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Movement Towards Total Integration

1. The recent assurance by Prime Minister Callaghan to the Taoiseach "That there was not a scintilla of movement" towards integration which is reported in the Irish Times of Tuesday, 28 November 1978 (page 7) is a repetition of a similar assurance which was given in September 1977 and the assumption that this statement can be regarded as true or accepted as fact may no longer be meaningful in the light of current legislative developments.
2. The stepping stones towards total integration and the termination of the quasi-independence and separation of Northern Ireland from the rest of Britain can be foreseen from the combined effect of firstly the proposed increased representation for Northern Ireland at Westminster from 12 seats to either 16, 17, or 18 seats, the exact number of which will depend on the result of a boundary commission Report which will probably recommend the division of several constituencies in the North East so that the predominantly loyalist areas will benefit from the change, and secondly the gradual elimination of a separate Northern Ireland code of statutes.
3. Mr. Enoch Powell (the O.U.P. M.P. for South Down) is reported in the Irish Times of 25 November 1978 (page 6) to have said at Warrenpoint on the previous evening that all but one of the measures presented at Westminster in the present session extended to Northern Ireland. While he is not altogether correct in his claim, there is nevertheless a substantial amount of truth in what he said. A total of twenty one public measures have been presented at Westminster in the present session of Parliament up to 25 November. These Bills may be divided into four categories:-
 - (a) those which explicitly state that they extend in whole or in part to Northern Ireland - of which there are eight;
 - (b) those which contain provision for application to Northern Ireland by Order in Council under the negative resolution procedure - that is a provision which permits subordinate legislation to be made for Northern Ireland in accordance with the pattern prescribed by the Northern Ireland (Modification of Enactments) Order 1973 - of which there are three;
 - (c) those which are silent as to the area of application - of which there are six; and
 - (d) those which do not and will not apply at all to Northern Ireland - of which there are four.

The annexed table illustrates the above classification.

4. The inescapable conclusion which must be drawn from this development is that wherever possible the British Government has decided to legislate at Westminster for Northern Ireland. This is illustrated by the three categories (a), (b) and (c) - cases where no special adaptations for Northern Ireland are

necessary (category a), cases where special adaptations are necessary to the U.K. bill by making those special or technical adaptations and amendments to previous Northern Ireland legislation by Order in Council subject to a negative resolution (category b), and cases where the bills are silent about the area of application and will therefore apply to the whole of the United Kingdom without any variation whatsoever (category c). Measures applying to mainland Britain are excluded from this process (category d).

5. Accordingly seventeen (subject to a more detailed examination of the measures) out of twenty one bills at present before Parliament will apply to Northern Ireland without reference to the Order in Council affirmative resolution procedure through which some legislation has up to now been enacted for Northern Ireland and Powell's claim is thus basically correct. This represents the other major movement towards integration. While it may be argued that under the time honoured principle of parity that new legislation enacted for Britain has been applied to Northern Ireland in due course and that the awkward delay which was an undesirable feature of this procedure is being eliminated, the effect is nevertheless more substantial in that the separate Northern Ireland Statute Book will cease to exist for all practical purposes. It is also significant that Mr. Don Concannon, Junior Minister at the Northern Ireland Office is reported to have said that they ("the British"? wanted to reduce the number of such Orders in Council where the legislation in Northern Ireland would be similar to that in the rest of the United Kingdom (O'Ceallaigh Report 29 November 1978).
6. It may also be suggested as a justification for this new development that legislating for Northern Ireland by the Order in Council Affirmative resolution procedure is not democratic in that it deprives the Northern Ireland parliamentary representatives of the opportunity to debate and influence this form of legislation. This is not so for the following reasons:-
 - (1) There is no limitation on the number of meetings which the Northern Ireland Committee may hold;
 - (2) Copies of all proposals for draft Orders in Council are sent to each of the major political parties in Northern Ireland;
 - (3) the members of the Northern Ireland Committee can discuss the proposals before they are finalised and laid in Parliament and they can indicate and suggest amendments. It has led to the withdrawal and redrafting of at least one proposal for a draft Order in Council;
 - (4) Even after a draft Order in Council is laid in Parliament it is possible to have it withdrawn if arguments are put forward which would make it desirable that changes be made to the draft Order - see Commons Hansard for 6 March 1978;
 - (5) The draft orders invariably reproduce the provisions in existing Westminster legislation on which all MP's had an equal opportunity to offer comment.

7. It would appear that the turning point has been reached and the need for a full devolved Northern Ireland Parliament has now been reduced. The only other step necessary to achieve total integration would be the dismantling of the various Northern Ireland departments of State and Civil Service thus enabling the Northern Ireland administration to be hived off to various British Ministers and the Northern Ireland police to become the responsibility of the Home Office. To reverse this process it is necessary to ensure the maintenance of a separate Northern Ireland Statute book by enacting all legislation for Northern Ireland by the Order in Council Affirmative Resolution procedure - which would appear to be a reasonable safeguard against total integration.

Rvs.

4 December 1978
Department of Foreign Affairs
Dublin

- a. Arbitration
- a. Banking, 7 Mr D. Healey (Government)
1R: 9.11 2R: 23.11
- b. Companies, 2 Mr E. Dell (Government)
1R: 2.11 2R: 20.11
- c. Conservation of Wild Creatures and Wild Plants (Amendment) [HL] (Z)
Lords, 12
1R: 8.11
- d. Education, 14 Mrs S. Williams (Government)
1R: 22.11
- d. Electricity (Scotland) [HL] (B)
Lords, 3
1R: 2.11 2R: * 14.11
- a. Estate Agents, 4 Mr R. Hattersley (Government)
1R: 3.11 2R: 16.11
- d. Forestry [HL] (Government)
Lords, 2
1R: 2.11 2R: 16.11
- c. House of Commons (Redistribution of Seats), 6 Mr R. Mason (Government)
1R: 8.11
- c. Land Registration (Scotland) [HL] (Government)
Lords
1R: 23.11
- a. Merchant Shipping, 13 Mr J. Smith (Government)
1R: 17.11
- c. National Land Fund [HL] (Z)
Lords, 5
1R: 7.11
- a. Nurses, Midwives and Health Visitors, 3 Mr D. Ennals (Government)
1R: 2.11 2R: 13.11
- a. Pensioners Payments, 1 Mr D. Ennals (Government)
1R: 2.11 All stages: 13.11
Lords, 14
1R: 14.11 All Stages: 21.11 Royal Assent (Cap. 58): 23.11
- d. Public Health Laboratory Service [HL] (Government)
Lords, 13
1R: 9.11
- a. Public Lending Right, 5 Mrs S. Williams (Government)
1R: 3.11 2R: 10.11 Comm (SCA: 21.11-23.11)
- c. Public Records (Amendment) [HL] (Z)
Lords, 4
1R: 7.11 2R: 23.11
- c. Representation of the People (Armed Forces) [HL] (Z)
Lords, 11
1R: 8.11
- b. Social Security, 8 Mr D. Ennals (Government)
1R: 9.11 2R: 21.11
- b. Wages Councils [HL] (B)
Lords, 15
1R: 15.11 2R: * 23.11
- a. Weights and Measures, 12 Mr R. Hattersley (Government)
1R: 15.11