1963. No. 29 **[C]**

MINISTRIES OF NORTHERN IRELAND

Transfer of Functions and Adaptation of Enactments

ORDER IN COUNCIL*, DATED 28TH FEBRUARY, 1963, MADE UNDER SECTION FOUR OF THE MINISTRIES ACT (NORTHERN IRELAND) 1944, WITH RESPECT TO THE MINISTRY OF COMMERCE, THE MINISTRY OF HOME AFFAIRS AND THE MINISTRY OF AGRICULTURE.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Whereas by section four 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 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 sub-section (2) of section four of the Act:

And Whereas by sub-section (5) of the said section four it is provided that the said Governor shall not be recommended to make an Order in Council under the said section four (other than an Order in Council made for the purposes of section one or section two 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 purposes of section one or section two 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 de Vere, Baron Wakehurst, Knight of the Most Noble Order of the Garter, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in exercise of the powers conferred upon me by section four 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 26th November, 1962, and lay for the statutory period.

General

1.—(1) This Order may be cited as the Ministries (Transfer of Functions) Order (Northern Ireland) 1963.

(2) In this Order the following expressions have the meanings hereby assigned to them, that is to say:—

"day of transfer" means the first day of April, 1963;

"Ministry" includes a Minister;

"transferor" and "transferee" respectively mean, in relation to any functions transferred, the Ministry from 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 four of the Act.

Transfer of certain Functions of Ministry of Commerce

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

(2) The functions exercisable immediately before the day of transfer by the Ministry of Commerce under or for the purposes of the enactments set out in Part II of the Schedule shall be, and are hereby, transferred as from that day to the Ministry of Agriculture.

(3) In consequence of the transfer of functions under enactments relating to fisheries to the Ministry of Agriculture under paragraph (2), that Ministry shall not, after the day of transfer, be required, in the exercise of functions under section twelve of the Urban Drainage Act (Northern Ireland), 1957, to consult with the Ministry of Commerce.

(4) The Notification entitled "Assignment of Functions to Departments" issued by the Lord Lieutenant of Ireland on the seventh day of June, 1921, and altered by subsequent enactments, shall, so far as it relates to the Ministry of Commerce, the Ministry of Home Affairs or the Ministry of Agriculture, have effect subject to the provisions of this Order.

Transfer of Functions, Property, Rights and Liabilities

3.—(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 Schedule), judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the day of transfer, 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 day of transfer, 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 day of transfer, 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.