



Government of Ireland Act 1920

1920 CHAPTER 67

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

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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.

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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

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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

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- 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.

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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

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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:

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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.

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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.