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CONFIDENTIALRELATIONS WITH NORTHERN IRELAND11(e) The Authority of the British Parliament Over Northern Ireland

Section 75 of the Government of Ireland Act 1920 (the effective Constitution of the Six Counties) provides that "notwithstanding the establishment of the Parliament of ... Northern Ireland... or anything contained in this Act, the supreme authority and the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things in Ireland and every part thereof". Nevertheless there exists a well recognised constitutional convention that the Westminster Parliament does not legislate on matters within the jurisdiction of Stormont. Over the last year a group of M.Ps. from all parties known as the Campaign for Democracy in Ulster have been applying pressure at Westminster for a departure from this convention, and urging that the British Government should shoulder what the campaign alleges are their responsibilities under Section 75 of the Act and examine matters of discrimination and other malpractices in the Six Counties.

On 26th May, 1966 Mr. Gerard Fitt (Republican Labour for Belfast West) asked the Prime Minister whether he would set up a Royal Commission to investigate the working of the Government of Ireland Acts insofar as they concern matters within the responsibility of Her Majesty's Government. Mr. Wilson replied in the negative but said the questions raised some very difficult issues because of the division of ^{functions} between the U.K. Parliament and Government and the N.I. Parliament and Government. He was aware that Members were disturbed by certain things which go on and thought the best thing was for himself and the Home Secretary to have informal talks with Capt. O'Neill to see whether some of "the difficulties" which all of them recognised might not be overcome in an informal way. Following Supplementaries, the Speaker ruled that questions concerning discrimination in N.I. were a matter for the N.I. Government and could not be raised at Question Time in

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Westminster. Mr. Wilson spoke of the "one convention" which all Governments in this House have fully honoured, of not dealing with matters which are within the responsibility of the Stormont Parliament.

Mr. Fitt again raised the matter of Section 75 in the House of Commons on 8th August, 1966, saying that he interpreted it to mean that it gave "ultimate and overriding responsibility to the U.K. Parliament" and he demanded of the British Government that they accept the responsibility. The Deputy Speaker referred to his predecessors' rulings that Section 75 does not cover responsibility on H.M. Ministers over matters within the competence of the N.I. Government. He said, however, that matters relating to the payment of subsidies by the U.K. Government to the N.I. Government could be discussed at Westminster. Some Members then urged the desirability of discussing N.I. affairs on the part of the Ministers who had to decide what proportion of their funds should be allocated to Northern Ireland. The Deputy Speaker said in reply that no good purpose was served by Members raising questions about N.I. in the House, unless they could direct their questions to some point for which a Minister of the Crown was responsible.

In reply to a Question as to where it was defined that the sovereignty of Parliament should be solely legislative sovereignty, the Deputy Speaker replied that the sovereignty was expressed in legislative terms, that Parliament exercised sovereignty over any part of the U.K. by legislation but that it had delegated administrative responsibility in certain matters to the Government of N.I. and that it was the Ministers in N.I. who alone were responsible for those matters of administration which the British Parliament had devolved on them.

In reply to a Question from Mr. Healy, M.P. on 29th November, 1966 as to whether he would publish in the Official Report a list

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of Ministers responsible for departmental matters affecting Northern Ireland, itemising the area of their responsibilities, the Prime Minister replied that the preparation of an exhaustive list "would be both time-consuming and expensive" but that he would circulate a summary in the Official Report (copy attached).

Efforts by Members of the House of Commons, particularly of the Campaign for Democracy in Ulster, to have the projected Parliamentary Commissioner (Ombudsman) extended to the Six Counties have met with no success to date.