

The Constitution of the Irish Free State (Saorstát Eireann) Act, 1922 and The Public General Acts passed by Oireachtas of Saorstát Eireann during the year 1922

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The Constitution of the Irish Free State (Saorstát Eireann) Act, 1922 and Public General Acts passed by Oireachtas of Saorstát Eireann during the year 1922 (Author: [unknown])

PART I.

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THE CONSTITUTION OF THE IRISH FREE STATE (SAORSTÁT EIREANN) ACT, 1922. WITH INDEX.

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CONSTITUTION OF THE IRISH FREE STATE (SAORSTÁT EIREANN) ACT, 1922.

AN ACT TO ENACT A CONSTITUTION FOR THE IRISH FREE STATE (SAORSTÁT EIREANN) AND FOR IMPLEMENTING THE TREATY BETWEEN GREAT BRITAIN AND IRELAND SIGNED AT LONDON ON THE 6TH DAY OF DECEMBER, 1921.

DAIL EIREANN sitting as a Constituent Assembly in this Provisional Parliament, acknowledging that all lawful authority comes from God to the people and in the confidence that the National life and unity of Ireland shall thus be restored, hereby proclaims the establishment of The Irish Free State (otherwise called Saorstát Eireann) and in the exercise of undoubted right, decrees and enacts as follows:—

The Constitution set forth in the First Schedule hereto annexed shall be the Constitution of The Irish Free State (Saorstát Eireann).

The said Constitution shall be construed with reference to the Articles of Agreement for a Treaty between Great Britain and Ireland set forth in the Second Schedule hereto annexed (hereinafter referred to as ‘the Scheduled Treaty’) which are hereby given the force of law, and if any provision of the said Constitution or of any amendment thereof or of any law made thereunder is in any respect repugnant to any of the provisions of the Scheduled Treaty, it shall, to the extent only of such repugnancy, be absolutely void and inoperative and the Parliament and the Executive Council of the Irish Free State (Saorstát Eireann) shall respectively pass such further legislation and do all such other things as may be necessary to implement the Scheduled Treaty.

This Act may be cited for all purposes as the Constitution of The Irish Free State (Saorstát Eireann) Act, 1922.

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FIRST SCHEDULE ABOVE REFERRED TO. CONSTITUTION OF THE IRISH FREE STATE. (Saorstát EIREANN.)

Article 1.

The Irish Free State (otherwise hereinafter called or sometimes called Saorstát Eireann) is a co-equal member of the Community of Nations forming the British Commonwealth of Nations.

Article 2.

All powers of government and all authority, legislative, executive, and judicial, in Ireland are derived from the people of Ireland, and the same shall be exercised in the Irish Free State

(Saorstát Eireann) through the organisations established by or under, and in accord with this Constitution.

Article 3.

Every person, without distinction of sex, domiciled in the area of the jurisdiction of the Irish Free State at the time of the coming into operation of this Constitution, who was born in Ireland or either of whose parents was born in Ireland or who has been ordinarily resident in the area of the jurisdiction of the Irish Free State and shall within the limits of the jurisdiction of the Irish Free State enjoy the privileges and be subject to the obligations of such citizenship: Provided that any such person being a citizen of another State may elect not to accept the citizenship hereby conferred: and the conditions governing the future acquisition and termination of citizenship in the Irish Free State shall be determined by law.

Article 4.

The National Language of the Irish Free State is the Irish language, but the English language shall be equally recognised as an official language. Nothing in this Article shall prevent special provisions being made by the Parliament of the Irish Free State (otherwise called and herein generally referred to as the 'Oireachtas') for districts or areas in which only one language is in general use.

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Article 5.

No title of honour in respect of any services rendered in or in relation to the Irish Free State may be conferred on any citizen of the Irish Free State except with the approval or upon the advice of the Executive Council of the State.

Article 6.

The liberty of the person is inviolable, and no person shall be deprived of his liberty except in accordance with the law. Upon complaint made by or on behalf of any person that he is being unlawfully detained, the High Court and any and every judge thereof shall forthwith enquire into the same and may make an order requiring the person in whose custody such person shall be detained to produce the body of the person so detained before such Court or judge without delay, and to certify in writing as to the cause of the detention and such Court or judge shall thereupon order the release of such person unless satisfied that he is being detained in accordance with the law: Provided, however, that nothing in this Article contained shall be invoked to prohibit, control or interfere with any act of the military forces of the Irish Free State (Saorstát Eireann) during the existence of a state of war or armed rebellion.

Article 7.

The dwelling of each citizen is inviolable and shall not be forcibly entered except in accordance with law.

Article 8.

Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen, and no law may be made either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference, or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school, or make any discrimination as respects State aid between schools under the management of different religious denominations, or divert from any religious denomination or any educational institution any of its property except for the purpose of roads, railways, lighting, water or drainage works or other works of public utility, and on payment of compensation.

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Article 9.

The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions is guaranteed for purpose not opposed to public morality. Laws regulating the manner in which the right of forming associations and the right of free assembly may be exercised shall contain no political, religious or class distinction.

Article 10.

All citizens of the Irish Free State (Saorstát Eireann) have the right to free elementary education.

Article 11.

All the lands and waters, mines and minerals, within the territory of the Irish Free State hitherto vested in the State, or any department thereof, or held for the public use or benefit, and also all the natural resources of the same territory (including the air and all forms of potential energy), and also all royalties and franchises within that territory shall, from and after the date of the coming into operation of this constitution, belong to the Irish Free State, subject to any trusts, grants, leases or concessions then existing in respect thereof or any valid private interest therein, and shall be controlled and administered by the Oireachtas, in accordance with such regulations and provisions as shall be from time to time approved by legislation, but the same shall not, nor shall any part thereof, be alienated, but may in the public interest be from time to time granted by way of lease or licence to be worked or enjoyed under the authority and subject to the control of the Oireachtas. Provided that no such lease or licence may be made for a term exceeding ninety-nine years, beginning from the date thereof, and no such lease or licence may be renewable by the terms thereof.

Article 12.

A Legislature is hereby created, to be known as the Oireachtas, It shall consist of the King and two Houses, the Chamber of Deputies otherwise called and herein generally referred to as 'Dáil Eireann') and the Senate (otherwise called the and herein generally referred to as

‘Seanad Eireann’). The sole and exclusive power of making laws for the peace, order and good government of the Irish Free State is vested in the Oireachtas.

Article 13.

The Oireachtas shall sit in or near the city of Dublin or in such other place as from time to time it may determine.

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Article 14.

All citizens of the Irish Free State without distinction of sex, who have reached the age of twenty-one years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for members of Dáil Eireann, and to take part in the Referendum and Initiative. All citizens of the Irish Free State (Saorstát Eireann) without distinction of sex who have reached the age of thirty years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for members of Seanad Eireann. No voter may exercise more than one vote at an election to either House, and the voting shall be by secret ballot. The mode and place of exercising this right shall be determined by law.

Article 15.

Every citizen who has reached the age of twenty-one years and who is not placed under disability or incapacity by the Constitution or by law shall be eligible to become a member of Dáil Eireann.

Article 16.

No person may be at the same time a member both of Dáil Eireann and of Seanad Eireann, and if any person who is already a member of either House is elected to be a member of the other House, he shall forthwith be deemed to have vacated his first seat.

Article 17.

The oath to be taken by members of the Oireachtas shall be in the following form:—

I . . . do solemnly swear true faith and allegiance to the Constitution of the Irish Free State (Saorstát Eireann) as by law established, and that I will be faithful to H. M. King George V., his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherency to and membership of the group of nations forming the British Commonwealth of Nations.

Such oath shall be taken and subscribed by every member of the Oireachtas before taking his seat therein before the representative of the Crown or some other person authorised by him.

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Article 18.

Every member of the Oireachtas shall except in case of treason, felony, or breach of the peace, be privileged from arrest in going to and returning from, and while within the precincts of either House, and shall not, in respect of any utterance in either House, be amenable to any action or proceeding in any Court other than the House itself.

Article 19.

All official reports and publications of the Oireachtas or of either House thereof shall be privileged and utterances made in either House wherever published shall be privileged.

Article 20.

Each House shall make its own Rules and Standing Orders, with power to attach penalties for their infringement and shall have power to ensure freedom of debate, to protect its official documents and the private papers of its members, and to protect itself and its members against any person or persons interfering with, molesting or attempting to corrupt its members in the exercise of their duties.

Article 21.

Each House shall elect its own Chairman and Deputy Chairman, and shall prescribe their powers, duties, remuneration, and terms of offices.

Article 22.

All matters in each House shall save as otherwise provided by this Constitution, be determined by a majority of the votes of the members present other than the Chairman or presiding member, who shall have and exercise a casting vote in the case member, who shall have and exercise a casting vote in the case of an equality of votes. The number of members necessary to constitute a meeting of either House for the exercise of its powers shall be determined by its Standing Orders.

Article 23.

The Oireachtas shall make provision for the payment of its members, and may in addition provide them with free travelling facilities to any part of Ireland.

Article 24.

The Oireachtas shall hold at least one session each year. the Oireachtas shall be summoned and dissolved by the Representative of the Crown in the name of the King and subject as aforesaid Dáil Eireann shall fix the date of re-assembly of the Oireachtas and the date of the conclusion of the session of each House: Provided that the sessions of Seanad Eireann shall not be concluded without its own consent.

Article 25.

Sittings of each House of the Oireachtas shall be public. In cases of special emergency either House may hold a private sitting with the assent of two-thirds of the members present.

Article 26.

Dáil Eireann shall be composed of members who represent constituencies determined by law. The number of members shall be fixed from time to time by the Oireachtas, but the total number of members of Dáil Eireann (exclusive of members for the Universities) shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population: Provided that the proportion between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall so far as possible, be identical throughout the country. The members shall be elected upon principles of Proportional Representation. The Oireachtas shall revise the constituencies at least once in every ten years, with due regard to changes in distribution of the population, but any alterations in the constituencies shall not take effect during the life of Dáil Eireann sitting when such revision is made.

Article 27.

Each University in the Irish Free State which was in existence at the date of the coming into operation of this Constitution, shall be entitled to elect three representatives to Dáil Eireann upon a franchise and in a manner to be prescribed by law.

Article 28.

At a General Election for Dáil Eireann the polls (exclusive of those for members for the Universities) shall be held on the same day through out the country, and that day shall be a day not later than thirty days after the date of the dissolution, and shall be proclaimed a public holiday. Dáil Eireann shall meet within one month of such day and shall, unless earlier dissolved, continue for four years from date of its first meeting, and not longer. Dáil Eireann may not at any time be dissolved except on the advice of the Executive Council.

Article 29.

In case of death, resignation or disqualification of a member of Dáil Eireann, the vacancy shall be filled by election in manner to be determined by law.

Article 30.

Seanad Eireann shall be composed of citizens who shall be proposed on the grounds that they have done honour to the Nation by reason of useful public service or that, because of special qualifications or attainments, they represent important aspects of the Nation's life.

Article 31.

The number of members of Seanad Eireann shall be sixty. A citizen to be eligible for membership of Seanad Eireann must be a person eligible to become a member of Dáil Eireann, and must have reached the age of thirty-five years. Subject to any provision for the constitutions of the first Seanad Eireann the term of office of a member of Seanad Eireann shall be twelve years.

Article 32.

One fourth of the members of Seanad Eireann shall be elected every three years from a panel constituted as hereinafter mentioned at an election at which the area of the jurisdiction of the Irish Free State (Saorstát Eireann) shall form one electoral area, and the elections shall be held on principles of Proportional Representation.

Article 33.

Before each election of members of Seanad Eireann a panel shall be formed consisting of:—

1. Three times as many qualified persons as there are members to be elected, of whom two-thirds shall be nominated by Dáil Eireann voting according to principles of Proportional representation and one-third shall be nominated by Seanad Eireann voting according to principles of Proportional Representation; and
2. Such persons who have at any time been members of Seanad Eireann (including members about to retire) as signify by notice in writing addressed to the President of the Executive Council their desire to be included in the panel.

The method of proposal and selection for nomination shall be decided by Dáil Eireann and Seanad Eireann respectively, with special reference to the necessity for arranging for the representation of important interests and institutions in the country: Provided that each proposal shall be in writing and shall state the qualifications of the person proposed and that no person shall be proposed without his own consent. As soon as the panel has been formed a list of the names of the members of the panel arranged in alphabetical order with their qualifications shall be published.

Article 34.

In case of death, resignation or disqualification of a member of Seanad Eireann his place shall be filled by a vote of Seanad Eireann. Any member of Seanad Eireann so chosen shall retire from office at the conclusion of three years period then running and the vacancy thus created shall be additional to the places to be filled under Article 32 of this Constitution. The term of office of members chosen at the election after the first fifteen elected shall conclude at the end of the period or periods at which the member or members of Seanad Eireann, by whose death or withdrawal the vacancy or vacancies was or were originally created, would be due to retire: Provided that the sixteenth member shall be deemed to have filled the vacancy first created in order of time and so on.

Article 35.

Dáil Eireann shall in addition to the subject matter of Money Bills as hereinafter defined have legislative authority exclusive of Seanad Eireann.

A Money Bill means a Bill which contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public moneys or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; subordinate matters incidental to those subjects or any of them. In this definition the expressions 'taxation,' 'public money' and 'loan' respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

The Chairman of Dáil Eireann shall certify any Bill which in his opinion is a Money Bill to be a Money Bill, but, if within three days a Bill has been passed by Dáil Eireann two-fifths of the members of either House by notice in writing addressed to the Chairman of the House of which they are members so require, the question whether the Bill is or is not a Money Bill shall be referred to a Committee of Privileges consisting of three members elected by each House with a Chairman who shall be the senior judge of the Supreme Court able and willing to act, and who, in the case of equality of votes, but not otherwise, shall be able to vote. The decision of the Committee in question shall be final and conclusive.

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Article 36

Dáil Eireann shall as soon as possible after the commencement of each financial year consider the Estimates of receipts and expenditure of the Irish Free State (Saorstát Eireann) for that year, and save in so far as may be provided by specific enactment in each case, the legislation required to give effect to the Financial Resolutions of each year shall be enacted within that year

Article 37

Money shall not be appropriated by vote, resolution or law, unless the purpose of the appropriation has in the same session been recommended by a message from the Representative of the Crown acting on the advice of the Executive Council.

Article 38

Every Bill initiated in and passed by Dáil Eireann shall be sent to Seanad Eireann and may, unless it be a Money Bill, be amended in Seanad Eireann and Dáil Eireann shall consider any such amendment; but a Bill passed by Dáil Eireann and considered by Seanad Eireann shall, not later than two hundred and seventy days after it shall have been first sent to Seanad Eireann, or such longer period as may be agreed upon by the two Houses, be deemed to be passed by both Houses in the form in which it was last passed by Dáil Eireann: Provided that

every Money Bill shall be sent to Seanad Eireann for its recommendations and at a period not longer than twenty-one days after it shall have been sent to Seanad Eireann, it shall be returned to Dáil Eireann which may pass it, accepting or rejecting all or any of the recommendations of Seanad Eireann, and as so passed or if not returned within such period of twenty-one days shall be deemed to have been passed by both Houses. When a Bill other than a Money Bill has been sent to Seanad Eireann a Joint Sitting of the Members of both Houses may on a resolution passed by Seanad Eireann be convened for the purpose of debating, but not of voting upon, the proposals of the Bill or any amendment of the same.

Article 39.

A Bill may be initiated in Seanad Eireann and if passed by Seanad Eireann shall be introduced into Dáil Eireann. If amended by Dáil Eireann the Bill shall be considered as a Bill initiated by Dáil Eireann. If rejected by Dáil Eireann it shall not be introduced again in the same session, but Dáil Eireann may reconsider it on its own motion.

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Article 40.

A Bill passed by either House and accepted by the other House shall be deemed to be passed by both Houses.

Article 41.

So soon as any Bill shall have been passed or deemed to have been passed by both Houses, the Executive Council shall present the same to the Representative of the Crown for the signification by him, in the King's name, of the King's assent, and such Representative may withhold the King's assent or reserve the Bill for the signification of the King's pleasure: Provided that the Representative of the Crown shall in the withholding of such assent to or the reservation of any Bill, act in accordance with the law, practice, and constitutional usage governing the like withholding of assent or reservation in the Dominion of Canada.

An entry of every such speech, message or proclamation shall be made in the Journal of each House and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the Records of the Irish Free State (Saorstát Eireann).

Article 42.

As soon as may be after any law has received the King's assent, the clerk, or such officer as Dáil Eireann may appoint for the purpose, shall cause two fair copies of such law to be made, one being in the Irish language and the other in the English language (one of which copies shall be signed by the Representative of the Crown to be enrolled for record in the office of such officer of the Supreme Court as Dáil Eireann may determine), and such copies shall be conclusive evidence as to the provisions of every such law, and in the case of conflict between the two copies so deposited, that signed by the Representative of the Crown shall prevail.

Article 43.

The Oireachtas shall have no power to declare acts to be infringements of the law which were not so at the date of their commission.

Article 44.

The Oireachtas may create subordinate legislatures with such powers as may be decided by law.

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Article 45.

The Oireachtas may provide for the establishment of Functional or Vocational Councils representing branches of the social and economic life of the Nation. A law establishing any such Council shall determine its powers, rights and duties, and its relation to the government of the Irish Free State (Saorstát Eireann).

Article 46.

The Oireachtas has the exclusive right to regulate the raising and maintaining of such armed forces as are mentioned in the Scheduled Treaty in the territory of the Irish Free State (Saorstát Eireann) and every such force shall be subject to the control of the Oireachtas.

Article 47.

Any Bill passed or deemed to have been passed by both Houses may be suspended for a period of ninety days on the written demand of two-fifths of the members of Dáil Eireann or of a majority of the members of Seanad Eireann presented to the President of the Executive Council not later than seven days from the day on which such a Bill shall have been so passed or deemed to have been so passed. Such a Bill shall in accordance with regulations to be made by the Oireachtas be submitted by Referendum to the decision of the people if demanded before the expiration of the ninety days either by a resolution of Seanad Eireann, or by a petition signed by not less than one-twentieth of the voters then on the register of voters, and the decision of the people by a majority of the votes recorded on such Referendum shall be conclusive. These provisions shall not apply to Money Bills or to such Bills as shall be declared by both Houses to be necessary for the immediate preservation of the public peace, health or safety.

Article 48.

The Oireachtas may provide for the initiation by the people of proposals for laws or constitutional amendments. Should the Oireachtas fail to make such provision within two years, it shall on the petition of not less than seventy five thousand voters on the register, of whom not more than fifteen thousand shall be voters in any one constituency, either make such provision or submit the question to the people for decision in accordance with the ordinary regulations governing

the Referendum. Any legislation passed by the Oireachtas providing for such Initiation by the people shall provide that

1. that such proposals may be initiated on a petition of fifty thousand voters on the register.
2. that if the Oireachtas rejects a proposal so initiated it shall be submitted to the people for decision in accordance with the ordinary regulations governing the referendum:
and
3. that if the Oireachtas enacts a proposal so initiated such enactment shall be subject to the provisions respecting ordinary legislation or amendments of the Constitution as the case may be.

Article 49.

Save in the case of actual invasion, the Irish Free State (Saorstát Eireann) shall not be committed to active participation in any war without the assent of the Oireachtas.

Article 50.

Amendments of this Constitution within the terms of the Scheduled Treaty may be made by the Oireachtas, but no such amendment, passed by both Houses of the Oireachtas, after the expiration of eight years from the date of the coming into operation of this Constitution, shall become law, unless the same shall, after it has been passed or deemed to have passed by the said two Houses of the Oireachtas, have been submitted to a Referendum of the people, and unless a majority of the voters on the register shall have recorded their votes on such Referendum, and either the votes of a majority of the voters on the register, or two-thirds of the votes recorded, shall have been cast in favour of such amendment. Any such amendment may be made within the said period of eight years by way of ordinary legislation and as such be subject to the provisions of Article 47 hereof.

Article 51.

The Executive Authority of the Irish Free State (Saorstát Eireann) is hereby declared to be vested in the King, and shall be exercisable, in accordance with the law, practice and constitutional usage governing the exercise of the Executive Authority in the case of the Dominion of Canada, by the Representative of the Crown. There shall be a Council to aid and advise in the government of the Irish Free State (Saorstát Eireann) to be styled the Executive Council. The Executive Council shall be responsible to Dáil Eireann, and shall consist of not more than seven nor less than five Ministers appointed by the Representative of the Crown on the nomination of the President of the Executive Council.

Article 52.

These Ministers who form the Executive Council shall all be members of Dáil Eireann and shall include the President of the Council, the Vice-President of the Council and the Minister in charge of the Department of Finance.

Article 53.

The President of the Council shall be appointed on the nomination of Dáil Eireann. He shall nominate a Vice-President of the Council, who shall act for all purposes in the place of the President, if the President shall die, resign, or be permanently incapacitated, until a new President of the Council shall have been elected. The Vice-President shall also act in the place of the President during his temporary absence. The other Ministers who are to hold office as members of the Executive Council shall be appointed on the nomination of the President, with the assent of Dáil Eireann, and he and the Ministers nominated by him shall retire from office should he cease to retain the support of a majority of Dáil Eireann, but the President and such Ministers shall continue to carry on their duties until their successors shall have been appointed: Provided, however, that the Oireachtas shall not be dissolved on the advice of an Executive Council which has ceased to retain the support of the majority of Dáil Eireann.

Article 54.

The Executive Council shall be collectively responsible for all matters concerning the Departments of State administered by Members of the Executive Council. The Executive Council shall prepare Estimates of the receipts and expenditure of the Irish Free State (Saorstát Eireann) for each financial year, and shall present them to Dáil Eireann before the close of the previous financial year. The Executive Council shall meet and act as a collective authority.

Article 55.

Ministers who shall not be members of the Executive Council may be appointed by the Representative of the Crown, and shall comply with the provisions of Article 17 of this Constitution. Every such Minister shall be nominated by Dáil Eireann on the recommendation of a Committee of Dáil Eireann chosen by a method to be determined by Dáil Eireann, so as to be impartially representative of Dáil Eireann. Should a recommendation not be acceptable to Dáil Eireann, the Committee may continue to recommend names until one is found acceptable. The total number of Ministers including the Ministers of the Executive Council, shall not exceed twelve.

Article 56.

Every Minister who is not a member of the Executive Council shall be the responsible head of the Department or Departments under his charge, and shall be individually responsible to Dáil Eireann alone for the administration of the Department or Departments of which he is the head: Provided that should arrangements for Functional or Vocational Councils be made by the Oireachtas these Ministers or any of them may, should the Oireachtas so decide, be

members of, and be recommended to Dáil Eireann by, such Councils. The term of office of any Minister, not a member of the Executive Council, shall be the term of Dáil Eireann existing at the time of his appointment, but he shall continue in office until his successor shall have been appointed, and no such Minister shall be removed from office during his term otherwise than by Dáil Eireann itself, and then for stated reasons, and after the proposal to remove him has been submitted to a Committee, chosen by a method to be determined by Dáil Eireann, so as to be impartially representative of Dáil Eireann, and the Committee has reported thereon.

Article 57.

Every Minister shall have the right to attend and be heard in Seanad Eireann.

Article 58.

The appointment of a member of Dáil Eireann to be a Minister shall not entail upon him any obligation to resign his seat or to submit himself for re-election.

Article 59.

Ministers shall receive such remuneration as may from time to time be prescribed by law, but the remuneration of any Minister shall not be diminished during his term of office.

Article 60.

The Representative of the Crown, who shall be styled the Governor-General of the Irish Free State (Saorstát Eireann) shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments. His salary shall be of the like amount as that now payable to the Governor-General of the Commonwealth of Australia and shall be charged on the public funds of the Irish Free State (Saorstát Eireann) and suitable provision shall be made out of these funds for the maintenance of his official residence and establishment.

Article 61.

All revenues of the Irish Free State (Saorstát Eireann) from whatever source arising, shall, subject to such exception as may be provided by law, form one fund, and shall be appropriated for the purposes of the Irish Free State (Saorstát Eireann) in the manner and subject to the charges and liabilities imposed by law.

Article 62.

Dáil Eireann shall appoint a Comptroller and Auditor-General to act on behalf of the Irish Free State (Saorstát Eireann). He shall control all disbursements and shall audit all accounts of moneys administered by or under the authority of the Oireachtas and shall report to Dáil Eireann at stated periods to be determined by law.

Article 63.

The Comptroller and Auditor-General shall not be removed except for stated misbehaviour or incapacity on resolutions passed by Dáil Eireann and Seanad Eireann. Subject to this provision, the terms and conditions of his tenure of office shall be fixed by law. He shall not be a member of the Oireachtas, nor shall he hold any other office or position of emolument.

Article 64.

The judicial powers of the Irish Free State (Saorstát Eireann) shall be exercised and justice administered in the public Courts established by the Oireachtas by judges appointed in manner hereinafter provided. These Courts shall comprise Courts of First Instance and a Court of Final Appeal to be called the Supreme Court. The Courts of First Instance shall include a High Court invested with full original jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal, and also Courts of local and limited jurisdiction, with a right of appeal as determined by law.

Article 65.

The judicial power of the High Court shall extend to the question of the validity of any law having regard to the provisions of the Constitution. In all cases in which such matters shall come into question, the High Court alone shall exercise original jurisdiction.

Article 66.

The Supreme Court of the Irish Free State (Saorstát Eireann) shall, with such exceptions (not including cases which involve questions as to the validity of any law) and subject to such regulations

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as may be prescribed by law, have appellate jurisdiction from all decisions of the High Court. The decision of the Supreme Court shall in all cases be final and conclusive, and shall not be reviewed or capable of being reviewed by any other Court, Tribunal or Authority whatsoever: Provided that nothing in this Constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave.

Article 67.

The number of judges, the constitution and organisation of, and distribution of business and jurisdiction among, the said Courts and judges, and all matters of procedure shall be as prescribed by the laws for the time being in force and regulations made thereunder.

Article 68.

The judges of the Supreme Court and of the High Court and of all other Courts established in pursuance of this Constitution shall be appointed by the Representative of the Crown on the

advice of the Executive Council. The judges of the Supreme Court and of the High Court shall not be removed except for stated misbehaviour or incapacity, and then only by resolutions passed by both Dáil Eireann and Seanad Eireann. The age of retirement, the remuneration and the pension of such judges on retirement and the declarations to be taken by them on appointment shall be prescribed by law. Such remuneration may not be diminished during their continuance of office. The terms of appointment of the judges of such other courts as may be created shall be prescribed by law.

Article 69.

All judges shall be independent in the exercise of their functions, and subject only to the Constitution and the law. A judge shall not be eligible to sit in the Oireachtas, and shall not hold any other office or position of emolument.

Article 70.

No one shall be tried save in due course of law, and extraordinary courts shall not be established, save only such Military Tribunals as may be authorised by law for dealing with Military offenders against military law. The jurisdiction of Military Tribunals shall not be extended to or exercised over the civil population save in time of war, or armed rebellion, and for acts committed in time of war or armed rebellion, and in accordance with the regulations to be prescribed by law. Such jurisdiction shall not be exercised in any area in which all civil courts are open or capable of being held, and no person shall be removed from one area to another for the purpose of creating such jurisdiction.

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Article 71.

A member of the armed forces of the Irish Free State (Saorstát Eireann) not on active service shall not be tried by any Court Martial or other Military Tribunal for an offence cognisable by the Civil Courts, unless such an offence shall be brought expressly within the jurisdiction of Courts Martial or other Military Tribunal by any code of laws or regulations for the enforcement of military discipline which may be hereafter approved by the Oireachtas.

Article 72.

No person shall be tried on any criminal charge without a jury save in the case of charges in respect of minor offences triable by law before a Court of Summary Jurisdiction and in the case of charges for offences against military law triable by Court Martial or other Military Tribunal.

TRANSITORY PROVISIONS.

Article 73.

Subject to this Constitution and to the extent to which they are not inconsistent therewith, the laws in force in the Irish Free State (Saorstát Eireann) at the date of the coming into operation

of this Constitution shall continue to be of full force and effect until the same or any of them shall have been repealed or amended by enactment of the Oireachtas.

Article 74.

Nothing in this Constitution shall affect any liability to pay any tax or duty payable in respect of the financial year current at the date of the coming into operation of this Constitution or any preceding financial year, or in respect of any period ending on or before the last day of the said financial year, or payable on any occasion happening within that or any preceding year, or the amount of such liability: and during the said current financial year all taxes and duties and arrears thereof shall continue to be assessed, levied and collected in like manner in all respects as immediately before this Constitution came into operation, subject to the like adjustments of the proceeds collected as theretofore applicable; and for that purpose the Executive Council shall have the like powers and be subject to the like liabilities as the Provisional Government.

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Goods transported during the said financial year from or to the Irish Free State (Saorstát Eireann) to or from any part of Great Britain or the Isle of Man shall not, except so far as the Executive Council may otherwise direct, in respect of the forms to be used and the information to be furnished, be treated as goods exported or imported, as the case may be.

For the purpose of this Article, the expression 'financial year' means, as respects income tax (including super-tax) the year of assessment, and as respect other taxes and duties, the year ending on the thirty-first day of March.

Article 75.

Until Courts have been established for the Irish Free State (Saorstát Eireann) in accordance with this Constitution, the Supreme Court of Judicature, County Courts, Courts of Quarter Sessions and Courts of Summary Jurisdiction, as at present existing, shall for the time being continue to exercise the same jurisdiction as heretofore, and any judge or justice, being a member of any such Court, holding office at the time when this Constitution comes into operation, shall for the time being continue to be a member thereof and hold office by the like tenure and upon the like terms as heretofore, unless, in the case of a judge of the said Supreme Court or of a County Court, he signifies to the Representative of the Crown his desire to resign. Any vacancies in any of the said Courts so continued may be filled by appointment made in like manner as appointments to judgeships in the Courts established under this Constitution: Provided that the provisions of Article 66 of this Constitution as to the decisions of the Supreme Court established under this Constitution shall apply to decisions of the Court of Appeal continued by this Article.

Article 76.

If any judge of the said Supreme Court of Judicature or of any of the said County Courts on the establishment of Courts under this Constitution, is not with his consent appointed to be a judge of any such Court, he shall, for the purpose of Article 10 of the Scheduled Treaty, be

treated as if he had retired in consequence of the change of Government effected in pursuance of the said Treaty, but the rights so conferred shall be without prejudice to any rights or claims that he may have against the British Government.

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Article 77.

Every existing officer of the Provisional Government at the date of the coming into operation of this Constitution (not being an officer whose services have been lent by the British Government to the Provisional Government) shall on that date as transferred to and become an officer of the Irish Free State (Saorstát Eireann), and shall hold office by a tenure corresponding to his previous tenure.

Article 78.

Every such existing officer who has transferred from the British Government by virtue of any transfer of services to the Provisional Government shall be entitled to the benefit of Article 10 of the Scheduled Treaty.

Article 79.

The transfer of the administration of any public service, the administration of which was not before the date of the coming into operation of this Constitution transferred to the Provisional Government, shall be deferred until the 31st day of March, 1923, or such earlier date as may, after one month's previous notice in the Official Gazette, be fixed by the Executive Council; and such of the officers engaged in the administration of those services at the date of transfer as may be determined in the manner hereinafter appearing shall be transferred to and become officers of the Irish Free State (Saorstát Eireann); and Article 77 of this Constitution shall apply as if such officers were existing officers of the Provisional Government who had been transferred to that Government from the British Government. The officers to be so transferred in respect of any services shall be determined in like manner as if the administration of the services had before the coming into operation of the Constitution been transferred to the Provisional Government.

Article 80.

As respects departmental property, assets, rights and liabilities, the Government of the Irish Free State (Saorstát Eireann) shall be regarded as the successors of the Provisional Government, and, to the extent to which functions of any department of the British Government become functions of the Government of the Irish Free State (Saorstát Eireann), as the successors of such department of the British Government.

Article 81.

After the date on which this Constitution comes into operation the House of the Parliament elected in pursuance of the Irish Free State (Agreement) Act, 1922 (the constituent assembly for the settlement of this Constitution), may, for a period not

exceeding one year from that date, but subject to compliance by members thereof with the provisions of Article 17 of this Constitution, exercise all the powers and authorities conferred on Dáil Eireann by this Constitution, and the first election for Dáil Eireann under Articles 26, 27 and 28 hereof shall take place as soon as possible after the expiration of such period.

Article 82.

Notwithstanding anything contained in Articles 14 and 33 hereof, the first Seanad Eireann shall be constituted immediately after the coming into operation of this Constitution in the manner following, that is to say:—

1. The first Seanad Eireann shall consist of sixty members, of whom thirty shall be elected and thirty shall be nominated.
2. The thirty nominated members of Seanad Eireann shall be nominated by the President of the Executive Council who shall, in making such nominations, have special regard to the providing of representation for groups or parties not then adequately represented in Dáil Eireann.
3. The thirty elected members of Seanad Eireann shall be elected by Dáil Eireann voting on principles of Proportional Representation.
4. Of the thirty nominated members, fifteen to be selected by lot shall hold office for a full period of twelve years, the remaining fifteen shall hold office for the period of six years.
5. Of the thirty elected members the first fifteen elected shall hold office for a period of nine years, the remaining fifteen shall hold office for the period of three years.
6. At the termination of the period of office of any such members, members shall be elected in their place in manner provided by Article 32 of this Constitution.
7. Casual vacancies shall be filled in manner provided by Article 34 of this Constitution.

Article 83.

The passing and adoption of this Constitution by the Constituent Assembly and the British Parliament shall be announced as soon as may be, and not later than the sixth day of December, Nineteen hundred and twenty-two, by Proclamation of His Majesty, and this Constitution shall come into operation on the issue of such Proclamation.

AN DARA SGEIDEAL DÁ DTAGARTAR THUAS.

SECOND SCHEDULE ABOVE REFERRED TO.

Airtíogail Chó-aontuithé do Chonnradh idir an Bhreatain Mhóir agus Éire.

(Articles of Agreement for a Treaty between Great Britain and Ireland).

Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace, order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

The representative of the Crown in Ireland shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments.

The oath to be taken by Members of the Parliament of the Irish Free State shall be in the following form:

I . . . do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H. M. King George V, his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

The Irish Free State shall assume liability for the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of war pensions as existing at that date in such proportion as may be fair and

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equitable, having regard to any just claims on the part of Ireland by way of set-off or counter-claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces. But this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries.

The foregoing provisions of this Article shall be reviewed at a Conference of Representatives of the British and Irish Governments to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence.

The Government of the Irish Free State shall afford to his Majesty's Imperial Forces:

1. In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and

2. In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other dues.

The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces

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and other Public Servants who are discharged by it or who retire in consequence of the change of Government effected in pursuance hereof.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the Government of the Irish Free State shall not be exercisable as respects Northern Ireland and the provisions of the Government of Ireland Act, 1920, shall so far as they relate to Northern Ireland remain of full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such election before the end of the said month.

If before the expiration of the said month, an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act, 1920 (including those relating to the Council of Ireland) shall, so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between

Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

For the purpose of the last foregoing article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

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After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject to such other provisions as may be agreed in manner hereinafter appearing.

At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of discussing the provisions subject to which the last foregoing article is to operate in the event of no such address as is therein mentioned being presented and those provisions may include:

1. Safeguards with regard to patronage in Northern Ireland;
2. Safeguards with regard to the collection of revenue in Northern Ireland;
3. Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland;
4. Safeguards for minorities in Northern Ireland;
5. The settlement of the financial relations between Northern Ireland and the Irish Free State;
6. The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively;

and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the Powers of the Parliament and Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof.

Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction

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at the school or make any discrimination as respects state aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland, and if approved shall be ratified by the necessary legislation.

On behalf of the British Delegation.

(Signed)
D. LLOYD GEORGE.
AUSTEN CHAMBERLAIN.
BIRKENHEAD.
WINSTON S. CHURCHILL.
L. WORTHINGTON-EVANS.
HAMAR GREENWOOD.
GORDON HEWART.

On behalf of the Irish Delegation.

(Signed)
ART Ó GRÍOBHTA (Arthur Griffith).
MÍCHEÁL Ó COILEÁIN.
RIOBÁRD BARTÚN.
EUDHMONN S. Ó DÚGÁIN.
SEÓRSA GHABHÁIN UÍ DHUBHTHAIGH.
December 6th, 1921.

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ANNEX

The following are the specific facilities required.

Dockyard Port at Berehaven

1. Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

Queenstown

2. Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's ships.

Belfast Lough

3. Harbour defences to remain in charge of British care and maintenance parties.

Lough Swilly

4. Harbour defences to remain in charge of British care and maintenance parties.

Aviation

5. Facilities in the neighbourhood of the above Ports for coastal defence by air.

Oil Fuel Storage

6. Haulbowline Rathmullen To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:—

1. That submarine cables shall not be landed or wireless stations for communications with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.
2. That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.
3. That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection, and guaranteeing the upkeep of existing telegraphic communication therewith.

A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.

D. Ll. G.
A. C.
B.

A. G.
W. S. C.
E. S. O. D.
M. O'C.
R. B.
S. G. D.

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THE ACTS OF THE OIREACHTAS PASSED IN THE YEAR 1922.

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Number 2 of 1922.

ADAPTION OF ENACTMENTS ACT, 1922.

AN ACT TO INTERPRET AND TO ADAPT TO THE CIRCUMSTANCES OF SAORSTÁT EIREANN CERTAIN ACTS OF THE BRITISH PARLIAMENT HAVING THE FORCE OF LAW IN SAORSTÁT EIREANN AND CERTAIN STATUTORY RULES ORDERS AND REGULATIONS AND CERTAIN CONTRACTS. [20th December, 1922.]

WHEREAS it is provided by Article 73 of the Constitution of Saorstát Eireann that subject to that Constitution and to the extent to which they are not inconsistent therewith the laws in force in Saorstát Eireann at the date of the coming into operation of that Constitution shall continue to be of full force and effect until the same or any of them shall be repealed or amended by enactment of the Oireachtas:

AND WHEREAS all Acts passed by the British Parliament which were in force on the 6th day of December, 1922 (being the date of the coming into operation of the Constitution aforesaid) in the area now comprised in Saorstát Eireann will be virtue of the said Article 73 have the force of law in Saorstát Eireann:

AND WHEREAS it is necessary in order to enable such Acts to have full force and effect in Saorstát Eireann that certain interpretations and adaptations of such Acts and of all orders rules and regulations made thereunder should be made:

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AND WHEREAS it is desirable to make provision for the continuance of pending Government contracts:

BE IT THEREFORE ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

1.— [Central Fund of Saorstát Eireann substituted for Consolidated Fund.]

(1) The Fund mentioned in Article 61 of the Constitution of Saorstát Eireann as the one fund to be formed subject as therein of all the revenues of Saorstát Eireann shall be called and known as ‘The Central Fund of Saorstát Eireann,’ and may for brevity be referred to in any Act of the Oireachtas, Statutory Rule or Order or other state or official document as ‘The Central Fund.’

(2) Every mention of and reference to the Consolidated Fund contained in any British Statute shall, where the context so requires or admits, be construed and take effect as respects the doing or not doing after the 6th day of December, 1922, of any act, matter or thing in Saorstát Eireann under or in pursuance of such Statute as a mention of or reference to The Central Fund.

2.— [Interpretation of ‘Exchequer’ and ‘Comptroller and Auditor-General.’] Every mention of or reference to the Exchequer or the Comptroller and Auditor-General contained in any British Statute shall in respect of the doing or not doing of any act, matter or thing after the 6th day of December, 1922, in Saorstát Eireann, under or in pursuance of such Statute be respectively construed and take effect where the context so admits or requires a mention of or reference to the Exchequer of Saorstát Eireann or to the Comptroller and Auditor-General of Saorstát Eireann as the case may require.

3.— [The name ‘Ireland’ to mean Saorstát Eireann.] For the purpose of the construction of any British Statute the name ‘Ireland,’ whether used alone or in conjunction with the expression ‘Great Britain,’ or by implication as being included in the expression ‘United Kingdom,’ shall mean Saorstát Eireann.

4.— [Interpretation of ‘Dublin Gazette.’] Every mention of or reference to the *Dublin Gazette* construed in any British Statute shall, as respects the doing or not of doing of any act, matter or thing in Saorstát Eireann after the 6th day of December, 1922, be construed and take effect as a mention of or reference to the official gazette called *Iris Oifigiúil*.

5.— [Oireachtas substituted for Parliament.]

(1) Every mention of or reference to Parliament or to both or each or either of the Houses of Parliament contained in any British Statute shall as respects the doing or not doing

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of any act, matter or thing after the 6th day of December, 1922, in Saorstát Eireann be construed as a mention of or reference to both or each or either of the Houses of the corresponding House (as the case may require) of the Oireachtas and the expression ‘Parliamentary’ in every such Statute shall be construed accordingly.

(2) Every mention of or reference to the presentation of an address to His (or Her) Majesty by both or each or either of the Houses of Parliament contained in any British Statute shall as from the 6th day of December, 1922, be construed and take effect as a mention of or reference to the passing of a resolution by both or each or either of the Houses or by the corresponding House (as the case may require) of the Oireachtas.

(3) For the purposes of this section Seanad Eireann shall be deemed to be the House of the Oireachtas corresponding to the Peers' House of the British Parliament and Dáil Eireann shall be deemed to be the House of the Oireachtas corresponding to the Commons' House of the British Parliament.

(4) Notwithstanding anything to the contrary contained in this Section the expression 'Act of Parliament' contained in any British Statute shall mean and include either Act of the British Parliament or Act of the Oireachtas, as the case may require.

6.— [Powers of Justices of the Peace and Resident Magistrates to be exercised by District Justices.]

(1) Every power, authority and duty conferred or imposed by any British Statute on a Justice or on two or more Justices acting together shall as from the passing of this Act cease to be exercisable or to be performed by such Justice or Justices and in lieu thereof as respects any act, matter or thing to be done or not done after the passing of this Act every such power or authority may be exercised and every such duty shall be performed by one District Justice.

(2) Every power, authority and duty conferred or imposed by any British Statute on a Resident Magistrate or on two or more Resident Magistrates acting together shall as from the passing of this Act cease to be exercisable or to be performed by such Magistrate or Magistrates and in lieu thereof as respects any act, matter or thing to be done or not done after the passing of this Act, every such power or authority may be exercised and every such duty shall be performed by one District Justice.

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(3) In this section (a) the expression 'Justice' includes the expression 'Justice of the Peace,' and does not mean or include a Divisional Magistrate of the City of Dublin, and nothing in this Section shall affect the powers, authority and duties of such Divisional Magistrates; (b) the expression 'District Justice' means a Magistrate appointed since the 6th day of December, 1922, under the British Statute 6 & 7 William IV., Chapter 13.

7.— [Power to establish Commissioners to function in Saorstát Eireann.]

(1) Wherever any statutory Board of Commissioners or other statutory body to which this section applies was in existence on the 6th day of December, 1921, and had jurisdictions, powers or duties extending to the whole of the late United Kingdom, or to any part thereof, which included the area now comprised in Saorstát Eireann, the Executive Council may, by Order, establish a Board of Commissioners to exercise in Saorstát Eireann the functions which were on the 6th day of December, 1921, exercisable by such statutory Commissioners or statutory body as aforesaid in the area now comprised in Saorstát Eireann.

(2) In exercising the powers conferred by this section, the Executive Council may confer or impose on any one Board of Commissioners established under this section all or any of the several jurisdictions, powers and duties of two or more such Statutory Boards of Commissioners or statutory bodies as aforesaid, and may divide the jurisdictions, power and duties of any such statutory Commissioners or statutory body amongst two or more Boards of Commissioners established under this section: Provided that no Order of the Executive Council made in pursuance of this sub-section shall come into operation unless and until it has been laid before each House of the Oireachtas, and approved by resolution of each such House.

(3) Whenever the Executive Council establishes under this section any Board of Commissioners, the Executive Council shall, by the Order establishing such Board, apply to such Board with such adaptations and modifications as may be necessary the several British Statutes regulating the Boards of Commissioners or other body or bodies whose or any of whose jurisdictions, powers or duties are by such Order conferred or imposed on such Board.

(4) This section applies to any statutory Board of Commissioners or other statutory Board or body exercising any function of government or discharging any public duties in relation to public administration.

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8.— [Power to establish separate Funds for Saorstát Eireann.]

(1) Whenever any statutory fund was in existence on the 6th day of December, 1921, and served purposes relating to the whole of the late United Kingdom, or to any part thereof which included the area now comprised in Saorstát Eireann, the Executive Council may by Order establish a fund to serve in Saorstát Eireann the like purposes as were on the 6th day of December, 1921, served in the area aforesaid by such statutory fund.

(2) Whenever the Executive Council establishes a fund under this section to serve the purposes of any statutory fund, the Executive Council shall, by the Order establishing such fund, apply to such fund with the necessary adaptations and modifications the several Acts of the British Parliament regulating such statutory fund.

9.— [Minister for Finance may apportion Grants, etc.] Wherever under any British Statute any grant, whether annual or capital or any loan or advance is directed or authorized to be made by the Treasury out of the Consolidated Fund or by the Treasury or any other Government Department out of any other fund or any sum of money is authorised to be borrowed by the Treasury or any other Government Department and the amount or the maximum or minimum limit of such grant, loan, advance or sum of money is by such Statute or otherwise fixed either for the whole of the late United Kingdom or for any part thereof which included the area now comprised in Saorstát Eireann, the Minister for Finance (in addition to the adaptations of such Statute made by or under this Act) may by Order apportion such amount or limit between Saorstát Eireann and the rest of the area in respect of which such amount or limit is fixed as aforesaid, and may by such Order fix the amount or the maximum or minimum limit (as the case may be) of such grant, loan, advance sum of money to be made or borrowed under such Statute of Saorstát Eireann.

10.— [Orders in Council.] Wherever it is provided in any British Statute that any act or thing shall or may be made or done by Order in Council, by the King (or Queen) in Council, or by Proclamation of the King (or Queen) or of the King (or Queen) in Council, then every such act or thing may be made or done in Saorstát Eireann by Order of the Governor-General of the Irish Free State upon the advice of the Executive Council of the Irish Free State.

11.— [General Adaptations of References to Government Departments.]

(1) Subject and without prejudice to the specific adaptations made by this Act or by any Order made under the authority of this Act, every mention or reference contained in any

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British Statute of or to any Minister, Official, Department or Authority of the Government of the late United Kingdom or of the late British Government in Ireland including the Lord Lieutenant exercising executive functions shall in respect of the doing or not doing of any act, matter or thing after the 6th day of December, 1922, be construed and take effect as a mention of or reference to the Minister, Official, Department or Authority in Saorstát Eireann exercising in Saorstát Eireann functions the same as or corresponding the functions exercised in respect of the area now comprised in Saorstát Eireann by such Minister, Official, Department or Authority of the Government of the late United Kingdom or the late British Government in Ireland prior to the 6th day of December, 1921; but this section shall not apply to any provision contained in any such Statute relating to the remuneration of any Minister or other official.

(2) If any question shall arise as to which Minister, Official, Department or Authority exercises in Saorstát Eireann functions the same as or corresponding to the functions exercised by any Minister, Official, Department or Authority of the Government of the late United Kingdom or of the late British Government in Ireland, such question shall be determined by the President of the Executive Council, whose decision shall be final.

12.— [Power for Executive Council to make further Adaptations.]

(1) The Executive Council of Saorstát Eireann may from time to time by Order make all such general or specific adaptations of or modifications in any British Statute which in the opinion of the Executive Council are necessary in order to enable such Statute to have full force and effect in Saorstát Eireann.

(2) Any such adaptation or modification as is mentioned in this section may be made notwithstanding that same is covered or effected by any general adaptation or modification made by this Act but no adaptation or modification shall be made under this section which is inconsistent with any adaptation or modification made by this Act.

13.— [Adaptation of Customs Acts to a land frontier.]

(1) The Minister for Finance may make regulations to apply to the importation and exportation of any goods into and from the Irish Free State by land, any of the provisions of

the Customs Act subject to such modifications as may be necessary and in particular, the regulations may:—

1. Prohibit the importation and exportation of all goods or any classes of goods except by such routes within the Irish Free State and during such hours as may be prescribed;

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2. Prescribe the places where and the form and manner in which the entry of goods imported or exported shall be made and duty on goods imported shall be paid.

(2) If any person contravenes or fails to comply with any such regulations, he shall be guilty of an offence under the Customs Acts and shall for every such offence, in addition to any other penalty to which he may be liable, incur a fine not exceeding £100, and the goods in respect of which the offence was committed shall be forfeited.

14.— [Adaptations by British Statutes.] Wherever any British Statute adapted or modified or authorised to be adapted or modified by this Act has been adapted or modified by or under the authority of any subsequent British Statute, this Act shall be construed as referring to such Statute as so adapted or modified.

15.— [Adaptation of pending Government Contracts.]

(1) Every deed and every contract and agreement in writing made before the 6th day of December, 1922, with or by any person by or with any Minister, Department or Authority of the late British Government in Ireland or the late Provisional Government of Ireland, or by or with any Official of either of those Governments acting on behalf of such Government, shall if and so far as the terms and provisions of such deed, contract or agreement were not fully executed and completed on the 6th day of December, 1922, be construed and read as if the name of the Minister, Department, Authority or Official exercising in Saorstát Eireann functions the same as or corresponding to the functions exercised as at the date of such deed, contract or agreement in respect of the area now comprised in Saorstát Eireann by the Minister, Department, Authority or Official named in such deed, contract or agreement was substituted in such deed, contract or agreement for the name of the Minister, Department, Authority or Official actually named therein.

(2) The benefits conferred and the obligations imposed by any such deed, contract or agreement as is mentioned in the preceding sub-section of this section on the Minister, Department, Authority or Official named therein shall, so far as the same on the 6th day of December, 1922, remained to be performed, be as from that day respectively vested in or imposed on the Minister, Department, Authority or Official whose name is by the preceding sub-section of this section substituted in such deed, contract or agreement for the name of the Minister, Department, Authority or Official actually named therein as fully as if such substituted Minister, Department, Authority or Official were actually named by such deed, contract or agreement.

(3) If any question shall arise as to which Minister, Department, Authority or Official exercises in Saorstát Eireann functions the same as or corresponding to the functions exercised at the date of such deed, contract or agreement as is mentioned in this section, by any Minister, Department, Authority or Official of the late British Government in Ireland, or of the late Provisional Government of Ireland, as the case may be, such question shall be determined by the President of the Executive Council whose decision shall be final and binding on all parties.

16.— [Application to Statutory Rules, Orders and Regulations.]

(1) Every interpretation, adaptation or modification made by this Act in the construction or application of any British Statute shall apply to every Order, Rule and Regulation made under such Statute and having the force of law in Saorstát Eireann, and every such Order, Rule and Regulation shall be construed and interpreted in conformity with the British Statute as applied, adapted or modified by or under this Act under which the same is made.

(2) Whenever any power is given by this Act of applying, interpreting, adapting or modifying any British Statute, such power shall extend and apply to every Order, Rule or Regulation made under such Statute and having the force of law in Saorstát Eireann.

17.— [Application to Local and Personal Acts.] This Act shall apply to Local and Personal Acts as well as to Public and General Acts passed by the British Parliament, and accordingly in this Act the expression ‘British Statute’ shall include Local and Personal Acts having effect in Saorstát Eireann.

18.— [Public Funds of the late United Kingdom, Great Britain, and Saorstát Eireann to be Trustee Investments.]

(1) A trustee unless expressly forbidden by the instrument (if any) creating the trust may in addition to any other mode of investment for the time being authorised, invest any trust funds in his hands whether at the time in a state of investment or not in:—

1. any of the existing Parliamentary Stocks or public funds or Government Securities of the late United Kingdom;
2. any of the Parliamentary Stocks or public funds or Government Securities of Great Britain;
3. any of the Parliamentary Stocks or public funds or Government Securities of Saorstát Eireann.

(2) In the foregoing sub-section the word ‘Parliamentary’ is to be construed as referring in clause (a) to the Parliament of the late United Kingdom; in clause (b) to the Parliament of Great Britain, and in clause (c) to the Oireachtas.

19.— [Orders to be laid before the Oireachtas.] Every Order made by the Executive Council under this Act shall be laid before each House of the Oireachtas forthwith and unless and until a resolution annulling such Order is passed by either House of the Oireachtas within the next subsequent twenty-one days on which that House has sat after such Order is laid

before it, such Order shall have effect as if enacted in this Act, but no such resolution shall operate to prejudice the validity of anything previously done under such Order.

20.— [Definition.] The expression ‘British Statute’ shall, where the context so requires or admits, mean Act of the Parliament of the late United Kingdom of Great Britain and Ireland which was on the 6th day of December, 1922, in force in the area now comprised by Saorstát Eireann.

21.— [Short Title.] This Act may be cited as the Adaptation of Enactments Act, 1922.

No. 3 of 1922.

APPROPRIATION ACT, 1922.

AN ACT TO GRANT AND APPROPRIATE CERTAIN SUMS FOR THE SERVICE OF THE FINANCIAL YEAR ENDING ON THE 31st DAY OF MARCH, 1923. [20th December, 1922.]

ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

The Minister of Finance may issue out of the Central Fund and apply towards making good the supply granted for the service of the year ending on the thirty-first day of march, one thousand nine hundred and twenty-three, such sum as together with sums already issued for Supply Services out of the Consolidated Fund of the Provisional Government shall amount to the aggregate sum of thirty-eight million fifty-one thousand and eighty-six pounds.

The Minister for Finance may borrow from any person or banking corporation in Saorstát Eireann and the Bank of Ireland may advance to the Minister for Finance on credit of the sum authorised to be issued by Section One of this Act any sum or sums not exceeding the amount so authorised, and for the purpose of such borrowing the Minister of Finance may create and issue any securities bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise as he thinks fit.

The principal and interest of any securities issued under this Act and the expenses incurred in connection with the issue of such securities shall be charged on the Central Fund or the growing produce thereof.

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Any money raised by securities issued under this Act shall be placed to the credit of the account of the Exchequer and shall form part of the Central Fund and be available in any manner in such Fund is available.

All sums granted by this Act, together with sums already issued for Supply Services out of the Consolidated Fund of the Provisional Government, amounting in the aggregate to thirty-eight million fifty-one thousand and eighty-six pounds as set out in column (3) of the Schedule to this Act, are appropriated and shall be deemed to have been appropriated for the services and purposes expressed in column (2) of the said Schedule.

The said Schedule shall be deemed to be part of this Act in the same manner as if it had been contained in the body thereof.

In addition to the sums hereby granted out of the Central Fund there may be applied out of any money directed under Section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in column (2) of the said Schedule the sums respectively set forth in column (4) of the said Schedule.

A person shall not receive any part of a grant which may be made in pursuance of this Act for non-effective services until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Minister of Finance before one of the persons prescribed by such warrant.

Provided that whenever any such payment is made at more frequent intervals than once in a quarter the Minister of Finance may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour.

This Act may be cited for all purposes as the Appropriation Act, 1922.

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SCHEDULE.

SCHEDULE of Sums Granted and of Sums which may be applied as Appropriations in Aid in addition thereto to defray the charges of the several Public Services herein particularly mentioned, which will come in course of payment during the year ending 31st March, 1923, viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
For the salaries and expenses of the Ministry of Finance, including certain subordinate departments	£68,100	£100
For grants to Universities and Colleges, including grants under the Irish Universities Act, 1908	£110,800	—
For Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920	£3,326,900	£800
For charges connected with hospitals and infirmaries, and certain miscellaneous charitable and other allowances,	£16,738	—

including sundry grants in aid

For the expenses of reformatory and industrial schools, including places of detention	£97,613	£1,000
For the expenses of criminal prosecutions and other law charges, including a grant in relief of certain expenses payable by statute out of local rates	£46,775	£200
For the salaries and allowances and expenses of various county court officers and of magistrates, bonus to chairmen of quarter sessions and recorders and to clerks of the Crown and Peace, and expenses of revision	£100,875	£4,570
For certain miscellaneous expenses, including certain grants in aid	£10,295	£206
For the salaries and expenses of the Insurance Commission, and for sundry contributions and grants in respect of the cost of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1921 (including certain grants in aid)	£407,602	£1,000
Carried forward	£4,185,698	£7,870
		p.97
For the salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests	£2,930	£48
For the salaries and expenses of the General Valuation and Boundary Survey, including Estate Duty Valuation under the Finance (1909-10) Act, 1910	£40,026	£7,600
For the salaries and expenses of the Office of Public Works	£60,603	£19,045
For expenditure in respect of Public Buildings; for the maintenance of certain parks and public works, for maintenance of drainage works on the river Shannon and sundry grants in aid	£510,176	£19,125
For payments under the Tramways and Public Companies (Ireland) Act, 1883, etc., and for other purposes connected with Irish Railways	£31,860	—
For the salaries and expenses of the Commissioner of Police, the police courts and the metropolitan police establishment of Dublin	£320,110	£61,696
For the expenses of the General Prisons Board and of the establishments under their control, the registration of habitual criminals, and the maintenance of criminal lunatics confined in district lunatic asylums	£217,362	£1,100
For the salaries and expenses of the Public Record Office	£12,515	—

and of the Keeper of State Papers

For the salaries and expenses of the Supreme Court of Judicature and of the High Court of Appeal	£150,507	£5,250
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For the expenses of the Department of National Education, including grants in aid of the Teachers' Pension Fund	£3,863,921	£33,300
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Carried forward	£9,395,708	£155,034
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For intermediate education, including the Teachers' Salaries Grant	£132,750	£265
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For the salary of the secretary, including bonus and the expenses of the office of the Commissioners for managing certain school endowments	£880	£200
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For the salaries and expenses of the Ministry of Agriculture, and of certain services administered by that Ministry, including sundry grants in aid	£407,949	£62,499
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For the salaries and expenses of the Institutions of Science and Art, Dublin, and of the Geological Survey of Ireland, and annual grants to schools and classes of Science and Art and Technical Instruction, including sundry grants in aid, administered by the Department of Agriculture and Technical Instruction	£180,118	£4,620
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For the salaries and expenses of the National Gallery	£5,488	—
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For Grants administered by the Congested Districts Board, including grants in aid	£169,750	—
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For the salaries and expenses of the Ministry of Local Government, including grants and other expenses in connection with housing, grants to local authorities and sundry grants in aid	£868,426	£10,000
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For the salaries and expenses of the department of the Registrar-General of Births, etc., including bonus to the Registrar-General, and the expenses of collecting emigration statistics	£20,903	£900
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For the maintenance of criminal lunatics in the Dundrum Asylum	£14,931	£5,646
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Carried forward	£11,196,903	£239,164
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For the salaries and expenses of the Transport Department of the Ministry of Industry and Commerce, including certain payments in connection with Railways	£50,355	£2,000
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For the Ireland Development Grant (grant in aid)	£159,500	—
For the expense of providing stationery, printing, paper, binding, and printed books for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Oireachtas debates	£234,000	£15,000
For the salaries and expenses of the Ministry of Industry and Commerce, including Umpire and Court of Referees, contributions to the Unemployment Insurance Fund and to Special Schemes, and to the Unemployed Workers' Dependents' Fund, and payment to Associations under the Unemployment Insurance Acts	£228,756	£120,800
To provide capital for the Local Loans Fund, and to make repayment to the British Government in respect of local loans outstanding on 1st April, 1922	£1,025,000	—
For the salaries and expenses of the Department of the Comptroller and Auditor-General	£9,325	£100
For the salaries and expenses of Temporary Commissions, Committees, and Special Inquiries	£5,000	—
For expenses under the Representation of the People Act, 1918	£36,000	—
Carried forward	£12,944,839	£377,064
		p.103
For payments by way of loans for purposes of reconstruction in anticipation of the determination by the Compensation (Ireland) Commission of fair and reasonable compensation in cases where the Government are satisfied that such a course is specially desirable in the interests of industry, trade or employment	£250,000	—
For the salaries and expenses of the secretariat and special services	£19,050	—
For the cost of the Army	£7,245,000	£5,000
For loans for the purpose of reconstructing destroyed buildings in Cork City	£50,000	—
For the salaries and expenses of the Civic Guard	£693,650	£9,000
For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes, compensation under Article 10 of the Treaty of the 6th December, 1921, compassionate allowances, gratuities and supplementary pensions awarded by the Ministry of	£1,803,305	—

Finance, the salary of the Medical Referee; and sundry repayments in respect of pensions at present paid by the British Government

For the salaries and expenses of the Ministry of Home Affairs	£15,900	—
For special grants towards the relief of unemployment and distress	£348,000	—
For payments in respect of destruction of, or injuries to, property on or after the 21st January, 1919	£10,020,000	—
For rates and contributions in lieu of rates, etc., in respect Government <u>property</u>	£108,000	—
For recoupment of local authorities of amounts due to them in respect of Local Taxation Grants formerly withheld by the British Government	£219,834	—
Carried forward	£33,717,578	£391,064
		p.105
For the salaries and expenses of the Customs and Excise service	£360,000	—
For the salaries and expenses of the Inland Revenue Service	£190,000	—
For the salaries and expenses of the Criminal Investigation Department	£19,916	—
For a grant in aid in respect of the improvement of Croke Park in connection with the Tailteann Games	£10,000	—
For the salaries and expenses of the Marine Service	£10,000	—
For the salaries and expenses of Dáil Eireann	£47,100	—
For the salaries and expenses of the Land Commission	£200,000	—
For the salaries and expenses of the Post Office, including Telegraphs and Telephones	£2,756,337	£79,978
For a grant in aid of the Forestry Fund	£31,665	—
For Secret Service	£220,000	—
For the salaries and expenses of the Ordnance Survey, and of minor services connected therewith	£46,990	£3,000
For the salaries and expenses of additional and unforeseen services	£100,000	—
For the salaries and expenses of District Justices	£15,500	—

For compensation in respect of personal injuries or death	£250,000	—
For the salaries and expenses of the Governor-General's establishment	£10,000	—
For grant in aid of the Development Fund	£41,000	—
For the salaries and expenses of the Ministry of External Affairs	£25,000	—
TOTAL	£38,051,086	£475,842

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No. 4 of 1922.

LOCAL ELECTIONS POSTPONEMENT ACT, 1922.

AN ACT TO POSTPONE THE ELECTIONS TO CERTAIN LOCAL BODIES WHICH ARE DUE TO BE HELD IN THE MONTH OF JANUARY 1923 AND TO ENABLE THE ELECTIONS TO OTHER LOCAL BODIES WHICH ARE DUE TO BE HELD IN THE YEAR 1923 TO BE POSTPONED AND TO MAKE CERTAIN PROVISIONS CONSEQUENTIAL ON SUCH POSTPONEMENTS. [21st December, 1922].

WHEREAS under the Statutes now in force in Saorstát Eireann elections of the members of borough, county borough and urban district councils and of town commissioners are required to be held in the month of January 1923 and elections of members of county and rural district councils and of other local bodies are required to be held in the month of June and at divers other times in the year 1923:

AND WHEREAS owing to the non-completion of the Register of Local Government Electors now in course of preparation and for other reasons it is necessary that the said elections required to be held in the month of January 1923 should be postponed to a later date in that year and for the like reasons it may become necessary that some or all of the said elections required to be held at other times in the year 1923 should also be postponed:

AND WHEREAS any such postponement of the elections aforesaid involves consequential amendments and adaptations of the existing law relating to such elections.

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BE it therefore enacted by the Oireachtas of Saorstát Eireann follows:—

1.— [Postponement of elections of borough and urban district councillors and town commissioners.]

(1) Every statutory election of councillors of boroughs, councillors of urban districts and commissioners of towns which but for this Act would be held within twelve months after the

passing of this Act shall be postponed until such date not being later than the 1st day of January 1924 as the Minister shall be order prescribe.

(2) Any order under this section (including orders under this sub-section) prescribing a date for the holding of a statutory election may be revoked by a subsequent order but in every such case a new date for the holding of such election shall be prescribed by such subsequent order.

2.— [Powers to Minister to postpone elections to county and rural district councils and other local bodies.]

(1) The Minister if in his opinion it is necessary or expedient so to do may by order postpone all or any of the statutory elections of county councillors, councillors of rural districts or members of any other local body which but for this Act would be held at any time within twelve months after the passing of this Act until such date not being later than the 1st day of January 1924 as the Minister shall be such order prescribe.

(2) Separate orders may be made at different times under this section for the postponement of the statutory elections to different classes of councils or other local bodies and different dates may be prescribed for the holding of such postponed elections and any election which is postponed by an order under this section may from time to time be further postponed by subsequent orders.

3.— [Extension of the term of office of existing Councillors, etc.] The term of office of all existing Councillors, Commissioners and members of any council, Commissioners or other local body the statutory elections to which are postponed by or under this Act shall be extended to the day after the prescribed date.

4.— [Provisions consequential to the postponement of elections.]

(1) The Minister shall in every order made by him under this Act prescribing the date on which any statutory election is to be held also prescribe the date on which the first meeting of every council, body of Commissioners and other local body referred to in such order is to be held after such election.

(2) Every Council, body of Commissioners and other local body the statutory elections to which are postponed by or under this Act, shall hold its first meeting after such election on the date

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prescribed for that purpose by the Minister under this section and shall transact at such meeting all the business which such Council, Commissioners or other local body is by any statute order or regulation required to transact at an annual meeting or a quarterly meeting (as the case may be) held next after a statutory election.

(3) Such of the existing members of any board, committee, joint board or joint committee as nominated or elected by any council, body of Commissioners or other local body the

statutory elections to which are postponed by or under this Act shall continue in office as such members until the day after the date on which the first meeting of such Council, body of Commissioners or other local body after the statutory election thereto is held pursuant to this section.

(3) In this sub-section 'existing' means holding office on the prescribed date.

(4) Every Lord Mayor, Mayor, Chairman and Vice-Chairman of or appointed by any Council, body of Commissioners or other local body the statutory elections to which are postponed by or under this Act who is in office at the passing of this Act or on the prescribed date shall continue in office until but not after his successor shall have been duly elected at the first meeting of such Council, body of Commissioners or other local body after the statutory elections thereto and shall have made the declaration accepting office.

(5) In this section the expressions 'annual meeting' and 'quarterly meeting' respectively mean any annual meeting or quarterly meeting (as the case may be) the date of which is prescribed by or under the Local Government (Ireland) Act, 1898.

5.— [Casual vacancies to be filled by co-option.]

(1) Every casual vacancy which shall occur among the members of any borough council or urban district council or among the commissioners of any town after the passing of this Act and before the prescribed date and which but for this section might be filled by election may be filled by means of the choice of such council or commissioners of a person to fill the vacancy, but not otherwise, and any councillor or commissioner so chosen shall hold office in all respects as if he had been elected to fill the vacancy.

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(2) Every casual vacancy among the members of any council or other local body the statutory elections to which are postponed by the Minister under this Act which shall occur after the date of an order postponing the statutory elections to such council or local body and before the prescribed date and which but for this section ought to be filled by election may be filled by means of the choice by such council or other local body of a person to fill the vacancy, and any councillor or member so chosen shall hold office in all respects as if he had been elected to fill the vacancy but not otherwise.

6.— [Exemption from penalties for resigning.]

(1) No councillor of any borough or councillor of an urban district or commissioner of a town who shall resign his office as such councillor or commissioner at any time after the passing of this Act and before the prescribed date shall be liable to any fine or other penalty for or on account of his so resigning his office.

(2) No councillor of a county or rural district council or member of any other local body the statutory elections to which are postponed by the Minister under this Act who shall resign his office as such councillor or member after the date of an order postponing the statutory

elections to such council or body and before the prescribed date shall be liable to any fine or other penalty for or on account of his so resigning his office.

7.— [Computation of periods of office and time.] Every period of office or other period of time which is by any statute, order or regulation to be computed from the date of a statutory election (other than periods relating to the first meeting after a statutory election) shall in the case of every Council, body of Commissioners and other local body the statutory elections to which are postponed by or under this Act be computed from the date on which such statutory elections would have been held if this Act had not been passed and not from the date on which such statutory elections are actually held.

8.— [Adaptation of enactments.]

(1) Every provision of every statute, order or regulation relating to any statutory election which is postponed by or under this Act to any councillor, commissioner or member of a local body whose term of office is extended by or under this Act shall be construed as if the same had been modified to the extent (if any) and in the manner necessary to give effect to the provisions of this Act.

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(2) If any doubt, dispute or question shall arise or in the opinion of the Minister be likely to arise as to the modification which is to be made under this section in the construction of any statute, order or regulation the Minister may be order specify the modification which is to be made therein.

9.— [Definitions.] In this Act—the expression ‘Borough’ includes ‘County Borough,’ the expression ‘Councillor’ includes ‘Alderman’; the word ‘existing’ when used in respect of a councillor of a borough council or urban district council or commissioner of a town means holding office at the date of the passing of this Act and when used in respect of a councillor of any other council or a member of any other local body means holding office at the date of the order postponing the statutory elections to such council or body; the expression ‘Statutory Election’ means an election to fill the places of councillors, commissioners or members of a local body retiring on the expiration of their term of office; the expression ‘Prescribed Date’ means the date prescribed under this Act by the Minister for the holding of the statutory elections to the council, body of commissioners or other local body to which the expression relates; the expression ‘The Minister’ means the Minister for Local Government; the expression ‘Local Body’ means any body whose accounts are required by or under any statute to be audited by an auditor appointed by the Minister; the word ‘Statute’ includes Act of the British Parliament having the force of law in Saorstát Eireann as well as Act of the Oireachtas.

10.— [Short Title.] This Act may be cited as the Local Elections Postponement Act, 1922.

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No. 5 of 1922.

EXPIRING LAWS CONTINUANCE ACT, 1922.

AN ACT TO CONTINUE CERTAIN EXPIRING LAWS. [21st December, 1922.]

WHEREAS the Acts mentioned in the First, Second and Third Schedules to this Act in so far as they are in force in Saorstát Eireann and are temporary in their duration are limited to expire as respects the Acts mentioned in the First Schedule to this Act on the 31st day of December 1922 as respects the Act mentioned in the Second Schedule to this Act on the 18th day of February 1923 in so far as same relates to tramways and on the 31st day of August 1923 in so far as the same relates to other matters and as respects the Act mentioned in the Third Schedule to this Act on the 15th day of February 1923:

AND WHEREAS the Acts mentioned in the Fourth Schedule to this Act in so far as they were in force in Saorstát Eireann and were temporary in their duration expired on the 31st day of August 1922:

AND WHEREAS it is expedient to provide for the revivor and continuance as in this Act mentioned of the Acts mentioned in the Schedules to this Act and of the enactments amending or affecting the same and that as respects the said Acts mentioned in the Fourth Schedule to this Act such revivor and continuance should be retrospective to the date on which such Acts expired as aforesaid:

BE IT THEREFORE ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

1.— [Continuance of Acts in Schedules.]

(1) The Acts mentioned in the First, Second and Third Schedules to this Act shall to the extent specified in Column 3 of those Schedules be continued until the 31st day of December 1923 and shall then expire unless further continued.

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(2) The Acts mentioned in the Fourth Schedule to this Act shall to the extent specified in Column 3 of that Schedule be continued until the 31st day of December 1923 and shall then expire unless further continued and the continuance effected by this sub-section shall be retrospective to the date on which such Acts expired so as to validate all acts and things purported to be done under such Acts respectively since that date but not so as to make illegal any act done between the date on which the said Acts expired and the date of the passing of this Act which would not have been illegal if this sub-section were not retrospective.

(3) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner whether they are mentioned in the Schedule to this Act or not.

2.— [Short Title.] This Act may be cited as the Expiring Laws Continuance Act, 1922.

AN CHÉAD SCEIDEAL.
FIRST SCHEDULE.

Session and Chapter.	Short Title.	How far Continued.	Amending Acts.
3 & 4 Vict. c. 91	The Textile Manufactures (Ireland) Act, 1840	The whole Act	5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60. 38 & 39 Vict. c. 86.
17 & 18 Vict. c. 102	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125. 35 & 36 Vict. c. 33. 46 & 47 Vict. c. 51.
27 & 28 Vict. c. 20	The Promissory Notes (Ireland) Act, 1864.	The whole Act	—
28 & 29 Vict. c. 83	The Locomotives Act, 1865.	The whole Act	59 & 60 Vict. c. 36. 1 & 2 Geo. 5, c. 45.
31 & 32 Vict. c. 125	The Parliamentary Elections Act, 1868.	So much as continued by the Corrupt and Illegal Practices Prevention Act, 1883.	35 & 36 Vict. c. 33. 42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
32 & 33 Vict. c. 21	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act	34 & 35 Vict. c. 61.
33 & 34 Vict. c. 112	The Glebe Loan (Ireland) Act, 1870.	The whole Act	34 & 35 Vict. c. 100. 49 Vict. c. 6.
39 & 40 Vict. c. 21	The Jurors Qualification (Ireland) Act, 1876.	The whole Act	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37.
43 & 44 Vict. c. 42	The Employers' Liability Act, 1880.	The whole Act	—
46 & 47	The Labourer	The whole Act	48 & 49 Vict. c. 72. 48 & 49

Vict. c. 60	(Ireland) Act, 1883.		Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7, c. 37. 6 Edw. 7, c. 37. 8 & 9 Geo. 5, c. 20. 9 & 10 Geo. 5, c. 55.
51 & 52 Vict. c. 55	The Sand Grouse Protection Act, 1888.	The whole Act	—
2 Edw. 7, c. 18	The Licensing (Ireland) Act, 1902.	The whole Act	—
3 Edw. 7, c. 36	The Motor Car Act, 1903.	The whole Act	10 & 11 Geo. 5, c. 72.
4 Edw. 7, c. 24	The Wireless Telegraphy Act, 1904	The whole Act	6 Edw. 7, c. 13.
5 Edw. 7, c. 18	The Unemployed Workmen Act, 1905	The whole Act	9 Edw. 7, c. 7.
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1 & 2 Geo. 5, c. 55	The National Insurance Act, 1911.	Section 42, and so far as it relates to the powers of the Irish Insurance Commissioners to make orders affecting Section 42, Section 78.	3 & 4 Geo. 5, c. 37. 4 & 5 Geo. 5, c. 57. 4 & 5 Geo. 5, c. 81. 5 & 6 Geo. 5, c. 29. 7 & 8 Geo. 5, c. 62. 10 & 11 Geo. 5, c. 10.
4 & 5 Geo. 5, c. 3	The Grey Seals Protection Act, 1914.	The whole Act	—
5 & 6 Geo. 5, c. 4	The Land Drainage Act, 1914.	As to the power of making provisional orders.	—
7 & 8 Geo. 5, c. 42.	The Workmen's Compensation (War Addition) Act, 1917.	The whole Act	9 & 10 Geo. 5, c. 83.
9 & 10 Geo. 5, c. 45.	The Housing (Ireland) Act, 1919.	Section 17	9 & 10 Geo. 5, c. 99.
9 & 10	The Aliens	Section 1	—

Geo. 5, c. 92. Restriction (Amendment) Act, 1919.

10 & 11 Geo. 5, c. 57. The Unemployment (Relief Works) Act, 1920. The whole Act —

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SECOND SCHEDULE.

Session and Chapter.	Short Title.	How far Continued.	Amending Acts.
8 & 9 Geo. 5, c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	The whole Act	10 & 11 Geo. 5, c. 14

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THIRD SCHEDULE.

Session and Chapter.	Short Title.	How far Continued.	Amending Acts.
10 & 11 Geo. 5, c. 21.	The Harbours, Docks and Piers (Temporary Increases of Charges) Act, 1920.	The whole Act	—

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FOURTH SCHEDULE.

Session and Chapter.	Short Title.	How far Continued.	Amending Acts.
6 & 7 Geo. 5, c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section 5, except paragraph (a); Sections 6, 13, 21 and 23.	7 & 8 Geo. 5, c. 14.
7 & 8 Geo. 5, c. 30.	The Local Government (Allotments and Land Cultivation) (Ireland) Act, 1917.	The whole Act	10 Geo. 5, c. 5.