1972. No. 253 **[C]**

MINISTRIES OF NORTHERN IRELAND

Transfer of Functions and Adaptation of Enactments

ORDER, DATED 2ND OCTOBER 1972, 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 the purpose of giving full effect to the Act, including provisions for such 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 or to the Governor in Council shall be discharged by the Secretary of State:

NOW, THEREFORE, I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred on me by section 4 of the Ministries Act (Northern Ireland) 1944 and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972 and all other powers enabling me in that behalf, do hereby order as follows:—

General

1.—(1) This Order may be cited as the Ministries (Transfer of Functions) (No. 3) Order (Northern Ireland) 1972.

(2) In this Order—

"first transfer date" means 1st day of November 1972;

"Ministry" includes a Minister;

"second transfer date" means the appointed day for the purposes of section 52 of the Medicines Act 1968(**c**);

"transfer date" means the first or second transfer date, as the case may require;

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

(3) This Order shall have effect subject to the provisions of any Order in Council which may hereafter be made under section 4 of the Act.

(**a**) 1944. c. 14.
(**b**) 1972. c. 22.
(**c**) 1968. c. 67.

Transfer of certain functions of Ministry of Home Affairs

2.—(1) The functions exerciseable immediately before the first transfer date by the transferor under or for the purposes of the enactments set out in Part I of Schedule 1 shall be, and are hereby, transferred as from that date to the transferee.

(2) Notwithstanding anything in paragraph (1), the functions exerciseable immediately before the first transfer date under or for the purposes of the enactments set out in Part II of Schedule 1 shall, to the extent specified in that Part, continue to be exerciseable by the transferor until the second transfer date.

(3) Notwithstanding anything in paragraph (1), the functions exerciseable immediately before the second transfer date under or for the purposes of the enactments set out in Part III of Schedule 1 shall, to the extent specified in that Part, continue to be exerciseable by the transferor after the second transfer date.

Effect of Order

3. The Notification entitled "Assignment of Functions to Departments" issued by the Lord Lieutenant of Ireland on 7th June 1921 and altered by subsequent enactments, shall so far as it relates to any transferor or transferee have effect subject to this Order.

Modification of enactments

4.—(1) The enactments referred to in Schedule 2 shall have effect subject to the modifications specified in relation thereto in column 2 of that Schedule.

(2) Paragraph (1) shall come into operation on the second transfer date.

Construction of certain references, etc.

5.—(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 enactment (including the enactments set out in Schedule 1), judgment, decree, order, award, deed, contract, regulation, rule, bye-law, certificate or other document passed or made before the transfer date, any reference to, or anything 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 transfer date, but any such matter shall, if in force immediately before that date, 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 transfer date, 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 transfer date 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 liabilities and assets

6. All property, rights and liabilities held, enjoyed or incurred before the transfer date by the transferor in connection with the functions transferred to the transferee by this Order shall be transferred to the transferee as from the transfer date and, accordingly, as from that date 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.

Dated this 2nd day of October 1972.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.