SECRET.

WAR CABINET.

G.T. 8238.

DRAFT OF A BILL FOR THE GOVERNMENT OF IRELAND

Prepared by Lord Curzon’s Committee May 1917.

(Circulated with reference to War Cabinet 624, Minute 2.)

A summary of the provisions of the Bill which provides for the exclusion of the 6 Unionist Counties of Ulster is given in the covering memorandum submitted by the Committee.

2, Whitehall Gardens, S.W.1.

29th September, 1919.

1. Pursuant to the reference made to us by the War Cabinet on April 16th, we have prepared the annexed Draft Bill on the lines of the policy laid down in the minutes of that meeting. We have also agreed to recommend to the War Cabinet certain modifications in points of detail.

2. The Draft Bill provides, as was directed, for the exclusion of individual counties from the operation of the Home Rule Act unless 55 per cent of the voters agree upon inclusion. After careful consideration of this proposal we are, however, opposed to the introduction of so obviously artificial a departure from the common principle of the decision of public questions by the vote of a majority, and we have embodied in the Draft Bill an alternative proposal for decision by a bare majority of the votes polled. The reasons for this view we shall state presently.

3. The following is a concise statement of the principal proposals in the Bill:

(a) The introduction of Home Rule with as little delay as possible throughout Nationalist Ireland.

(b) A poll by counties of the six Ulster counties of Antrim, Armagh, Down, Londonderry, Tyrone, Fermanagh, (including the boroughs of Derry, Belfast, and Newry)—described as the “excluded counties” in the Draft Bill—to be taken within a specified period after the war with a view to the incorporation in the Home Rule area of any county where a majority of the voters shall support inclusion, and to be repeated after a period of not less than seven or more than ten years if there shall still be at that time an excluded area.

(c) The establishment of a “Council of Ireland” in which the excluded area will be represented by its Members of Parliament and the rest of Ireland by an equal number of members nominated by the Irish Parliament, with a President agreed upon by the members or nominated by the Crown, which
Council, voting in panel, will have power, speaking broadly—

(i) to pass private Bill legislation affecting both the included and the excluded area;

(ii) to recommend to the Crown the extension to the excluded area by Order in Council of any Bill or Act of the Irish Parliament;

(iii) to agree to the inclusion under the Home Rule Act of the whole of Ireland, subject to the assent of a majority of the voters in the excluded area, power to be vested in the Crown in that case to extend the Act to all Ireland by Order in Council, unless either House of Parliament has declared its dissent;

(iv) to consult and make recommendations upon Irish questions, including the amendment of the Home Rule Act (as ultimately passed into law).

(d) The reservation to the Crown of power to appoint a judge or judges of the High Court for the service of the excluded area, to sit continuously in Belfast as well as to hear appeals from subordinate jurisdictions, and the maintenance of a right of appeal from the High Court to a Court of Appeal in which the Crown will appoint the judges, and in the last resort to the House of Lords (sections 15, 16, and 17).

(e) The grant to every person now resident or carrying on business in the excluded area of the personal privilege of electing to be subject to British courts and not to Irish courts, and of a title to indemnity out of public funds for any damage which may result directly to him from legislative, administrative or popular interference with his existing rights (section 4).

(f) A parliamentary guarantee to the Home Rule area of an annual grant from the Consolidated Fund for purposes of development such as are dealt with by Part I. of the Development and Road Improvement Funds Act, 1909 (section 13).

4. The proposal to make the exclusion of counties from the Home Rule area dependent on the vote of a 55 per cent. majority seemed to us to invite the criticism that an
apparently trifling departure from ordinary constitutional procedure was proposed for the transparent purpose of enabling a minority in Tyrone and Fermanagh to decide the issue in those counties. Further, we had reason to believe that the suggestion of a 55 per cent. majority was equally unpopular with all parties in Ireland. In these circumstances it seemed to be undesirable to suggest a procedure which, besides being contrary to the usual practice of elections in the United Kingdom, would appear to have been devised to produce, if not to stereotype, a particular political result.

5. We have described the Council of Ireland as a body which will “vote in panel.” This phrase is used to designate shortly a method of voting which is explained at greater length in clauses 15 and 17 of the First Schedule to the Bill. It is there provided that each of the representative groups in the Council shall have one collective vote, to be exercised according to the wishes of the majority in the group. The reason for the proposal is manifest.

6. As an alternative to the group of privileges for minorities or individuals in the areas included after the passing of the Act, which are to be found in clause 4 of the Draft Bill, we discussed the suggestion of a privilege of a more comprehensive kind, namely, that a dissentient upon registering himself as such should be left in all respects, except those relating to municipal administration, subject to British law, British tribunals, and British taxation in the same way as though he had remained a resident in the excluded area. Such a far-reaching provision would no doubt be regarded by these classes of persons as more advantageous than that in the Draft Bill. It would probably provoke objection on the part of Nationalists, and it would necessitate an elaborate adjustment of accounts in order to safeguard the Irish Exchequer against loss of revenue. It may, however, be worthy of consideration in the last resort if further inducement be required.

7. We have found it difficult to devise proposals which would commend this Bill to those who have severely criticised the Home Rule Act on the grounds of finance. Clause 13 would no doubt be more acceptable if it were to embody a statutory minimum grant than if it merely guaranteed a rateable sum proportionate to any grant which might be expended in Great Britain. The field of education appeared
at first to be one in which existing conditions would have made a grant in aid very welcome to the Irish Nationalists to help them to deal promptly with a grave Irish problem. We have reason to believe, however, that a fund ear-marked as a means of educational reform in Ireland would be an embarrassment to the Nationalist members by reason of the controversial questions that it would raise. We have therefore not embodied any such proposal in the Draft Bill.

8. We have felt that the Council for Irish affairs which is proposed in the Draft Bill would perhaps receive a warmer welcome if it were designated by a name more suggestive of authority and of a national identity than the "Irish Council" (the title which was suggested to us by a number of representative gentlemen in Ulster). "The Council of Ireland" and "The Irish Representative Council" are names which have occurred to us. We have adopted the former of these.

9. We have drawn up this Draft Bill in the belief that, should it be fortunate enough to receive a Second Reading in the House of Commons, it will then be referred, along with the Home Rule Act of 1914, to a Commission or Conference, with instructions to draw up a new Bill, as already promised, in amendment of that Act for submission to Parliament. The fortunes of the Draft Bill will in our opinion depend very much upon the terms in which any such reference is made. If the Draft Bill were referred alone without the concession of a power to propose amendments in the Home Rule Act, much disappointment would probably be caused, and it is doubtful if any practical result would ensue. If, on the other hand, the Act be referred, together with the Draft Bill, there would seem to be a fair chance of evolving a reasonable and acceptable scheme.

C. or K.
H. E. D.

May 8, 1917.
Confidential.


CXV. (2.)

29th September 1919.
DRAFT A.

Government of Ireland Bill.

ARRANGEMENT OF CLAUSES.

PART I.

GENERAL.

Clause.
2. Excluded area.
3. Power of counties to vote for inclusion.
4. Special privileges of inhabitants of counties electing to come within principal Act.
5. Adjustments on county being included.

PART II.

CONSTITUTION AND POWERS OF IRISH COUNCIL.

8. Extension of Irish legislation to excluded area.
9. Provisions as to private Bill legislation affecting both parts of Ireland.
10. Extension of principal Act to excluded area.

PART III.

CONSEQUENTIAL MODIFICATIONS OF PRINCIPAL ACT.

11. Consequential changes in constitution of Irish Parliament and in representation of Ireland in United Kingdom House of Commons.
12. Finance.
13. Development Fund and Road Improvement grant.
15. Judicial power in the excluded area.
16. Provisions as to Irish Court of Appeal.
17. Tenure, &c., of judges appointed by His Majesty.

A
Clause.

19. Existing officers.
21. Extension of power to make Irish transfer orders.

PART IV.

SUPPLEMENTAL.

22. Declaration as to paramount force of the war legislation of the Imperial Parliament.
23. Short title and construction.

SCHEDULES.
DRAFT

OF A

BILL

TO

Make further provision for the Government of Ireland.

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:—

PART I.

GENERAL.

1. The Suspensory Act, 1914, and any order made thereunder shall, so far as respects the Government of Ireland Act, 1914 (in this Act referred to as the principal Act), cease to have effect, and section forty-nine of the principal Act shall be construed as if a reference to the month in which this Act is passed were substituted for the reference to the month in which the principal Act was passed.

2.—(1) Subject to the provisions of this Act the principal Act shall not extend to the parliamentary counties of Antrim, Armagh, Down, Fermanagh, Londonderry, and Tyrone, including the parliamentary boroughs of Londonderry, Belfast, and Newry, and the area to which the principal Act does not extend is in this Act referred to as the excluded area:

Provided that any of the said counties may, on a poll being taken in manner provided by this Act, elect to come within the provisions of the principal Act, and thereupon that county shall cease to form part of the excluded area.

(2) The executive power of His Majesty the King, as regards all Irish services within the meaning of section four...
A.D. 1919.

of the principal Act, in the excluded area shall be exercised on behalf of His Majesty by the Secretary of State through such officers and departments (not being in any way responsible to the Irish Parliament) as His Majesty may by Order in Council direct, and that Order in Council may provide for the constitution of any new department or departments or officers for the purpose, and for the discontinuance of any Irish department existing at the time of the passing of this Act:

Provided that nothing in this provision shall prevent arrangements being made under section forty of the principal Act for the exercise and performance in the excluded area of any powers and duties of a department by officers of an Irish department.

3.—(1) On such date within months after the termination of the present war as may be fixed by him the Secretary of State shall cause a poll to be taken of each of the counties included in the excluded area.

(2) The question to be submitted to the electors shall be in the following form:

Are you in favour of the extension of the Government of Ireland Act, 1914, to ?

Yes.

No.

(3) If on any such poll fifty-five per cent. or more of the votes recorded are, as respects any county, in favour of the extension of the principal Act to that county, that county shall cease to form part of the excluded area, and the principal Act shall extend to that county, subject to the provisions herein-after contained.

(4) Unless all the counties in the excluded area on such poll vote in favour of the extension to them of the principal Act or in the meantime the principal Act has been extended to the whole of the excluded area in manner provided by this Act, the Secretary of State shall cause a second poll to be taken after an interval of not less than seven or more than ten years after the date of the taking of the first poll, and subsequently shall cause a further poll to be taken whenever so requested by the Irish Council hereinafter constituted, and the provisions of the foregoing subsection shall apply in the case of such second or subsequent poll in like manner as they apply in the case of the first poll.
(5) A poll under this section shall be taken by ballot in the same manner, so far as possible, as a poll for the election of a member to serve in Parliament, and His Majesty may make rules adapting the election laws for the purpose of the taking of the poll.

(6) In this section the expression "county" means a parliamentary county, but where a parliamentary county is divided into divisions for the purpose of the election of members the poll shall be taken of the county as a whole and not separately for each division, but a person shall not vote more than once at the poll although registered in more than one division.

(7) This section shall apply to the parliamentary borough of Belfast as if it was a separate county and as if the area of that borough were excluded from the area of any parliamentary county.

(8) For the purposes of this section the parliamentary borough of Newry shall be deemed to be included in the parliamentary county of Down, and no part thereof in the parliamentary county of Armagh, and the parliamentary borough of Londonderry shall be deemed to be included in the parliamentary county of Londonderry, and the electors of the parliamentary boroughs of Newry and Londonderry shall be entitled to vote at the polls taken of the counties of Down and Londonderry respectively.

4.—(1) Where on a poll being taken under section three of this Act the principal Act is extended to any county any British subject who at the date of the taking of the poll resided or was in occupation of business premises within the county shall, on application being made in the prescribed manner and within the prescribed time by him, or, if he is a person under disability, by the prescribed person on his behalf, be registered by the prescribed authority in the prescribed manner.

(2) Any person so registered shall, so long as he continues to have a place of residence or business within the county and until the principal Act is extended to the whole of the excluded area, be entitled to the following privileges—

(a) he shall be entitled for all judicial purposes civil and criminal to be treated as if his place of residence or business and any property belonging to him situated within the county was situated in such adjoining or
neighbouring county remaining part of the excluded area as may be prescribed;

(b) If he suffers any direct or substantial loss or damage in consequence of—

(i) Any riot or civil strife or criminal act; or

(ii) by reason of any unlawful act or intentional default on the part of any officer of the Irish Government when acting as such; or

(iii) by any legislative enactment of the Irish Parliament directly affecting his property or business or the trade conditions in which such business is carried on,

he shall be entitled to be paid such compensation to be deducted from the transferred sum as in default of agreement may be determined by the arbitration of a single arbitrator appointed by the Joint Exchequer Board, and the Common Law Procedure (Ireland) Act, 1856, shall apply for the purposes of such an arbitration, and the arbitrator shall have power to make such order as to costs as he thinks just:

Provided that if the person who suffers such loss or damage as aforesaid would have been entitled to compensation in respect thereof under the enactments relating to criminal injury specified in Part I. of the First Schedule to the Local Government Act, 1898, the Joint Exchequer Board shall be entitled to recover any compensation which would have been recoverable by that person if he had proceeded under those enactments and had complied with all the provisions thereof, and any sum so recovered by the Joint Exchequer Board shall be treated as part of the transferred sum.

(3) His Majesty may by Order in Council prescribe anything which under this section is to be prescribed, and any such Order in Council may contain any incidental, consequential, and supplemental provisions (including provisions requiring periodical returns to be made as to places of residence and business, and imposing fines recoverable summarily in the case of failure to make returns or of false returns) which appear necessary or expedient for the purpose of giving effect to this section.
5.—(1) In the event of any county electing at any poll that
the principal Act should extend thereto, His Majesty may by
Order in Council make such adjustments of the principal Act
and this Act as may be necessary, and in particular the Order
in Council may provide—

(a) for readjusting the representation in the Irish Senate
of the various provinces;

(b) for members being returned to the Irish House of
Commons by the constituencies in the county in
accordance with Part I. of the First Schedule to the
principal Act as amended by this Act, and for the
issue of writs for the election of such members;

(c) for members returned by the county or the constitu­
encies comprised therein to serve in the Parliament
of the United Kingdom, and then sitting in that
Parliament, vacating their seats;

(d) for members being returned to serve in the Parliament
of the United Kingdom for the county in accordance
with Part II. of the First Schedule of the principal
Act as amended by this Act, and for the issue of
writs for the election of such members;

(e) for such financial readjustments as the Joint Exchequer
Board (subject to appeal in manner provided by sec­
tion thirty of the principal Act) may, in accordance
with the principles laid down by this Act with
respect to the financial adjustments consequential
on the exclusion of the excluded area, determine to
be proper;

(f) for such adjustments of administrative areas as may be
necessary to secure that every administrative area
shall be wholly within or wholly without the excluded
area;

(g) for such transfer and apportionment of property, rights,
and liabilities, and such transfer of officers, as may
appear necessary in consequence of the inclusion of
the county, and the order shall, as respects the officers
so transferred, apply the provisions of the principal
Act as respects officers transferred under that Act
with the substitution (where necessary) of the date
of the transfer for the appointed day or the date of
the passing of the principal Act.

(2) For the purposes of this section "county" has the same
meaning as in the last preceding section.
A.D. 1919.

PART II.

Constitution and Powers of Irish Council.

6.—(1) With a view to bringing about harmonious action between the inhabitants of the excluded area and the inhabitants of the area to which the principal Act extends, and to the promotion of mutual intercourse and uniformity in relation to matters affecting Ireland and to facilitating the eventual union of the two areas, a council, to be called the Irish Council, shall be constituted, consisting of a president and of members representing the Irish Parliament and the excluded area (hereinafter referred to as the representative members).

(2) The representative members shall be the persons who are for the time being members returned by constituencies in the excluded area to serve in the Parliament of the United Kingdom and an equal number of persons being members of one or other of the Houses of the Irish Parliament chosen in such manner as the Irish House of Commons may determine.

(3) The president of the Irish Council shall be appointed, at a meeting convened for the purpose, by the representative members of the Council voting in manner provided by this Act, or, if on such vote being taken there is equality of votes, shall be appointed by His Majesty; and for the purpose of appointing the first president a meeting of the representative members of the Council shall be convened by His Majesty as soon as may be after the members of the Council representing the Irish Parliament have been appointed.

(4) The provisions of the First Schedule to this Act shall have effect with respect to the president, the representatives of the Irish Parliament, meetings of the Council, the method of voting thereat, and the procedure of the Council.

7.—(1) The Irish Council shall have such powers with regard to the extension to the excluded area of enactments passed by the Irish Parliament, and with regard to private Bill legislation affecting both the excluded area and the area to which the principal Act extends, and with regard to the extension of the principal Act to the whole of the excluded area, as are hereinafter mentioned, and may consider any questions which appear in any way to bear on the welfare of Ireland, including proposals as to amending the principal or this Act, and may by resolution make suggestions in relation to such questions as they may think proper, but suggestions so made shall have no legislative effect.
(2) The Council shall have power to appoint such secre-
taries and officers as, subject to the consent of the Treasury
and the Irish Treasury, they think fit, and the salaries and
remuneration of such officers and any other expenses of the
Council, to such amount as the Treasury and the Irish Treasury
may jointly approve, shall be paid out of moneys provided by the
Parliament of the United Kingdom, but one half of the sums so
paid shall be made good by means of deductions from the trans-
ferred sum in accordance with regulations made by the Treasury.

(3) All fees received by the Council in connection with
any of their powers and duties shall be paid as to one half into
the Consolidated Fund of the United Kingdom, and as to the
other half into the Irish Consolidated Fund.

8.—(1) The Irish Council may consider any Bill which
having passed through all its stages in both Houses of the Irish
Parliament is awaiting His Majesty's assent, or any Act that
may have been passed by the Irish Parliament, and if it appears
to the Council that it is expedient for the purpose of promoting
uniformity of law throughout Ireland that all or any of the
provisions of the Bill when enacted, or of the Irish Act, should
be extended to the excluded area, they may pass a resolution
to that effect, and thereupon His Majesty may, if he thinks
fit, by Order in Council declare that the Bill when enacted,
or that the Act or such provisions thereof as aforesaid shall,
as from such date as may be specified in the Order, extend to
the excluded area or any part thereof, either without modifi-
cation or subject to such modifications as may be recommended
by the Irish Council.

(2) The Order in Council may contain any incidental,
consequential, or supplemental provisions (including provisions
repealing, as respects the excluded area or any part thereof,
any enactment of the Parliament of the United Kingdom
which may be inconsistent with or superseded by the provisions
of the Irish Act) which may appear necessary or proper for
the purpose of giving effect to the Order.

(3) Any such Order in Council shall have the effect of an
Act of the Parliament of the United Kingdom, but may, on
the application of the Irish Council, be varied or revoked by
a subsequent Order in Council.

9.—(1) When any public authority or any persons (herein-
after referred to as the promoters) desire to obtain parliamentary
powers in regard to any matter affecting interests both in the
A.D. 1919.
both parts
of Ireland.

area to which the principal Act extends and the excluded area, and of such a nature that if the matter had affected interests in the former area only it would have been within the powers of the Irish Parliament, and 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, the promoters may proceed by presenting a petition to the Irish Council praying them to issue an order in accordance with the draft order submitted to them by the promoters, or with 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 Treasury and the Irish Treasury) with respect to the procedure under this section 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 Irish Council, the Secretary of State and such departments of the Irish Government as may be prescribed by the Lord Lieutenant;
(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 in manner prescribed by the Second Schedule to this Act;
(h) opposition to draft orders;

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.

(3) The Council shall, after considering any reports received by them from the Secretary of State or any department of the Irish Government with which copies of the draft order have been deposited, and, where 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 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.

(4) Any order so made by the Council shall have effect in the area to which the principal Act extends as if enacted by the Irish Parliament, and in the excluded area as if enacted by the Parliament of the United Kingdom.

(5) If any question arises as to whether any petition is a petition with which the Council have jurisdiction to deal, the question may, if His Majesty so directs, be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council constituted in manner provided by section twenty-eight of the principal Act.

10.—(1) If after the taking of the first poll under section three of this Act any counties remain in the excluded area and the Irish Council at any time thereafter resolve that it is expedient that the principal Act should, with or without any modifications, be extended to the whole of the excluded area, the Secretary of State shall cause a poll to be taken throughout the counties still included in the excluded area, and if on any such poll a majority of the votes recorded are in favour of such extension, it shall be lawful for His Majesty if he thinks fit by Order in Council to extend the Act to the excluded area subject to such modification (if any) as may be specified in the resolution of the Council, and any such Order in Council may contain such incidental consequential and supplemental provisions as may appear necessary or proper for giving effect to the resolution of the Council, and shall have effect as if it were an Act of the Parliament of the United Kingdom.
Provided that before any such Order in Council is made a draft thereof shall be laid before each House of the Parliament of the United Kingdom for a period of not less than sixty days during the session of Parliament, and if either of those Houses before the expiration of those sixty days presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon without prejudice however to the making of any new draft order.

(2) A poll under this section shall be taken in each county in like manner as a poll taken under section three of this Act, but the votes recorded in the several counties shall be counted all together, and the provisions of this section as to the taking of polls and as to the meaning of the expression "county" shall apply accordingly with the necessary modifications.

**PART III.**

**Consequential Modifications of Principal Act.**

11. The provisions of the principal Act with respect to the constitution of the Irish Senate and the Irish House of Commons, and with respect to the representation of Ireland in the Commons House of Parliament of the United Kingdom, shall have effect subject to the following modifications:

(a) The senators shall continue to be nominated by the Lord Lieutenant until the expiration of six months after the date when the second poll under section three of this Act is taken or after the date when the principal Act becomes extended to the whole of the excluded area, whichever may be the earlier, and at the expiration of such six months, if later than the date fixed under the principal Act for the retirement of the first senators, the senators then in office shall retire all together and their seats shall be filled by election; and for the purpose of the election of senators any portion of the province of Ulster to which the principal Act extends shall be treated as a separate constituency, and His Majesty may, by Order in Council, make such provisions as seem to him necessary or proper for adjusting the representation on the Irish Senate of that constituency and of the provinces of Leinster, Munster, and Connacht, whether on the basis of population or otherwise and
for adapting Part III. of the First Schedule to the principal Act accordingly.

(b) Members shall not be elected to the Irish House of Commons for constituencies forming part of the excluded area, and the number of members of that House shall be reduced accordingly.

c) Every parliamentary constituency which forms part of the excluded area shall continue to be a parliamentary constituency returning a member to serve in the Parliament of the United Kingdom so long as the constituency remains part of the excluded area, and so much of the principal Act as provides that members returned by constituencies in Ireland shall vacate their seats at the first meeting of the Irish Parliament, shall not apply to members for those constituencies.

d) Part I. and Part II. of the First Schedule to the principal Act shall be read as if the parliamentary borough of Newry were wholly situated in the parliamentary county of Down, and no part thereof was situated in the parliamentary county of Armagh.

e) Part II. of the First Schedule to the principal Act shall be read—

(i) as if any county or borough which forms part of the excluded area were omitted from the said Part II., so long as it remains part of that area;

(ii) as if the counties of Donegal and Monaghan were each separate constituencies returning one member;

(iii) if the principal Act is extended to either of the counties of Fermanagh or Tyrone, as if that county were a separate constituency returning one member.

12.—(1) In ascertaining the cost of Irish services the Joint Exchequer Board shall in the first place determine that cost for the whole of Ireland, and then divide the sum as so ascertained with respect to the whole of Ireland between the excluded area and the rest of Ireland in proportion to population.

The cost of Irish services shall be taken to be the sum so ascertained for the rest of Ireland, subject to any adjustment which the Board may think necessary in order to assign to the
excluded area or to the rest of Ireland the actual cost of any Irish service in that area or in the rest of Ireland, where that actual cost can be definitely ascertained (and subject, in the case of any Irish service where the actual cost cannot be definitely ascertained, to the addition of a sum equal to ten per cent. of the cost of that service as ascertained for the excluded area).

(2) Any charge on the Consolidated Fund of the United Kingdom for Irish services, including any charge for the benefit of the Local Taxation (Ireland) Account, and any grant or contribution out of moneys provided by the Parliament of the United Kingdom, shall, so far as respects public services in connection with the administration of the civil government of the excluded area, be continued, and any charge on the Guarantee Fund for sums and arrears arising under the Irish Land Purchase Acts shall, so far as respects sums and arrears in the excluded area, be similarly continued.

(3) Nothing in this Act shall prevent the transfer to the Irish Government of the Irish Church Temporalities Fund, nor prevent any fund which is applicable for any Irish services being managed, administered, or disposed of by the Irish Government, subject, however, to such provision as may be made by the Joint Exchequer Board for securing the payment out of the fund of any sum which, in their opinion, represents the portion of the fund (if any) applied to purposes within the excluded area at the time of the passing of the principal Act, and the application of that sum to the same or similar purposes within the excluded area.

(4) Any payments which, but for this provision, would be made good by means of deductions from the Transferred Sum under section thirty-two, thirty-three, thirty-five, or thirty-seven of the principal Act shall be apportioned by the Joint Exchequer Board as between the excluded area and the rest of Ireland in the like manner and subject to the like adjustments as the cost of Irish services, except that no such addition as is mentioned in subsection (1) of this section shall be made, and so much of any such payment as is assigned to the excluded area shall be excluded from the amount to be deducted from the Transferred Sum.

(5) The sum of eighteen thousand pounds, payable annually, for the purposes of the Queen’s University of Belfast under the Irish Universities Act, 1908, shall, so long as the parliamentary borough of Belfast remains part of the excluded area, be paid.
in accordance with that Act and not out of moneys provided by the Irish Parliament.

13.—(1) During years after the appointed day where the Treasury on the recommendation of the Development Commissioners make an advance out of the Development Fund for any purpose in Great Britain, they shall set apart out of that Fund the Irish equivalent, and the sum so set apart shall be applied in making advances for such purposes in the part of Ireland to which the principal Act for the time being extends, being purposes authorised by Part I. of the Development and Road Improvement Fund Act, 1909, as may be recommended by the Development Commissioners with the approval of a Committee appointed by the Irish House of Commons from amongst members of both Houses of the Irish Parliament.

(2) For the purposes of this section "the Irish equivalent" means a sum bearing the same proportion to the sum advanced for purposes in Great Britain as the population of the part of Ireland to which the principal Act for the time being extends bears to the population of Great Britain such population being calculated according to the published returns of the last census for the time being.

14.—(1) The existing appeal from courts in Ireland to the House of Lords shall continue, and section twenty-eight of the principal Act shall not have effect so far as it provides for appeals from courts in Ireland to the Privy Council, and where any right of appeal from courts in Ireland to the Privy Council is conferred by the principal Act the appeal shall lie to the House of Lords instead of to the Privy Council, and in subsection (1) of section thirty of the principal Act the reference to His Majesty in relation to the granting of leave to appeal shall be construed as a reference to the House of Lords.

(2) Nothing in this section shall affect reference of questions to the Privy Council under the principal Act other than appeals from courts in Ireland, or affect the constitution of the Judicial Committee of the Privy Council when hearing such references.

15. The provisions of the principal Act (as amended by this Act) as to judicial power shall apply, subject as follows:

(1) Sittings of the High Court shall be held at Belfast continuously throughout the year so far as reasonably
practicable, and subject to vacations, and so far as necessary to dispose of civil business arising in the excluded area, which can properly be transacted by a single judge or by a judge and jury:

All business which, if it were within the jurisdiction of a county court, would come before a county court in the excluded area, and any other business which under rules of court is to be treated as business arising in the excluded area, shall be deemed to be business arising in the excluded area:

Business assigned to any division of the High Court may be disposed of by or before the judge forming the court at any such sitting, and in the case of business so disposed of, applications by way of appeal or with respect to verdicts, findings or judgments which but for this provision would be heard and determined by a divisional court of the King's Bench Division shall be heard and determined by the Court of Appeal.

(2) The judge forming the court at any such sitting, and the judge of assize at any assizes held for any part of the excluded area, shall be either an existing judge of the Supreme Court, or a judge appointed under this Act:

The next vacancy in the office of a judge of the High Court which is filled after the commencement of this Act shall be filled by the appointment of a judge by His Majesty instead of by the Lord Lieutenant; and any vacancy occurring in the office held by such a judge shall be filled in like manner.

(3) Where any proceedings, whether civil or criminal, are instituted in any court in Ireland against a person resident in the excluded area, then, if the place of trial or hearing would, but for this provision, be a place situated in that part of Ireland to which the principal Act extends, the proceedings shall, on the application of that person, be transferred or removed in accordance with rules under this section to a court having similar jurisdiction in the excluded area to the intent that the place of trial or hearing may be a place within that area.
Where any proceedings, whether civil or criminal are instituted in any court in Ireland against a person resident in that part of Ireland to which the principal Act extends, then, if the place of trial or hearing would, but for this provision be a place situated in the excluded area, the proceedings shall on the application of that person be transferred or removed in accordance with rules under this section to a court having similar jurisdiction in that part of Ireland to which the principal Act extends to the intent that the place of trial or hearing may be a place in that part of Ireland:

(4) The enactments relating to the summoning of jurors in the county of Dublin and the county of the city of Dublin for the purpose of sittings of the High Court in Dublin shall be extended by rules of court so as to apply to the counties of Antrim and Down and the county of the city of Belfast and to sittings of the High Court in Belfast:

(5) The judges of any county court or other court of like jurisdiction in the excluded area shall, on the occurrence of any vacancy, be appointed by His Majesty instead of the Lord Lieutenant:

(6) Appeals from any county court in the excluded area shall lie to the High Court sitting in Belfast as well as to the judge of assize, and the enactments relating to those appeals shall apply accordingly:

(7) The provisions of the Judicature (Ireland) Acts, 1877 to 1907, with respect to the making of rules of court, shall extend to rules under this section, and to rules regulating the procedure in county courts in the excluded area, and for the purpose of such rules and of rules regulating the procedure in the Court of Appeal those provisions shall have effect, with the substitution of existing judges of the Supreme Court and judges of the Supreme Court appointed by His Majesty after the commencement of this Act for the persons specified in those provisions as the persons on whose recommendation rules of court may be made.

16. (1) The Court of Appeal shall be constituted exclusively of judges appointed by His Majesty, and accordingly the
provisions of section ten of the Supreme Court of Judicature (Ireland) Act, 1877, as to the constitution of that court or the appointment of additional judges of that court shall not have effect except as respects judges who have been appointed judges of the Supreme Court before the commencement of this Act or are appointed by His Majesty after the commencement of this Act.

(2) The Lord Chancellor shall cease to be President of the Court of Appeal, and the senior ordinary judge of the Court shall be President in his place.

(3) The ordinary judges of the Court of Appeal shall continue to be appointed by His Majesty, and the number of ordinary judges of the Court of Appeal shall be three instead of two, and a third ordinary judge may be appointed on the passing of this Act, as if there was a vacancy in the office.

17. Every ordinary judge of the Court of Appeal, judge of the High Court, judge of a county court or court of like jurisdiction, appointed by His Majesty after the commencement of this Act shall hold his office by the same tenure as that by which the office is held at the time of the passing of this Act, and shall be entitled to receive the like salary, allowances and pension as the salary, allowances and pension attached to the office at that time, and the salaries, allowances and pensions of all judges so appointed shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof:

Provided that the power to remove a county court judge on the ground of permanent infirmity under the Chairman of Quarter Sessions (Ireland) Act, 1858, shall in the case of any county court judge appointed by His Majesty be exercised by Order of His Majesty in Council instead of by Order of the Lord Lieutenant in Council, and shall be exercisable on the certificate of a Secretary of State instead of the certificate of the Lord Chancellor of Ireland.

18. The Lord Lieutenant or a Secretary of State shall have the same power under section twenty-nine of the principal Act of procuring the determination of any question arising in connection with the relations of the excluded area and the rest of Ireland by the Judicial Committee of the Privy Council as he has of procuring the determination of the questions mentioned in that section.
19.—(1) The provisions of the principal Act as to existing Irish officers shall not apply—
(a) to officers in the civil service of the Crown who, at the time of the passing of this Act, are solely employed in public services in the excluded area; or
(b) to officers in the civil service of the Crown who are allotted to the excluded area by the Civil Service Committee under this section.

(2) The Civil Service Committee shall allot to the excluded area such number of officers in the Civil Service of the Crown not solely employed in public services in the excluded area as they think proper, having regard to the requirements of the excluded area as compared with those of the rest of Ireland, and shall decide which of the officers employed at the time of the commencement of this Act in that service are to be so allotted, having regard to the suitability of the officer with respect to the service, and any officers so allotted to the excluded area shall not be transferred to the Irish Government.

20. The following general alterations, consequential on this Act, shall be made in the construction of the principal Act:
(a) the words "Ireland" and "Irish" shall be construed unless the context otherwise requires as not including the excluded area; and
(b) any transfer of a reserved service from the Government of the United Kingdom to the Irish Government shall not have effect in the excluded area.

21. The power of His Majesty to make Irish transfer orders shall be extended so as to include power to make such adaptations of enactments and such provision with respect to the transfer and apportionment of property, rights, and liabilities, and such other provisions as may appear to him necessary for the purpose of dealing with the government of the excluded area and with the relations between the excluded area, the rest of Ireland, and Great Britain.

PART IV.
SUPPLEMENTAL.

22. It is hereby declared that the Irish Parliament and Irish Government have no power to repeal, alter, or in any way impair the force of any emergency legislation of the United Kingdom.
A.D. 1919. Kingdom Parliament in connection with the present war including any orders, rules, or regulations made thereunder; and obedience to any such legislation is to be absolutely enforced, notwithstanding that that obedience may conflict with any law of the Irish Parliament or any executive action of the Irish Government.

23. This Act shall be construed as one with the principal Act, and may be cited as the Government of Ireland Amendment Act, 1919.
FIRST SCHEDULE.


President.

1. The term of office of the president shall be five years, but a retiring president shall be eligible for reappointment.

2. The president may be, but need not be, chosen from amongst the representative members of the Council:

   Provided that if a representative member of the Council is chosen to be president, he shall, on ceasing to be a representative member of the Council, vacate the office of president.

3. The president of the Council may at any time resign his office.

Members representing the Irish Parliament.

4. The members representing the Irish Parliament shall be chosen in such manner as the Irish House of Commons may determine.

5. The members representing the Irish Parliament shall hold office during such period as the Irish Parliament may determine, but if any such member ceases [for two months] to be a member of the Irish Parliament he shall thereupon cease to be a member of the Council.

6. Any vacancy in the members representing the Irish Parliament shall be filled by appointment of a new member chosen in the like manner.

7. The first members of the Council representing the Irish Parliament shall be appointed as soon as may be after the first meeting of the Irish Parliament.

Meetings.

8. Ordinary meetings of the Irish Council shall be held in January and in July in every year.
9. Meetings for the consideration of petitions and draft orders shall be held at such times as may be fixed by or under standing orders.

10. The president may at any time, and shall if so required by a written demand signed by a majority of the members representing constituencies in the excluded area, or of the members representing the Irish Parliament, or by a Secretary of State, or by the Lord Lieutenant, convene a special meeting of the Council to consider any matter which may be desired to be brought before the Council by the president or the person signing the demand.

11. Every meeting of the Council shall be convened by the president: Provided that if there is a vacancy in the office of president the power and duty of convening meetings shall rest with the Secretary of State.

12. At least fourteen days' clear notice shall be given of the holding of a meeting, and the notice shall set forth the business proposed to be brought before the meeting, and no matter shall be considered at any meeting of the Council which is not included in such notice.

13. Any meeting of the Council may be adjourned from time to time.

14. The [ordinary] meetings of the Council shall be held alternately in Dublin and Belfast.

Method of Voting.

15. If at any meeting of the Council it becomes necessary to take a vote, the vote shall be taken in the following manner, and the result shall be deemed to be the decision of the Council, that is to say, the representatives of the constituencies in the excluded area shall have one vote, and the members representing the Irish Parliament shall have one vote.

16. In the case of the votes on any matter being equal, the matter shall be treated as dismissed.

17. The vote of the representatives of the constituencies in the excluded area shall be determined in accordance with the wishes of the majority of those representatives voting in person or by proxy on the subject, and the vote of the members representing the Irish Parliament shall be determined in like manner.

18. Subject as aforesaid, the manner in which the wishes of the majority of the representatives of the constituencies in the excluded area and of the majority of the members representing the Irish Parliament are to be ascertained shall be such as may be prescribed by rules made by the representatives of the constituencies in the excluded area and by the members representing the Irish Parliament respectively, and the rules may provide for giving, in the case of an equality of votes, to one of those members a second or casting vote.
19. The president, if a representative member of the Council, shall be entitled to vote as such member, but shall, whether a representative member or not, not have any vote as president.

20. Every proxy shall be in writing and shall be signed by the person giving it, and no proxy shall be valid for a longer period than six calendar months.

Alternative for paragraph 21.

21. In order to constitute a meeting of the Irish Council at least two-thirds of the whole number of the representatives of the constituencies in the excluded area and at least two-thirds of the members representing the Irish Parliament must be present in person or by proxy.

22. No act of the Council shall be invalid by reason of there being a vacancy amongst the representative members of the Council [or in the office of president].

23. The president shall preside at all meetings of the Council at which he is present. In his absence the Council may appoint one of the representative members of the Council to preside.

24. The Council may appoint committees consisting [wholly or partly] of members of the Council, and may refer to any such committee any business before the Council for consideration and report.

25. Subject to the provisions of this Act the Irish Council may regulate their own procedure.

SECOND SCHEDULE.

1. A committee to which a draft order is referred shall consist of an equal number not less than three of the members representing the Irish Parliament and of the representatives of the constituencies in the excluded area [selected in such manner as may be prescribed by standing orders, or, in the absence of any standing orders for the purpose, selected by the president].

2. The president of the Council shall ex officio be chairman of the committee.

3. Where a vote of the committee is taken the voting shall be in accordance with the principles laid down as respects voting at meetings of the Council, except that the chairman of the committee shall, as such, have a second or casting vote and no proxies shall be allowed.

4. The committee shall sit at any place in Ireland which they may determine, due regard being had to the subject matter of the proposed order and to the locality to which its provisions relate.
5. The sitting of the committee shall be held in public.

6. The committee shall hear and determine any question of locus standi, but the committee shall not sustain the locus standi of any person who has not, in the manner and within the time prescribed by standing orders, objected to the proposed order, unless on special grounds established to the satisfaction of the committee, and subject to such conditions as to payment of costs or otherwise as the committee may determine.

7. Subject to standing orders, any person shall be allowed to appear before the committee in opposition of the order by himself, his counsel, agents, and witnesses, and counsel, agents, and witnesses may be heard in support of the order.

8. Subject to standing orders, whenever a recommendation has been made by a Secretary of State or by any department of the Irish Government, it shall be referred to the committee, who shall notice such recommendation in their report, and shall state their reasons for dissenting should such recommendation not be agreed to.

9. The committee shall, as far as possible, sit from day to day until they finish the inquiry and submit their report to the Council, with the evidence taken and the recommendations made by them, and they may recommend that the order shall be issued as prayed for, or shall be issued with modifications, or shall be refused, and if they recommend that the order should be issued with modifications they shall submit a copy of the order showing the modifications they recommend.

10. The committee may summon and examine on oath such witnesses as they think fit to call or allow to appear before them.

11. The committee may require the production of all books, papers, plans, and documents relating to the matters dealt with by the draft order referred to them.

12. The committee may, when sitting in open court, report to the High Court any person who has been guilty of contempt of court, and the High Court may punish that person as if the contempt had been committed in proceedings before the High Court.

13. Orders of the committee may be enforced as if they had been pronounced by the High Court.
DRAFT

OF A

BILL

To make further provision for the Government of Ireland.

CV. (4.)

29th September 1919.
Government of Ireland Bill.

Draft Alternative for Clause 4 giving Effect to the Suggestion contained in Paragraph 5 of the Committee's Memorandum.

(1) Where on a poll being taken under section three of this Act the principal Act is extended to any county any British subject who at the date of the taking of the poll resided or was in occupation of business premises within the county shall, on application being made in the prescribed manner and within the prescribed time by him, or, if he is a person under disability, by the prescribed person on his behalf, be registered by the prescribed authority in the prescribed manner.

(2) Any person so registered shall, so long as he continues to have a place of residence or business within the county and until the principal Act is extended to the whole of the excluded area, be entitled to the following privileges:

(a) he shall be entitled for all judicial purposes civil and criminal to be treated as if his place of residence or business and any property belonging to him situated within the county was situated in such adjoining or neighbouring county remaining part of the excluded area as may be prescribed;

(b) he shall be entitled for purposes of legislation by the Irish Parliament, including legislation in exercise of the power of taxation given to the Irish Parliament, to be treated as if his place of residence and any property belonging to him situated within the county was situated in the excluded area, but if, as a result of this provision, the proceeds of Irish taxes are diminished the Joint Exchequer Board shall determine the amount of the diminution and a sum of that amount shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof and shall be treated for the purpose of section fourteen of the principal Act as if it was part of the proceeds of Irish taxes.

(3) His Majesty may by Order in Council prescribe anything which under this section is to be prescribed, and any such
Order in Council may contain any incidental, consequential, and supplemental provisions (including provisions requiring periodical returns to be made as to places of residence and business, and imposing fines recoverable summarily in the case of failure to make returns or of false returns) which appear necessary or expedient for the purpose of giving effect to this section.
Government of Ireland
Bill.

DRAFT ALTERNATIVE FOR
CLAUSE 4.

CXIX. (1.)

29th September 1919.

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