

SECRET

SUMMARY NOTE OF A MEETING HELD ON 18 JUNE AT
STORMONT CASTLE TO DISCUSS PROPOSED NI BILL

PRESENT: Secretary of State
Minister of State
Sir Frank Cooper
Mr Armstrong
Mr Bloomfield ✓
Mr Bourn
Mr Allan
Mr Seaman
Mr Burns
Mr Hill

At this meeting the clauses of and some of the Schedules to the draft Northern Ireland Bill - Second Print - were discussed. References are to this draft.

LONG TITLE

It was agreed that the term "convention" would be suitable in view of the Newfoundland and 1917 Irish precedents. It was however agreed that the term "constitutional convention" might be more acceptable

1.1. It was agreed that the dissolution of the Assembly should be linked to the election of the Convention, and that it should be dissolved about four weeks before these elections. Since Parliament would give approval in principle to the dissolution when the Bill was passed it was not felt that it would be necessary for this dissolution to be subject to parliamentary approval since the only freedom left to the Secretary of State would be to vary the time of the holding of the elections (and therefore the dissolution of the Assembly). There might however be pressure for such a provision to be included in the final Act. Meanwhile the Bill should provide for further prorogation of the Assembly.

1.2. 1.3 and 1.4. The effect of these provisions was to leave the legislative and executive parts of the 1973 Constitution Act "on ice" but to leave the greater part of that Act in force. After debate on whether a 1 year interim period might be initially too long it was decided that this would be satisfactory. In any case this interim period could be shortened by Order by the Secretary of State. The wording of 1.2, 1.3 and 1.4. was agreed.

2.1. There was debate on whether the election of the Convention should be mandatory or optional, in view of the possibility that agreement could be reached between political parties before the election of the Convention. It was however agreed that the wording should make the Convention mandatory. It was agreed that the word "there" was superfluous, that the phrase "government by consent" should be used, and that "most widely accepted" should be modified so as not to imply mere majority approval.

2.2. The words "Secretary of State" rather than "Secretary of State for Northern Ireland" should be used because the Secretary of State was an indivisible entity consisting of more than one person.

2.3. This sub-section was drafted so as not to make the holding of polls or their form mandatory on a recommendation from the Convention. The sub-section also prevented a poll being held during the life of the Convention. Although it was thought that the term "referendum" might be preferable to "poll", the sub-section was agreed.

2.4. The time limit on the holding of the poll was agreed.

2.5. This sub-section attached the condition applying to the "Border Poll" to the holding of polls under 2.3 of this draft. In view of later reservation on the holding of "Border Polls" it was agreed that these conditions should be put in full.

2.6. There were grave reservations on this sub-section. It was included to protect the pledge given by HMG that the status of Northern Ireland would not be changed, without majority consent. However the consensus opinion was that the holding of a border poll and its implications were such constitutionally important steps, involving as they did the integrity of the United Kingdom that it would be wrong to provide for a further poll to be held without reference to Parliament. It was therefore agreed that this sub-section should be omitted. It was also agreed that the pledge need not be repeated in this Bill as it was still in force in the Constitution Act.

SCHEDULE 1

1.1. and 1.2. The effect of sub-sections 1 and 2 was to give the power to make Orders in Council on the same matters as the Assembly could pass Measures. The consent procedure was dropped as being redundant. These subsections were agreed.

1.3. 1.4. 1.5. and 1.6. These set up the same provisions on affirmative and negative resolutions as under the Temporary Provisions Act. They were agreed.

2. This in effect made the Secretary of State the sole Government of Northern Ireland.

14. This article provided protection from the laws of libel and slander for the Convention but did not provide full Parliamentary privileges.

18. It was agreed that in addition to the existing provisions for the disolution of the Convention, there should be a power for the Secretary of State or H.M to dissolve. Some advantage was seen in this power residing with Her Majesty.

It was agreed that there would be further discussion particularly on the Schedules.

D A HILL

20 June 1974