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Stormont Castle, Belfast

2 July 1976

THE FOLLOWING IS THE TEXT OF A SPEECH MADE BY THE SECRETARY OF STATE FOR NORTHERN IRELAND, MR MERLYN REES MP, IN OPENING THE DEBATE IN THE COMMONS TODAY ON THE NORTHERN IRELAND ACT 1974 (INTERIM PERIOD EXTENSION ORDER) 1976:

I beg to move that the Northern Ireland Act 1974 (Interim Period Extension Order) 1976 which was laid before Parliament on 27 May 1976 be approved. As the House will recall, the arrangements for direct rule under the Northern Ireland Act 1974 are renewable for a maximum of one year at a time. I have said on a number of occasions that at present there is no alternative to continuing direct rule. I am therefore seeking the approval of the House today to an Order extending the statutory basis for direct rule for another year from 16 July.

But the Government's long-term aim is to see a devolved system of government established in Northern Ireland which will enjoy widespread support across the community. The Government regretted that the Constitutional Convention was unable to produce a constitutional solution which commanded sufficiently widespread public acceptance. The Convention failed in its immediate purpose. We have to face this fact. The Convention was nevertheless very useful. It showed just how hard it is to solve the constitutional problems of Northern Ireland - it is just as difficult for Ulstermen as for anyone else. Furthermore the Convention enabled people to meet who otherwise would not have had the opportunity to do so.

I do not wish to say much today about the talks that are currently taking place between the Official Unionist Party and the Social Democratic and Labour Party. I am not involved in the talks and it would not be helpful if I were to rush in with comment at this stage. I am always ready to entertain constructive and

responsible ideas from those in Northern Ireland who are prepared to work together for Northern Ireland. I have always believed that a solution to the problems of Northern Ireland will have to be worked out in Northern Ireland itself.

I would make two other points. The first is one I made to the Chairman of the Constitutional Convention in a letter I sent him last January, when I said that "experience in recent years had made it plain that no system of government within Northern Ireland will be stable or effective unless both parts of the community acquiesce in that system and are willing to work to support it". That remains as true as ever it was and means that no proposals for the future government of Northern Ireland could be put into effect without the right degree of public support.

But - and this is my third point - the problem is to get the timing right. I have no faith in instant solutions in Northern Ireland or in speed for the sake of speed. We have had too many false dawns before. I hope therefore that any temptation which people may feel to rush to this or that deadline will be resisted. I am satisfied that there are no early deadlines which need prejudice the orderly progress of discussions.

It has been suggested that it would be technically possible to recall the Convention within the next couple of months. My view is that this would not be the right way to proceed. The Convention has met and completed its task. I do not see that we could turn the clock back.

The important thing is to make sure that the preparation of the ground is thorough and the spadework sure. Given this I am sure that we can provide satisfactory ways of carrying forward an agreement that can command sufficiently widespread public support.

Any agreement must of course be acceptable to this House but my letter of 14 January to the Chairman (published as a White Paper) set out many of the points to which the Government would attach importance. In particular, there can be no question of the Army being placed under the control of a devolved government.

For the present, however, direct rule will continue and the Government have been considering whether any changes should be made in the procedures. I have discussed this with a number of honourable Members, and there was a most

useful debate on 10 June which touched on these issues, and in which a number of ideas were put forward, including suggestions by the rt hon Gentleman, the Member for Down South. The Government have taken these and other views into account in reaching our conclusions.

First, if the House agrees, the Government thought it would be right to remove the limitation in Standing Orders on the number of meetings of the Northern Ireland Committee which may be held in a session, thus providing greater opportunity for debate on Northern Ireland matters.

Turning now to legislation: during the first period of direct rule, and again since July 1974, legislation dealing with matters which were devolved to the Northern Ireland Parliament and Assembly has been made by Order in Council. This must continue to be the main way of legislating for Northern Ireland. But I think we can improve the opportunities for scrutiny and debating these Orders of which there can be 20 or 30 in a session covering a very wide range of subjects. Thus for example I will be introducing this autumn, Orders amending the Northern Ireland laws on compensation for **injury** to persons and damage to property. Compensation arrangements are steeped in the special features of Irish law and history. The changes must be based on this special legal background. It needs Northern Ireland legislation and I will proceed by Order.

Northern Ireland Orders generally are published as proposals before they are formally laid in Parliament, thus allowing time for consultations to take place with interested parties in Northern Ireland, and Members are equally free to comment at that stage. And I intend to ensure that, as a matter of routine, copies of these proposals are sent to each of the major political parties in Northern Ireland. Given the increased time available in the Northern Ireland Committee it would be possible, if Members so wished, for some of the draft Orders to be discussed in that Committee as a preliminary stage before they are finalised and formally laid before Parliament.

The existing arrangements for the draft Orders once laid to be debated either upstairs in Committee or on the floor of the House will of course continue. I hope that more advantage will be taken in future of the scope for holding longer debates in Committee than is normally possible on the floor of the House. We will, however, be willing to consider the possibility of an extended debate on the floor of the House such as that on the recent Industrial Relations Order in a few cases where there seems to be a special justification.

It has been suggested that we should more frequently apply GB bills to Northern Ireland. The Government are glad to accept this suggestion in principle. Where special adaptations are necessary for Northern Ireland in what would then be a United Kingdom bill, we envisage that where necessary it would be a simple arrangement to provide for technical adaptation and amendments to previous Northern Ireland measures to be made by an Order subject to a negative resolution.

These technical adaptations and amendments are important. They are not concerned with policy. They are the means by which we shall maintain the currently existing Northern Ireland statute book. This statute book is derived from the historic corpus of law relating to Northern Ireland. It provided the law for devolved government. It is therefore important that we should maintain the Northern Ireland statute book for the devolved system of government in Northern Ireland that we hope to see in the future.

There are some areas of change in Northern Ireland which will require a full Bill in Parliament. The Fair Employment Bill provides an example of this. We shall continue to introduce legislation in this way when it concerns matters which have traditionally been dealt with by legislation in this House, rather than by devolved legislation in Northern Ireland. I would hope, subject to the constraints of the Parliamentary programme, to have a Northern Ireland Bill on the Administration of Justice.

Overall, the Government will be looking closely at the need for legislation in fields which we have previously thought it appropriate to leave to a future devolved government. In particular, we will now consider whether to legislate to bring Northern Ireland law more closely into harmony with laws in other parts of the country. One example - and it is only an example to illustrate the point - is the area of homosexuality and divorce. There are obvious difficulties about such subjects in Northern Ireland circumstances and it would be wrong to act precipitately. But I would welcome the views of people in Northern Ireland, including those of the Advisory Commission on Human Rights, on such subjects. In particular I would welcome the views of Northern Ireland Members.

There has been some comment by the Joint Committee on Statutory Instruments about Northern Ireland subordinate legislation. The Orders in Council made under the Northern Ireland Act 1974 are not of course strictly subordinate legislation. They replace the bills which would have been passed by a Northern Ireland Assembly and inevitably follow the shape of bills. This is a point which I know the Committee understand. But it does give rise to a real difficulty for the Committee

in carrying out their remit. There may be further points to be explored here and I should be glad to discuss this with the Committee.

There has also been criticism by the Joint Committee of the absence of examination of Orders which were previously subject to negative resolution in a Northern Ireland Assembly. The Government will be glad to accept the suggestion of the right honourable Member for Down South that the Northern Ireland Committee should consider once a year the reports of the Northern Ireland Examiner of Statute Rules who looks at such Orders.

Finally, among the procedural changes on which I would welcome the views of the House it might be useful, if the Chairmen and Members thought it right, for existing Select Committees, for example the Expenditure Sub-Committees and the Select Committee on Nationalised Industries, to include Northern Ireland services within the scope of their examinations where appropriate. I welcome the scrutiny which the Public Accounts Committee at Westminster gives to the Northern Ireland departments. The accounting officers of these departments appear before the Public Accounts Committee on the same lines as those of Whitehall departments. I am moreover arranging to lay before Parliament, and so bring within the purview of the PAC, the accounts of a number of Northern Ireland public bodies which by law have to be laid before the Northern Ireland Assembly but which have not hitherto been laid at Westminster.

The question of Northern Ireland representation at Westminster continues to be raised. I accept that Northern Ireland is under-represented and that this becomes more apparent the longer that direct rule continues. I also have to accept that representation at Westminster from Northern Ireland has to be considered in the context of Northern Ireland itself with its divided community and indeed its history. That is why I wrote in the terms that I did to the Chairman of the Constitutional Convention on 14 January when I said:-

"The Government does not feel able to recommend re-examination of the question of the number of Northern Ireland constituencies returning members to the United Kingdom Parliament in advance of an agreement on a system of government commanding the most widespread acceptance."

I have also to take into account the current talks between the official Unionist Party and the Social Democratic and Labour Party where, I understand, a wide range of possibilities concerning devolved government in Northern Ireland are being discussed which are germane to the whole subject of representation. My

conclusion is that Northern Ireland representation is a serious matter but I cannot today go further than to admit the deficiency and repeat that the problem ~~must~~ be considered in the context of the wider issues of the future government in Northern Ireland.

I should like to say a word about administration under direct rule. The House may be interested to know that on the appointment of Mr Robert Kidd as the new Head of the Northern Ireland Civil Service with effect from yesterday, I have made some small organisational changes. The Department of Finance and the Civil Service Management Division have both become Departments in their own right with their own Permanent Secretaries instead of being the direct responsibility of the Head of the Civil Service. This will free the Head of the Northern Ireland Civil Service from many of the day-to-day Departmental responsibilities and give him the opportunity, working directly to me, to co-ordinate the activities of all the Northern Ireland Departments and the allocation of resources among them. ?

This will not only assist me during the continuation of direct rule, but will I am sure be an improvement in organisation, in the context of any form of future devolved government.

I have been talking primarily about procedural and administrative changes, but we must not forget the day-to-day problems with which we have to deal. There are two matters which dominate affairs in Northern Ireland - the economy and security. I shall say more on security later today, but I should now like to say something about the economy.

As the UK emerges from the present recession there will be some beneficial effects to the economy in Northern Ireland - indeed the seasonally-adjusted index of industrial production has risen for the last seven months. But the deep-seated structural weaknesses of the Northern Ireland economy, which is still largely reliant on a few older industries, will remain and the history of violence over the last few years does not encourage new investment. I cannot therefore be optimistic about the level of unemployment, which in some parts of the Province is very high indeed. However, the Government is doing everything reasonably possible to preserve existing jobs and attract investment to create new ones. The newly established Northern Ireland Development Agency has an important role to play in this. Moreover, I am expecting very soon the results of the wide-ranging review of economic and industrial strategy. Remembering the need to

to contain the cost of any extra activity within existing public expenditure limits and that the resources available to Northern Ireland cannot be magically increased, I hope that the review will point to ways in which we can most profitably direct our efforts. There is no doubt, however, that the most significant single factor which would lead to increase in investment in Northern Ireland and reduction of unemployment would be for violence to cease.

Mr Speaker, direct rule is necessary. We cannot opt out of our responsibilities for Northern Ireland, especially in view of the economic, social and security problems of the Province. As a result of the Northern Ireland Act 1974, of which we are today proposing the renewal, I am directly responsible for the work of the Northern Ireland government departments as well as that of the Northern Ireland Office. With the assistance of the two Ministers of State and the two Parliamentary Under Secretaries of State I am responsible to this House for the full range of government functions in Northern Ireland from Health and Social Services to Commerce and Industry; from Education to Agriculture; from Housing and Local Government to security policy and law and order. The Government has onerous responsibilities in Northern Ireland, and responsibilities to the people of Northern Ireland - we will not neglect any of these. I commend this Order to the House.