



# Government of Ireland Act 1920

## 1920 CHAPTER 67

An Act to provide for the better Government of Ireland. [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 Establishment of Parliaments of Southern and Northern Ireland**

- (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.
- (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 Constitution of Council of Ireland**

- (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

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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, 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 Power to establish a Parliament for the whole of Ireland**

- (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;

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 Legislative powers of Irish Parliaments**

- (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:  
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  - (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

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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
- (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 Prohibition of laws interfering with religious equality taking property without compensation, &c**

- (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.

- (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 Conflict of laws**

- (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.
- (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 Powers of Council of Ireland to make orders respecting private bill legislation for whole of Ireland**

- (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

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- (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.
- (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.*

## **8 Executive powers**

- (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, 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 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 Reserved matters**

- (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

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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 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 Powers of Council of Ireland**

- (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 exercisable 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:

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 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 exercise-able by the Council of Ireland and shall become exerciseable 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 to the Council of Ireland.

*PROVISIONS AS TO PARLIAMENTS OF SOUTHERN AND NORTHERN IRELAND.*

**11 Summoning, &c, of Parliaments**

- (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.
- (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 Royal assent to Bills**

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 :—

- (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 Constitution of Senates**

- (1) The Senate of Southern Ireland shall be constituted as provided in the Second Schedule to this Act.
- (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 Constitution of the Parliaments**

- (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.

- (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.

## **15 Application of election laws**

- (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.

## **16 Money Bills**

- (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.
- (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 Disagreement between two Houses of Parliament of Southern Ireland or Parliament of Northern Ireland**

- (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 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.
- (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 Privileges, qualifications, &c. of members of the Parliaments**

- (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.
- (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.

*IRISH REPRESENTATION IN THE HOUSE OF COMMONS.*

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

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.

### **20 Establishment of Southern and Northern Irish Exchequers**

- (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.
- (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.
- (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 Powers of taxation**

- (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.
- (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 Reserved taxes**

- (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.
- (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 Irish contribution to Imperial expenditure**

- (1) Ireland shall in each year make a contribution towards the Imperial liabilities and expenditure mentioned in the Sixth Schedule to this Act.
- (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 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 Irish residuary share of reserved taxes

- (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) 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 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.

## 25 Power of granting relief from income tax and super-tax

- (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 supertax 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.

## **26 Provisions as to land purchase annuities**

- (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.
- (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;

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;

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.

## **27 Existing public loans**

- (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.

## **28 Provisions against double death duties**

- (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.
- (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.

## **29 Provisions against double stamp duties**

- (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:

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

## **30 Interavailability of excise licences**

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.

## **31 Irish Church Fund**

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.

### **32 Joint Exchequer Board**

- (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.
- (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 Power of trustees to invest in Irish securities**

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.

### **34 Temporary provision as to payments into and out of the Irish Exchequer**

- (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.

- (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 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.

### **35 Provisions applicable after date of Irish union**

- (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.
- (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 Future consideration of the transfer of Customs and Excise**

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.

#### *LORD LIEUTENANT.*

### **37 Office of Lord Lieutenant**

- (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.
- (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.

#### *PROVISIONS AS TO COURTS OF LAW AND JUDGES.*

### **38 Establishment of courts**

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.

### **39 Divisions and constitution of Supreme Court of Southern Ireland**

- (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.

#### **40 Divisions and constitution of Supreme Court of Northern Ireland**

- (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.

#### **41 Application of existing enactments and rules**

- (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 :

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.

- (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.

- (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 named in a commission of assize or other commission, whether general or special, in Northern Ireland.

## **42 Constitution and officers of High Court of Appeal for Ireland**

- (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.
- (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 Jurisdiction of High Court of Appeal for Ireland**

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

#### **44 Provisions as to Lord Chancellor**

- (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.

#### **45 Provisions as to Master of the Rolls**

Any jurisdiction of the Master of the Bolls 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 Bolls.

**46 Transitory provisions**

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.

**47 Provisions as to judicature before and after Irish union**

- (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.
- (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 County court judges**

- (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.
- (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 Appeals from the High Court of Appeal for Ireland**

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

- (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;
- (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.

## **50 Appeals where validity of Irish law questioned**

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.

## **51 Special provision for decision of constitutional questions**

- (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.
- (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 Appeals from decisions of Joint Exchequer Board**

- (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.

- (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 Finality of decisions of the House of Lords and Judicial Committee**

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.

#### *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**

- (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.

## **55 Continuation of service of and compensation to other existing officers**

- (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:

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 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 Establishment of Civil Service Committee**

- (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.
- (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 Provisions as to existing pensions and superannuation allowances**

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

#### **58 Provisions for defining of Irish officer and determining claims**

- (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.

- (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 Allocation of existing officers between Southern and Northern Ireland**

- (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.
- (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.

### *PROVISIONS AS TO MEMBERS OF POLICE.*

## **60 Continuation of service of and compensation to members of the police forces**

- (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.
- (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 Continuation of existing laws, institutions, &c**

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.

**62 Use of Crown lands by Irish Governments**

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 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.

**63 Arrangements between departments**

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 of any powers or duties 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.

**64 Special provisions as to certain universities and colleges**

- (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.

- (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 tot 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.

## **65 Special provisions as to Freemasons**

- (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.
- (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 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.

## **66 Provisions as to the Bank of Ireland**

- (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.

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

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 Provisions as to certain officers of local authorities, universities or colleges**

- (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.
- (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.

**69 Power to make Irish Transfer Orders**

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—

- (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 "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, 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, as amended by subsequent enactments are transferred

to the Council of Ireland, a representative of the 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, exercisable 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.

## **70 Irish Transfer Orders to be laid before Parliament**

- (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.

## **71 Alteration of scale of election expenses**

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 Certificate of Speaker with regard to Irish members of the House of Commons**

- (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.

- (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 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.

### **73 Commencement of Act and appointed day**

- (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.

- (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 Definitions

In this Act, unless the context otherwise requires—

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 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 Depot, 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 Saving for supreme authority of the Parliament of the United Kingdom**

Notwithstanding the establishment of the Parliaments of J 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.

## **76 Short title and repeal**

- (1) This Act may be cited as the Government of Ireland Act, 1920.
- (2) The Government of Ireland Act, 1914, is hereby repealed as from the passing of this Act.

## SCHEDULES.

### FIRST SCHEDULE

Section 7.

#### 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

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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	

#### 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.

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Description of Senators.	Number of Senators.	Electors.
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	2	
Co. Monaghan	2	
Co. Cavan	2	
	} 14	{ By the Members of County Councils voting together as Provinces.

### THIRD SCHEDULE

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.
  - (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

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under subsection (3) of section twenty of that Act and that subsection shall apply accordingly.

## FIFTH SCHEDULE

Sections 14 and 71.

## PART I

## CONSTITUENCIES IN SOUTHERN IRELAND

## BOROUGHES

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

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' County }	4	1
Queen's County }		
Kildare }	5	1
Wicklow }		



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Constituency.	Number of Members for Parliament of Southern Ireland.	Number of Members for Parliament of United Kingdom.
Wexford	4	1
Carlow }	4	1
Kilkenny }		
Longford }	4	1
Westmeath }		
Louth }	5	1
Meath }		
Clare	4	1
East Limerick. }	4	1
Borough of Limerick }		
Kerry }	8	2
West Limerick }		
Cork, East }	3	1
Cork, North East }		
The remaining five divisions of Cork	8	2
Tipperary, East. }	5	1
Waterford. }		
Borough of Waterford }		
The remaining three divisions of Tipperary		
Galway	7	2
North Mayo }	4	1
West Mayo }		
South Mayo }	4	1
South Roscommon }		
East Mayo }	5	1
Sligo }		
Leitrim }	4	1
North Roscommon }		
Total (Counties)	104	26

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## UNIVERSITIES.

Constituency.	Number of Member 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

## UNIVERSITIES.

—	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

## BOROUGHES

Constituency.	Number of Members for Parliament of Northern Ireland.	Number of Members for Parliament of United Kingdom.
<b>BELFAST:</b>		
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

*Status: This is the original version (as it was originally enacted).*

### 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.

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

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- (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 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.

## 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
- (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

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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 exercisable 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.

*Status: This is the original version (as it was originally enacted).*

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 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.

## EIGHTH SCHEDULE

Section 55.

### 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

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*Status: This is the original version (as it was originally enacted).*

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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.
- 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
  - (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



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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.

#### *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

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*Status: This is the original version (as it was originally enacted).*

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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.

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

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.

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, 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;
  - (b) The notice must be given in manner prescribed by the Lord Lieutenant;

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- (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
- (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.

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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.