1973. No. 504 **[NC]**

NORTHERN IRELAND DEPARTMENTS

Transfer of Functions and Adaptation of Enactments

ORDER, DATED 29TH DECEMBER 1973, MADE BY THE SECRETARY OF STATE UNDER SECTION 4 OF THE MINISTRIES ACT (NORTHERN IRELAND) 1944.

WHEREAS by section 4 of the Ministries Act (Northern Ireland) 1944(a) it is provided that the Governor of Northern Ireland may, from time to time by Order in Council, assign to any department, or transfer to any department from any other department, such functions as appear to the said Governor to be appropriate for such assignment or transfer; that each department shall have and may exercise such functions as may be specified by such an Order in Council; and that such an Order in Council may make such incidental, consequential and supplemental provisions as may be necessary or expedient for giving full effect to the Act, including provision for changing the name by which a department is to be styled and for such other matters as are mentioned in section 4(2) of the Act:

AND WHEREAS by subsection (1)(*a*) of section 1 of the Northern Ireland (Temporary Provisions) Act 1972(b) it is provided that so long as that section has effect all functions which apart from that Act belong to the Governor in Council shall be discharged by the Secretary of State:

NOW, THEREFORE, the Secretary of State in exercise of the powers conferred upon him by section 4 of the Ministries Act (Northern Ireland) 1944 and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972 and of all other powers enabling him in that behalf, hereby makes the following Order:—

Title and commencement

1.—(1) This Order may be cited as the Departments (Transfer of Functions) Order (Northern Ireland) 1973.

(2) This Order, except Article 7, shall come into operation on the appointed day and Article 7 shall come into operation immediately before that day.

Interpretation

2. In this Order—

"appointed day" means the day appointed by an Order under section 2 of the Northern Ireland Constitution Act 1973(c) for the commencement of Part II of that Act;

"Department" includes the head of a Department;

"Ministry" includes Minister;

"transferor" and "transferee" respectively mean, in relation to any functions transferred under this Order, the Ministry from and the Department to which the functions are transferred;

(a) 1944. c. 14. (b) 1972. c. 22. (c) 1973. c. 36.

"transferred provision" has the meaning assigned to it by section 1 of the Interpretation Act (Northern Ireland) 1954(d).

Transfer of certain functions of Ministry of Education

3. There shall be and are hereby transferred as from the appointed day to the Department of Community Relations the functions exercisable immediately before that day by the Ministry of Education under or for the purposes of the Recreation and Youth Service (Northern Ireland) Order 1973(e) other than Article 7 and Schedule 2 and, so far as they relate to the Youth Committee or to matters relating to or in connection with the Youth Service, Articles 2, 10, 11 and 12.

Transfer of certain functions of the Ministry of Development

4. The functions exercisable immediately before the appointed day by the Ministry of Development under or for the purposes of the enactments set out in Schedule 1 shall be and are hereby transferred from that day to the Department of the Environment.

Transfer of certain functions of the Ministry of Home Affairs

5. The functions exercisable immediately before the appointed day by the Ministry of Home Affairs—

(*a*) under or for the purposes of the enactments set out in Part I of Schedule 2 shall be and are hereby transferred to the Department of Health and Social Services;

(*b*) under or for the purposes of the enactments set out in Part II of Schedule 2 shall be and are hereby transferred to the Department of the Environment; and

(*c*) under or for the purposes of the enactment set out in Part III of Schedule 2 shall be and are hereby transferred to the Department of Commerce;

(*d*) under or for the purposes of any other enactments including those set out in Part IV of Schedule 2 shall be and are hereby, except as otherwise provided by any order made under section 39 of the Northern Ireland Constitution Act 1973, transferred to the Department of Finance.

Transfer of certain functions of the Ministry of Health and Social Services

6.—(1) The functions exercisable immediately before the appointed day by the Ministry of Health and Social Services under or for the purposes of the enactments set out in Schedule 3 or in connection with fair wages clauses in contracts shall be and are hereby transferred to the Department of Manpower Services.

(2) In sections 4(3)(*c*) and 7(2) of the Youth Employment Service Act (Northern Ireland) 1961(f) after the words "Social Services" there shall be inserted the words "or the Ministry of Manpower Services".

Change in style of the Ministry of Development

7.—(1) The Ministry of Development may be styled the Ministry of Housing, Local Government and Planning for Northern Ireland and a corresponding change may be made in the title of the Minister of Development.

(d) 1954. c. 33. (e) S.I. 1973, No. 961 (N.I. 12). (f) 1961. c. 8 (N.I.).

(2) In section 5 of the Administrative Provisions Act (Northern Ireland) 1925(g) after the entry relating to the Ministry of Manpower Services there shall be inserted "The expression "Ministry of Housing, Local Government and Planning" shall mean the Ministry of Housing, Local Government and Planning for Northern Ireland".

Change in style of the Department of the Prime Minister

8. The Department of the Prime Minister of Northern Ireland shall be styled the Office of the Executive of Northern Ireland.

References in enactments etc.

9.—(1) The following provisions of this Article shall apply in relation to the functions transferred by this Order.

(2) In the construction and for the purposes of any transferred provision, judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the appointed day, any reference to, or which is to be construed as a reference to, the transferor shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the transferee.

(3) The transfer shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the transferor before the appointed day, but any such matter shall, if in force immediately before that day, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the transferee.

(4) Anything commenced before the appointed day by or under the authority of the transferor may, so far as it relates to any functions transferred, be carried on or completed by or under the authority of the transferee.

(5) Where at the appointed day any legal proceeding is pending to which the transferor is a party, and the proceeding has reference to any of the functions transferred, the transferee shall be substituted in the proceeding for the transferor, and the proceeding shall not abate by reason of the substitution.

Transfer of assets and liabilities

10. All property, rights and liabilities held, enjoyed or incurred before the appointed day by a transferor in connection with the functions transferred to the transferee by this Order shall be transferred to the transferee as from the appointed day; and accordingly, as from that day, by virtue of this Order and without any further conveyance, transfer or assignment—

(*a*) the said property, real or personal, shall vest in the transferee;

(*b*) the said rights shall be enjoyed by the transferee; and

(*c*) the said liabilities shall become liabilities of the transferee.

Modification and adaptation of enactments

11.—(1) There shall be made in every local and personal Act and public general Act of a local character such modifications and adaptations as may be required to bring it into conformity with the provisions of this Order.

(g) 15 & 16 Geo. 5. c. 3 (N.I.).

(2) The Notification entitled "Assignment of Functions to Departments" issued by the Lord Lieutenant of Ireland on 7th June 1921 and altered by subsequent enactments and the Ministries of Northern Ireland Act [N.I.] 1921(h) shall have effect subject to this Order.

Dated this 29th day of December 1973.

Francis Pym,
One of Her Majesty's Principal
Secretaries of State.

(h) 12 Geo. 5 c. 6 (N.I.).