

## British Constitutional Legislation (29/03/98)

### Union with Ireland Act 1800 {Act of Union}

The key article of the UWIA is number 1:

"That it be the First Article of the Union of the kingdoms of Great Britain and Ireland, that the said kingdoms of Great Britain and Ireland shall, upon the first day of January which shall be in the year of our Lord 1801, and for ever after, be united into one kindom... "

(rest of article is about "royal stile and titles".)

- inaccurate, anachronistic, offensive
- superseded in geographical import by subsequent British law. However, recognition must be given to the political and symbolic significance of unaltered legislative text. That is why some people argue that Articles 2 & 3 have no standing in international law, while at the same time strongly urging that they be repealed or amended.
- inconsistent with any recent definition of self-determination in Ireland through its reference to "for ever after".
- should therefore be repealed along with the rest of the Act, with any of the other provisions which are still considered technically necessary being incorporated in separate legislation.

### Government of Ireland Act 1920

The Key section of the GOIA is Section 75 states(as already amended):

"Notwithstanding anything contained in this Act, the supreme authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters and things in (Northern) Ireland and every part thereof"

- out of date, superfluous
- should therefore be repealed along with the rest of the Act, with any of the other provisions which are still considered technically necessary being incorporated in separate legislation

Subsection 1(2) of the GOI Act 1920 which relates to the definition of NI should also be repealed.



### NI Constitution Act 1973

The key Section of the NICA is Section 1 which states:

"It is hereby declared that Northern Ireland remains part of Her Majesty's dominions and of the United Kingdom, and it is hereby affirmed that in no event will Northern Ireland or any part of it cease to be part of Her Majesty's dominions and of the United Kingdom without the consent of the majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1 to this Act."

- should be repealed

Subsection 4 (4) of the NICA 1973 should also be repealed as superfluous. Under the heading "Legislative Powers and Executive Authorities (NI)" this reads as follows:

"This Section does not affect the power of the Parliament of the United Kingdom to make laws for Northern Ireland.."

### Other Legislation

To allow for joint membership of Westminster or a northern assembly, on the one hand, and the Dail or Seanad, on the other the following would need to be amended to remove the proscriptions in question.

NI Assembly Disqualification Act 1975

{Section 1(1) & (e) thereof.}

House of Commons Disqualification Act 1975.

{Section 1(1) & (e) thereof.}

The provision which requires street names to be in English should also be suitably amended:

Public Health and Local Government (Miscellaneous Provisions) Act ( N.I.) 1949

{Section 19 (14)}



NIO view of relevant legislation

The NIO have identified the key pieces of constitutional legislation as follows:

- Act of Union 1800
- Government of Ireland Act 1920
- Irish Free State Act (consequential Provisions) Act 1922
- Ireland Act 1949
- Northern Ireland Assembly Act 1973
- Northern Ireland Constitution Act 1973
- Northern Ireland Act 1974
- Northern Ireland Act 1982