MINISTRIES OF NORTHERN IRELAND

Transfer of Functions — Medical Benefit

ORDER IN COUNCIL, DATED 29TH MARCH, 1946, MADE UNDER SECTION FOUR OF THE MINISTRIES ACT (NORTHERN IRELAND), 1944, WITH RESPECT TO THE MINISTRY OF LABOUR AND THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT.

1946 No. 48

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GRANVILLE

WHEREAS by section four of the Ministries Act (Northern Ireland), 1944, (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 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 subsection (2) of section four of the Act ; and that any Order in Council made under the said section may be varied or revoked by a subsequent Order in Council so made :

AND WHEREAS by subsection (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 proceeding 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, WILLIAM SPENCER, EARL GRANVILLE, Knight Commander of the Royal Victorian Order, Companion of the Most

Honourable Order of the Bath, Companion of the Distinguished Service Order, Vice-Admiral, 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 :—

General

1.—(1) This Order may be cited as the Ministries (Transfer of Medical Benefit Functions) Order, 1946.

(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, 1946 ;

" 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) The Interpretation Act, 1921, applies for the purpose of the interpretation of this Order in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

Functions of Ministry of Labour and Ministry of Health and Local Government

2. The functions exercisable immediately before the day of transfer by the Ministry of Labour in relation to medical benefit and the administration thereof under the National Health Insurance Acts (Northern Ireland), 1936 to 1946, shall be and are hereby transferred as from that date to the Ministry of Health and Local Government, except such of those functions as are reserved to the Ministry of Labour under any of those enactments as modified and adapted by the subsequent provisions of this Order.

3. 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 Labour, have effect subject to the provisions of this Order.

Modification and Adaptation of Enactments, Regulations, Orders and Rules

4.—(1) The enactments specified in the First Schedule to this Order shall, as from the day of transfer, have effect subject to the modifications and adaptations set out in relation thereto in the second column of that Schedule, and there shall be made in any other enactment such modifications and adaptations as may be required to bring it into conformity with the provisions of this Order.

(2) The regulations, orders and rules specified in the Second Schedule to this Order shall, as from the day of transfer, have effect subject to the modifications and adaptations set out in relation thereto in the second column of that Schedule, and in so far as they were made

by the transferor with respect to the functions transferred by this Order shall have effect on and after the day of transfer as if they had been made by the transferee, or by the transferor and transferee jointly in the case of such matters as are, after the day of transfer, matters concerning which the transferor and transferee are required to make regulations jointly.

Transfer of Rights and Liabilities

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 scheme, deed, contract, agreement or arrangement made, and any certificate or notice given, and any document issued 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 of or in consequence of the transfer, be construed as a reference to the transferee.

(3) The transfer shall not affect any decision, determination, instruction, requirement, application, appointment, approval 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.

Given at Government House, Hillsborough, this twenty-ninth day of March, 1946.

Glentoran
Brian Maginess
William Grant
J. Milne Barbour

FIRST SCHEDULE.

MODIFICATIONS AND ADAPTATIONS OF ENACTMENTS.

The National Health Insurance Act, 1936, as amended by the Ministry of National Insurance (Health Insurance and Pensions) Order, 1945.

Section 198 ... ... The following section shall be substituted :—

" 198. The Ministry of Labour for Northern Ireland (in this part of this Act referred to as " the Ministry "), the Ministry of Health and Local Government for Northern Ireland (in this part of this Act referred to as " the Ministry of Health and Local

Government "), and the officers, inspectors, referees and servants appointed by those Ministries, shall, subject to the provisions of this part of this Act respectively have all the like powers and duties as are by this Act conferred and imposed on the Minister or the Minister of Health and the officers, inspectors, referees and servants appointed by them, and references in this Act to the Minister or to the Minister of Health or to the Minister and the Minister of Health shall be construed as references to the Ministry or to the Ministry of Health and Local Government or to those Ministries jointly as the case may be."

Section 205 ... ... At the end of subsection (1) there shall be inserted the words " of Health and Local Government ".

For subsection (2) there shall be substituted the following subsection :—

" (2) Subsection (2) of section fifty-eight shall have effect as though the words ' and insurance committee ' were omitted therefrom, and as though after the word ' Ministry ' there were inserted the words ' and the Ministry shall make rules in relation to benefits administered by it ' ; subsection (1) of section sixty-four shall have effect as though for the words ' an approved society may and an insurance committee shall ' there were substituted the words ' an approved society with the consent of the Ministry and the Ministry of Health and Local Government in relation to the administration of medical benefit and the Ministry in relation to benefits administered by it shall ' ; subsection (1A) of section sixty-four shall not apply ; subsection (1) of section sixty-seven shall have effect as though the words ' jointly with the Minister of Health ' were omitted therefrom ; section seventy shall have effect as though the words ' and an insurance committee may with the consent of the Minister of Health make the like subscriptions or donations ' were omitted therefrom ; section one hundred and five shall have effect as though the words ' jointly by the Minister and the Minister of Health ' were omitted therefrom, and as though for the words ' those Ministers ' there were substituted the words ' the Ministry ' ; section one hundred and forty-nine shall have effect as though the words ' on account of insurance committees' were omitted therefrom ; subsection (2) of section one hundred and sixty-three shall have effect as though paragraphs (*a*), (*c*) and (*d*) were omitted therefrom, as though for the words ' by such person, society, or insurance committee' there were substituted the words ' by any such society ', and as though for the words from ' in the manner prescribed ' to the end of the subsection there were substituted the words ' be decided in the prescribed manner by the Ministry ' ; subsection (3) of section one hundred and sixty-three shall have effect as though the words ' or the Minister of Health ' were omitted therefrom ; subsection (4) of section one hundred and sixty-three shall have effect as though the words ' jointly by the Minister and the Minister of Health ' and the words ' or the Minister of Health ' were omitted therefrom ; subsection (1) of section one hundred and eighty shall have effect as though the words ' by regulations made by the Minister of Health ' were omitted therefrom ; and subsection (2) of section one hundred and eighty shall have effect as if the words ' by the Minister of Health ' were omitted therefrom."

Section 211 ... ... In subsection (1) after the word " Ministry " there shall be inserted the words " of Health and Local Government ".

In the subsection substituted for subsection (3) of section 34 :—

After the word " regulations " there shall be inserted the words " made by the Ministry of Health and Local Government ".

The word " prescribed " in both places where that word occurs, shall be omitted.

After the word " conditions " there shall be inserted the words " prescribed by the regulations ", and after the word " period "

there shall be inserted the words " prescribed in regulations made as aforesaid ".

Section 212 ... ... For subsection (1) as amended by section 4 of the National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941, there shall be substituted the following subsection :—

" (1) All sums payable in respect of the members of approved societies and deposit contributors resident in Northern Ireland for the purposes of medical benefit and administration expenses in any year shall be paid or credited to the Ministry of Health and Local Government in such manner and at such dates in each year as shall be agreed between the Ministry and the Ministry of Health and Local Government subject to the consent of the Ministry of Finance."

After subsection (1) there shall be inserted the following subsection :—

" (1A) There shall out of the funds out of which benefits in Northern Ireland are payable under this Act be applied and credited to a separate account (called " the Medical Benefit Account ") in the Northern Ireland National Health Insurance Fund for the purpose of meeting the cost of medical benefit and any expenses incurred by the Ministry of Health and Local Government in the administration of benefits, a sum at such yearly rate as may be prescribed by regulations made jointly by the Ministry and the Ministry of Health and Local Government, but not exceeding fourteen shillings and sixpence per year in respect of each of the total number (calculated in the manner prescribed by regulations made by the Ministry) of the persons who are entitled to medical benefit as being or having been members of an approved society, and there shall for each year be debited to the Medical Benefit Account and paid or credited to the Ministry of Health and Local Government on account of the cost of medical benefit and on account of the expenses incurred by that Ministry in respect of the administration of benefits, sums not exceeding in the aggregate the sum applicable as aforesaid, and not exceeding as respects the administration expenses of the Ministry of Health and Local Government such sums as may be prescribed by regulations made jointly by the Ministry and the Ministry of Health and Local Government, in respect of each of the total number aforesaid :

Provided that, where it is not practicable to ascertain the said total number before the expiration of any year, the Ministry may make a provisional calculation in respect of that year, and the difference between the sum so calculated and the sum as finally ascertained shall, as the case may require, be added to or deducted from the amount in respect of a subsequent year."

In subsection (2) after the word " made " in the first place where that word occurs there shall be inserted the words " jointly by the Ministry and the Ministry of Health and Local Government ".

Section 213 ... ... In the section substituted for section 35 :—

In subsection (1) after the word " Ministry " there shall be inserted the words " of Health and Local Government ", and after the word " regulations " there shall be inserted the words " made by it ".

In subsection (2) after the word " regulations " there shall be inserted the words " made as aforesaid ", and after the word " prescribed " there shall be inserted the words " by the regulations ".

In the section substituted for section 36 :—

After the word " Ministry " in both places where that word occurs, there shall be inserted the words " of Health and Local Government ", and after the word " prescribed " there shall be inserted the words " by regulations made by it ".