



## CHAPTER 67.

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

**B**E 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 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.

Constitution of Council of Ireland.



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Government of Ireland Act, 1920.

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



*Please return*

ARRANGEMENT OF SECTIONS.

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

Section.

- 1. Establishment of Parliaments of Southern and Northern Ireland.
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- 11. Summoning, &c., of Parliaments.
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- 14. Constitution of the Parliaments.
- 15. Application of election laws.
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- 17. Disagreement between two Houses of Parliament of Southern Ireland or Parliament of Northern Ireland.



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A.D. 1920. 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.

Powers of taxation.

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.

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.

(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.

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(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.

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.

Reserved taxes.

(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.

(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



John

Paul asked me to get a copy  
of Gov. of Ireland Act -

H.M.S.O. did not have a copy!

I ordered one but it won't be available  
until noon Wed.

The Central Library photocopied the first  
23 pages; there are 72 & they weren't too  
keen to do them all!

Maybe the remainder could be faxed to  
you

J. Sefton.

22 Staines Lane.

BT4 3GX.



A.D. 1920. 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.

(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.

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IRISH REPRESENTATION IN THE HOUSE OF COMMONS.

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

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

- (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.

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.

Establish-  
ment of  
Southern and  
Northern  
Irish  
Exchequers.

(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.

(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



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(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.

(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.

Money Bills.

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.

(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. A.D. 1920.

(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 Senate of Southern Ireland or Northern Ireland at least one month before the end of the session and the Senate of Southern Ireland 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.

Disagreement  
between two  
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.

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

Privileges,  
qualifications,  
&c. of mem-  
bers of the  
parliaments.



A.D. 1920. 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:

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 A.D. 1920. 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, <sup>Summning, &c., of parliaments.</sup> 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.

(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 <sup>Royal assent to Bills.</sup> 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:—

(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. <sup>Constitution of Senates.</sup>

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

(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.

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. <sup>Constitution of Houses of Commons.</sup>

(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.



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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 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

Powers of Council of Ireland.

determine the manner in which the powers so delegated are to be exercisable by the Council. A.D. 1920.

(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:

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.

(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 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



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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.

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

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continue to be reserved; and the public services in connection with the matters so reserved are in this Act referred to as reserved services.

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:

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



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.

Conflict of laws.

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 have power to make 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.

Powers of Council of Ireland to make orders respecting private Bill legislation for whole of Ireland.

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—

- (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 affect 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.

(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.

A.D. 1920.

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:

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,



A.D. 1920. — 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 foreshore 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

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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
- (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.

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.

Prohibition of laws interfering with religious equality, taking property without compensation, &c.



A.D. 1920; (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, 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.

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

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Acts), establish, in lieu of the Council of Ireland, a Parliament A.D. 1920. 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:

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 exercisable 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.

(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.

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

Legislative powers of Irish Parliaments.



- A.D. 1920. Section.  
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.

FINANCIAL PROVISIONS.

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.  
29. Provisions against double stamp duties.  
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.  
36. Future consideration of the transfer of Customs and Excise.

LORD LIEUTENANT.

37. Office of Lord Lieutenant.

PROVISIONS AS TO COURTS OF LAW AND JUDGES.

38. Establishment of courts.  
39. Divisions and constitution of Supreme Court of Southern Ireland.  
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.

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49. Appeals from the High Court of Appeal for Ireland.  
50. Appeals where validity of Irish law questioned.  
51. Special provision for decision of constitutional questions.  
52. Appeals from decisions of Joint Exchequer Board.  
53. Finality of decisions of the House of Lords and Judicial Committee.

PROVISIONS AS TO EXISTING JUDGES AND OFFICERS.

54. Provisions as to existing judges and existing officers having salaries charged on the Consolidated Fund, or removable only for misconduct or incapacity.  
55. Continuation of service of, and compensation to other existing officers.  
56. Establishment of Civil Service Committee.  
57. Provisions as to existing pensions and superannuation allowances.  
58. Provisions for defining of Irish officer and determining claims.  
59. Allocation of existing officers between Southern and Northern Ireland.

PROVISIONS AS TO MEMBERS OF POLICE.

60. Continuation of service of and compensation to members of the police forces.

GENERAL.

61. Continuation of existing laws, institutions, &c.  
62. Use of Crown lands by Irish Governments.  
63. Arrangements between departments.  
64. Special provisions as to certain universities and colleges.  
65. Special provisions as to Freemasons.  
66. Provisions as to the Bank of Ireland.  
67. Repeal of s. 16 of 21 & 22 Geo. 3. c. 11 (Irish).  
68. Provisions as to certain officers of local authorities, universities or colleges.  
69. Power to make Irish Transfer Orders.  
70. Irish Transfer Orders to be laid before Parliament.  
71. Alteration of scale of election expenses.  
72. Certificate of Speaker with regard to Irish members of the House of Commons.  
73. Commencement of Act and appointed day.  
74. Definitions.  
75. Saving for supreme authority of the Parliament of the United Kingdom.  
76. Short title and repeal.

SCHEDULES.