



Government of Ireland Act 1920

1920 CHAPTER 67

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:

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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.

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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 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.

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- (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

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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:

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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.