1964. No. 205 [C]

MINISTRIES OF NORTHERN IRELAND

Transfer of Functions and Adaptation of Enactments

ORDER IN COUNCIL*, DATED 14TH DECEMBER, 1964, MADE UNDER SECTION 4 OF THE MINISTRIES ACT (NORTHERN IRELAND) 1944.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

ERSKINE OF RERRICK

Whereas by section 4 of the Ministries Act (Northern Ireland) 1944(a) (in this Order referred to as "the Act"), 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; that such an Order in Council may change the name by which a department is to be styled 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 section 4(5) of the Act it is provided that the said Governor shall not be recommended to make an Order in Council under the said section 4 (other than an Order in Council made for the purposes of section 1 or 2 of the Act) until a draft thereof has lain before each House of Parliament for the statutory period, and that if either House of Parliament within that period resolves that no further proceedings be taken in relation thereto, no further proceedings shall be so taken, but without prejudice to the preparation of a fresh draft:

And Whereas it is expedient that provision, as hereafter appearing in this Order, should be made in relation to certain purposes other than the purposes of section 1 or 2 of the Act, and, accordingly, this Order was laid in draft before each House of Parliament for the statutory period, and neither House of Parliament during that period passed any resolution in relation thereto:

Now, Therefore, I, John Maxwell, Baron Erskine of Rerrick, Knight Grand Cross of the Most Excellent Order of the British Empire, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland in exercise of the powers conferred by section 4 of the Act, do hereby order as follows:—

(a) 1944. c. 14.

*A draft of this Order in Council was laid before each House of Parliament on 22nd September, 1964, and lay for the statutory period.

Citation, etc.

1.—(1) This Order may be cited as the Ministries (Transfer of Functions) (No. 2) Order (Northern Ireland) 1964.

(2) In this Order—

"Ministry" includes a Minister;

"transfer date" means 1st January 1965;

"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.

Change in style of Ministry of Health and Local Government

2. On and after the transfer date the Ministry of Health and Local Government for Northern Ireland may be styled the Ministry of Development for Northern Ireland; and a corresponding change may be made in the title of the Minister of Health and Local Government.

Change in style of Ministry of Labour and National Insurance

3. On and after the transfer date the Ministry of Labour and National Insurance for Northern Ireland may be styled the Ministry of Health and Social Services for Northern Ireland; and a corresponding change may be made in the title of the Minister of Labour and National Insurance.

Transfer of certain functions of Ministry of Finance

4.—(1) Subject to paragraph (2), the functions exercisable immediately before the transfer date by the Ministry of Finance 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 Ministry of Agriculture.

(2) The functions exercisable immediately before the transfer date under or for the purposes of the enactments set out in Part II of Schedule 1 shall not be transferred by virtue of this Order.

Transfer of certain functions of Ministry of Health and Local Government

5.—(1) Subject to paragraph (2), the functions exercisable immediately before the transfer date by the Ministry of Health and Local Government under or for the purposes of the enactments set out in Part I of Schedule 2 shall be, and are hereby, transferred as from that date to the Ministry of Health and Social Services.

(2) The functions exercisable immediately before the transfer date under or for the purposes of the enactments set out in Part II of Schedule 2 shall not be transferred by virtue of this Order.

Transfer of certain functions of Ministry of Home Affairs

6.—(1) Subject to paragraph (2), the functions exercisable immediately before the transfer date by the Ministry of Home Affairs under or for the purposes of the enactments set out in Part I of Schedule 3 shall be, and are hereby, transferred as from that date to the Ministry of Development.

(2) The functions exercisable immediately before the transfer date under or for the purposes of the enactments set out in Part II of Schedule 3 shall not be transferred by virtue of this Order.

Transfer of certain functions of Ministry of Labour and National Insurance

7. The functions exercisable immediately before the transfer date by the Ministry of Labour and National Insurance under or for the purposes of the enactments set out in Schedule 4 shall be, and are hereby, transferred as from that date to the Ministry of Education.

Effect of Order

8. 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.

References in enactments, etc., to transferor

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 enactment (including the enactments set out in the Schedules), judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the transfer date, 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 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 property, etc.

10. 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.

Modification and adaptation of enactments

11.—(1) The enactments described in column 1 of Schedule 5 shall have effect subject to the modifications specified in relation thereto in column 2 of that Schedule.

(2) 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.

Given at Government House, Hillsborough, this 14th day of December, 1964.

Terence O'Neill

Ivan Neill

R. W. B. McConnell

Wm. J. Morgan

SCHEDULE 1

PART I

Enactments relating to functions transferred from Ministry of Finance to Ministry of Agriculture

The Drainage Act (Northern Ireland) 1925.
The Drainage Act (Northern Ireland) 1929.
The Drainage Act (Northern Ireland) 1931.
The Drainage Act (Northern Ireland) 1933.
The Electricity (Supply) Act (Northern Ireland) 1948, sections 10 and 15.
The Roads Act (Northern Ireland) 1948, section 30(3).
The Erne Drainage and Development Act (Northern Ireland) 1950.
The Inland Navigation Act (Northern Ireland) 1954.
The Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955.
Any enactment in force on the transfer date which amends or extends any of the above-mentioned enactments.

PART II

Enactments relating to functions excepted from transfer

The Drainage Act (Northern Ireland) 1931, section 1 in so far as it authorises the Ministry of Finance to direct that the expenses mentioned in that section shall be paid out of moneys provided by Parliament and in so far as it relates to the borrowing of any sum by that Ministry.
The Erne Drainage and Development Act (Northern Ireland) 1950, section 15(5) in so far as it authorises the Ministry of Finance to determine that certain expenses shall be defrayed by means of sums issued out of the Consolidated Fund, and section 15(6).
The Inland Navigation Act (Northern Ireland) 1954, section 15(2), and section 16(2) in so far as it authorises the Ministry of Finance to direct that any power conferred on the Ministry of Home Affairs by that Act to make regulations, orders or byelaws shall be exercisable only in conjunction with the Ministry of Finance.
The Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955, section 16(1) in so far as it authorises the Ministry of Finance to defray certain expenditure out of the Consolidated Fund, and section 16(4).
Any enactment in force on the transfer date which amends or extends any of the above-mentioned enactments.

SCHEDULE 2

PART I

Enactments relating to functions transferred from Ministry of Health and Local Government to Ministry of Health and Social Services

The Poor Relief (Ireland) Act 1838, section 47.
The Towns Improvement (Ireland) Act 1854, sections 47 and 50.
The Local Government Board (Ireland) Act 1872, section 10
The Poor Afflicted Persons Relief (Ireland) Act 1878.
The Public Health Acts (Northern Ireland) 1878 to 1962 (including any enactments which under those Acts are applied to the exercise of functions by sanitary, health or welfare authorities).
The Housing of the Working Classes Act 1885, sections 9 and 10.
The Markets and Fairs (Weighing of Cattle) Act 1887.
The Infectious Disease (Notification) Act 1889.
The Infectious Disease (Prevention) Act 1890.
The Alkali, &c. Works Regulation Act 1906.
The Notification of Births Acts 1907 and 1915.
The Tuberculosis Prevention (Ireland) Act 1908.
The Rag Flock Act 1911.
The Venereal Disease Act 1917.
The Rats and Mice (Destruction) Act 1919.
The Midwives and Nursing Homes Act (Northern Ireland) 1929, Parts II and III.
The Hairdressers Act (Northern Ireland) 1939.
The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945, section 1.
The National Insurance Act (Northern Ireland) 1946, section 66(4) in so far as it relates to superannuation benefits provided under regulations made under section 61 of the Health Services Act (Northern Ireland) 1948.
The Nurses Act (Northern Ireland) 1946, Parts II and III.
The Public Health (Tuberculosis) Act (Northern Ireland) 1946.
The Education Act (Northern Ireland) 1947, sections 29, 42, 50, 62, 63, 103, 104(2) and (3) and 111.
The Health Services Acts (Northern Ireland) 1948 to 1963.
The Teachers (Superannuation) Act (Northern Ireland) 1950, section 12A(1)(*c*).
The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1951, section 5(1)(*c*).
The Births, Deaths and Marriages Registration Act (Northern Ireland) 1956, sections 6 to 8 and 17.
The Food and Drugs Act (Northern Ireland) 1958.
The Marketing of Milk Products Act (Northern Ireland) 1958, section 5.
The National Insurance Act (Northern Ireland) 1959, sections 11 and 14 in so far as those sections relate to superannuation benefits provided under regulations made under section 61 of the Health Services Act (Northern Ireland) 1948.
The Nurses and Midwives Acts (Northern Ireland) 1959 and 1961.
The Mental Health Act (Northern Ireland) 1961.
The Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962, section 20.
The Caravans Act (Northern Ireland) 1963.
The Health Services (Amendment) Act (Northern Ireland) 1963, sections 8 and 9.
The Clean Air Act (Northern Ireland) 1964.
So much of the provisions of any other enactment as conferred functions on the Ministry of Health and Local Government for the purposes of the above-mentioned enactments.
Any enactment in force on the transfer date which amends or extends any of the above-mentioned enactments.