

NATIONAL ARCHIVES

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NORTHERN IRELAND: A FRAMEWORK FOR DEVOLUTION

The British Government wishes to see the restoration of devolved government in Northern Ireland. The following account sets out the detail of the Government's constitutional proposals.

Central to the proposals is a new 78 member Northern Ireland Assembly elected by the single transferable vote system of proportional representation. If Parliament passes the proposed legislation, the election to the Assembly will be held as soon as practicable after the Bill is enacted.

Role of the Assembly Prior to Devolution

The principal task of the Assembly will be to reach agreement on how devolved powers should be exercised. But pending devolution of powers the Assembly will have important consultative and deliberative functions. It will be able to scrutinise and comment on draft legislation and make reports to the Secretary of State which will be laid before Parliament at Westminster. The Assembly will monitor and report on the policies and activities of the Northern Ireland Departments and, to this end, will be required to establish a committee corresponding to each Department.

The appointments of Chairmen, Deputy Chairmen, and members of each committee will be made by the presiding officer and will, so far as practicable, reflect party representation in the Assembly. The Chairmen and Deputy Chairmen will receive salaries. Ministers and the Northern Ireland Departments will cooperate closely with the Assembly and its committees.

It will be for the Assembly to make proposals on how a Northern Ireland Administration should be formed and under what arrangements executive powers should be exercised. The powers available for devolution are those in the "transferred" field provided for in the Northern Ireland Constitution Act 1973 (i.e. broadly those presently exercised by the Northern Ireland Departments of Agriculture, Commerce, Education, Environment, Health and Social Services, Manpower Services and Finance and Personnel).

Criteria for Devolution

The essential criterion for devolution is that the Assembly's proposals should be acceptable to both sides of the community. If 70 per cent or more of Assembly members agreed on a report on the way in which powers should be exercised and an Administration formed, that report would be submitted to the Secretary of State who would be required to lay it before Parliament. Proposals agreed by less than 70 per cent, but which appeared to the Secretary of State to be acceptable to both sides of the community, could be submitted to the Secretary of State at his request and would then be laid before Parliament. When Parliament came to consider any proposals, the Government would express a view on whether those proposals were acceptable to both sides of the community. Provided Parliament approved the report, executive and legislative powers would be devolved by Order-in-Council.

Partial or Full Devolution

The Assembly could proceed directly to full devolution under which all the Northern Ireland Departments would come under the control of a Northern Ireland Executive. But there could be partial devolution under which one or more Departments could be devolved. For instance, three of the Northern Ireland Departments could be devolved while the rest stayed under the Secretary of State's control. Partial devolution could lead on to full devolution. In the case of partial devolution, executive responsibility will be shared among United Kingdom Ministers and Departmental Heads drawn from the Assembly.

If the arrangements were to lose the broad support in the Assembly which had led to devolution in the first place, the devolved powers could be "rolled back" to the Secretary of State and Westminster until fresh proposals were agreed.

A Northern Ireland Executive

Once full devolution has taken place, the Secretary of State, taking account of the Assembly's recommendations, will appoint a Northern Ireland Executive consisting of not more than 13 members. Provided the Executive retained its support within the Assembly, elections would be held every 4 years.

If the Executive lost the broad support of the Assembly which had led to devolution, devolved powers could be "rolled back" to the Secretary of State: the Assembly could revert to its earlier consultative functions or be prorogued. If there were no prospect of forming another Executive, the Assembly could be dissolved and fresh elections held.

The Two Identities in Northern Ireland

The Government's proposals acknowledge the "two identities" in Northern Ireland. The Protestant majority of the population (about a million) think of themselves as British. They regard themselves as part of the social and cultural fabric of the United Kingdom, and their loyalty lies to the Crown. They favour continuance of the union with the rest of the United Kingdom. There is also a substantial Catholic minority (about half a million) who think of themselves as Irish whether in terms of their identity, their social and cultural traditions or their political aspirations. This difference in identity and aspiration cannot be ignored or wished away. Relations between both sides of the Northern Ireland community influence and are affected by relations between the United Kingdom and the Republic of Ireland.

Anglo-Irish Relations

At Government level, the Anglo-Irish Intergovernmental Council (AIIC) gives institutional expression to the unique relationship between the two countries without affecting national sovereignty. If a devolved government came into being in Northern Ireland, it would be able to make bilateral arrangements and agreements with the Government of the Republic within the field of "transferred" functions. It is for the Parliaments at Westminster and Dublin to consider whether the governmental meetings of the AIIC should be complemented by an Anglo-Irish body at Parliamentary level in which members of an elected Assembly in Northern Ireland could take part.