



Government of Ireland Act 1920

1920 CHAPTER 67

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 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

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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

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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
 - (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.