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Dear John,

31 August 1994

Herewith a few notes I made
yesterday which might be of
assistance.

I enclose herewith

(i) the wording of s. 1(2) and s. 75
GOI 1920

(ii) the wording of s. 1 Northern Ireland
Constitution Act and Schedule 1 (which
deals with polls held for the purposes of
s. 1).

(iii) Wording of Article 1 Anglo Irish
Agreement. (iv) Wording of Joint Declaration on
Status of NI.
Hope these are of some help. Paul M.

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1. S. 75 has little importance. It is not concerned with the status of NI as part of the UK. If wholly repealed, it would make no difference as at common law the UK Parliament, provided NI is part of the UK, has supreme authority over all persons etc in NI (only only to Community law which s. 75 at present would be read subject to anyway).
2. What is far more important are the legal provisions regarding
 - (i) what is the status of NI (is it part of the UK?) and
 - (ii) how can that status alter (by what mechanism?).
3. These provisions are found in s. 1 NICA 1973. Politically they have been added to by

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the ~~British~~ Anglo-Irish Agreement (Article 1)
and, more recently by the Downing Street
declarations.

4. Notably the AIA did not state what the
status of NI is whereas as a matter of UK law
this is made clear by the NICA.

5. It seems to me the proposed wording would
hardly be achieved by a new section in the
GOI Act (which is almost redundant with
the except of s. 1(2) which defines the territory
of NI). Rather what might happen is

that s. 75 of the GOI goes (no loss) and
so also does s. 1 NICA 1973 to be replaced
by a new provision in new legislation, which
would be mirrored by legislation in ROI in
identical terms. Thus there would be an
agreed statement both in the law of the UK
and ROI of the status of NI and

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how it might change.

6. If this is correct and if the words used in the press cutting are accurate, it should be noted that

- (i) The 'this Act' at the start would be a new Act altogether (perhaps the SOI or NIC Acts)
- (ii) A new statement altogether of the mechanism for change is put forward. The emphasis is on the people of Ireland expressing their right to self-determination etc.

A poll is implied in NI separately but not express. The issue ^{for the poll seems} is strictly limited.

- (iii) The position prior to change is stated to be that 'NI shall remain under the jurisdiction of the Parliament of the UK' - This phraseology is going to sound ^{like} a *dáil* compared to the status as set out at s. 1 NICIA 1973