they serve, so:
 - they are constrained by, accountable to and act only within the law;
 - their powers and procedures, like the law they enforce, are clearly established and publicly available;
 - there are open, accessible and independent means of investigating and adjudicating upon complaints against the police;
 - there are clearly established arrangements enabling local people, and their political representatives, to articulate their views and concerns about policing and to establish publicly policing priorities and influence policing policies, subject to safeguards to ensure police impartiality and freedom from partisan political control;
 - there are arrangements for accountability and for the effective, efficient and economic use of resources in achieving policing objectives;
 - there are means to ensure independent professional scrutiny and inspection of the police service to ensure that proper professional standards are maintained;
- the scope for structured co-operation with the Garda Síochána and other police forces is addressed; and
- the management of public order events which can impose exceptional demands on policing resources is also addressed.

The Commission should focus on policing issues, but if it identifies other aspects of the criminal justice system relevant to its work on policing, including the role of the police in prosecution, then it should draw the attention of the Government to those matters.

The Commission should consult widely, including with non-governmental expert organisations, and through such focus groups as they consider it appropriate to establish.

The Northern Ireland Peace Agreement

The Government proposes to establish the Commission as soon as possible, with the aim of it starting work as soon as possible and publishing its final report by Summer 1999.

ANNEX B

REVIEW OF THE CRIMINAL JUSTICE SYSTEM

Terms of Reference

Taking account of the aims of the criminal justice system as set out in the Agreement, the review will address the structure, management and resourcing of publicly funded elements of the criminal justice system and will bring forward proposals for future criminal justice arrangements (other than policing and those aspects of the system relating to emergency legislation, which the Government is considering separately) covering such issues as:

- the arrangements for making appointments to the judiciary and magistracy, and safeguards for protecting their independence;
- the arrangements for the organisation and supervision of the prosecution process, and for safeguarding its independence;
- measures to improve the responsiveness and accountability of, and any lay participation in the criminal justice system;
- mechanisms for addressing law reform;
- the scope for structured co-operation between the criminal justice agencies on both parts of the island; and
- the structure and organisation of criminal justice functions that might be devolved to an Assembly, including the possibility of establishing a Department of Justice, while safeguarding the essential independence of many of the key functions in this area.

The Government proposes to commence the review as soon as possible, consulting with the political parties and others, including non-governmental expert organisations. The review will be completed by Autumn 1999.

PRISONERS

1. Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences in Northern Ireland or, in the case of those sentenced outside Northern Ireland, similar offences (referred to hereafter as qualifying prisoners). Any such arrangements will protect the rights of individual prisoners under national and international law.

2. Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard will be kept under review.

3. Both Governments will complete a review process within a fixed time frame and set prospective release dates for all qualifying prisoners. The review process would provide for the advance of the release dates of qualifying prisoners while allowing account to be taken of the seriousness of the offences for which the person was convicted and the need to protect the community. In addition, the intention would be that should the circumstances allow it, any qualifying prisoners who remained in custody two years after the commencement of the scheme would be released at that point.

4. The Governments will seek to enact the appropriate legislation to give effect to these arrangements by the end of June 1998.

5. The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or re-skilling, and further education.

VALIDATION, IMPLEMENTATION AND REVIEW

Validation and Implementation

1. The two Governments will as soon as possible sign a new British-Irish Agreement replacing the 1985 Anglo-Irish Agreement, embodying understandings on constitutional issues and affirming their solemn commitment to support and, where appropriate, implement the agreement reached by the participants in the negotiations which shall be annexed to the British-Irish Agreement.
2. Each Government will organise a referendum on 22 May 1998. Subject to Parliamentary approval, a consultative referendum in Northern Ireland, organised under the terms of the Northern Ireland (Entry to Negotiations, etc.) Act 1996, will address the question: "Do you support the agreement reached in the multi-party talks on Northern Ireland and set out in Command Paper 3883?". The Irish Government will introduce and support in the Oireachtas a Bill to amend the Constitution as described in paragraph 2 of the section "Constitutional Issues" and in Annex B, as follows: (a) to amend Articles 2 and 3 as described in paragraph 8.1 in Annex B above and (b) to amend Article 29 to permit the Government to ratify the new British-Irish Agreement. On passage by the Oireachtas, the Bill will be put to referendum.
3. If majorities of those voting in each of the referendums support this agreement, the Governments will then introduce and support, in their respective Parliaments, such legislation as may be necessary to give effect to all aspects of this agreement, and will take whatever ancillary steps as may be required including the holding of elections on 25 June, subject to parliamentary approval, to the Assembly, which would meet initially in a "shadow" mode. The establishment of the North-South Ministerial Council, implementation bodies, the British-Irish Council and the British-Irish Intergovernmental Conference and the assumption by the Assembly of its legislative and executive powers will take place at the same time on the entry into force of the British-Irish Agreement.
4. In the interim, aspects of the implementation of the multi-party agreement will be reviewed at meetings of those parties relevant in the particular case (taking into account, once Assembly elections have been held, the results of those elections), under the chairmanship of the British Government or the two Governments, as may be appropriate; and representatives of the two Governments and all relevant parties may meet under independent chairmanship to review implementation of the agreement as a whole.

Review procedures following implementation

5. Each institution may, at any time, review any problems that may arise in its operation and, where no other institution is affected, take remedial action in consultation as necessary with the relevant Government or Governments. It will be for each institution to determine its own procedures for review.
6. If there are difficulties in the operation of a particular institution, which have implications for another institution, they may review their operations separately and jointly and agree on remedial action to be taken under their respective authorities.
7. If difficulties arise which require remedial action across the range of institutions, or otherwise require amendment of the British-Irish Agreement or relevant legislation, the process of review will fall to the two Governments in consultation with the parties in the Assembly. Each Government will be responsible for action in its own jurisdiction.
8. Notwithstanding the above, each institution will publish an annual report on its operations. In addition, the two Governments and the parties in the Assembly will convene a conference 4 years after the agreement comes into effect, to review and report on its operation.

**AGREEMENT
BETWEEN THE GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND
THE GOVERNMENT OF IRELAND**

The British and Irish Governments:

Welcoming the strong commitment to the Agreement reached on 10th April 1998 by themselves and other participants in the multi-party talks and set out in Annex 1 to this Agreement (hereinafter "the Multi-Party Agreement");

Considering that the Multi-Party Agreement offers an opportunity for a new beginning in relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands;

Wishing to develop still further the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours and as partners in the European Union;

Reaffirming their total commitment to the principles of democracy and non-violence which have been fundamental to the multi-party talks;

Reaffirming their commitment to the principles of partnership, equality and mutual respect and to the protection of civil, political, social, economic and cultural rights in their respective jurisdictions;

Have agreed as follows:

ARTICLE 1

The two Governments:

(i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;

(ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;

(iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;

(iv) affirm that, if in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments legislation to give effect to that wish;

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities;

(vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

ARTICLE 2

The two Governments affirm their solemn commitment to support, and where appropriate implement, the provisions of the Multi-Party Agreement. In particular there shall be established in accordance with the provisions of the Multi-Party Agreement immediately on the entry into force of this Agreement, the following institutions:

- (i) a North/South Ministerial Council;
- (ii) the implementation bodies referred to in paragraph 9 (ii) of the section entitled "Strand Two" of the Multi-Party Agreement;
- (iii) a British-Irish Council;
- (iv) a British-Irish Intergovernmental Conference.

ARTICLE 3

(1) This Agreement shall replace the Agreement between the British and Irish Governments done at Hillsborough on 15th November 1985 which shall cease to have effect on entry into force of this Agreement.

(2) The Intergovernmental Conference established by Article 2 of the aforementioned Agreement done on 15th November 1985 shall cease to exist on entry into force of this Agreement.

ARTICLE 4

(1) It shall be a requirement for entry into force of this Agreement that:

- (a) British legislation shall have been enacted for the purpose of implementing the provisions of Annex A to the section entitled "Constitutional Issues" of the Multi-Party Agreement;
- (b) the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement shall have been approved by Referendum;
- (c) such legislation shall have been enacted as may be required to establish the institutions referred to in Article 2 of this Agreement.

(2) Each Government shall notify the other in writing of the completion, so far as it is concerned, of the requirements for entry into force of this Agreement. This Agreement shall enter into force on the date of the receipt of the later of the two notifications.

(3) Immediately on entry into force of this Agreement, the Irish Government shall ensure that the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement take effect.

In witness thereof the undersigned, being duly authorised thereto by the respective Governments, have signed this Agreement.

Done in two originals at Belfast on the 10th day of April 1998.

ANNEX 1

The Agreement Reached in the Multi-Party Talks

ANNEX 2

Declaration on the Provisions of
Paragraph (vi) of Article 1
In Relationship to Citizenship

The British and Irish Governments declare that it is their joint understanding that the term "the people of Northern Ireland" in paragraph (vi) of Article 1 of this Agreement means, for the purposes of giving effect to this provision, all persons born in Northern Ireland and having, at the time of their birth, at least one parent who is a British citizen, an Irish citizen or is otherwise entitled to reside in Northern Ireland without any restriction on their period of residence.