MINISTRIES

Transfer of Functions and Adaptation of Enactments

Drainage

ORDER IN COUNCIL, DATED 21ST MARCH, 1945, MADE UNDER SECTION FOUR OF THE MINISTRIES ACT (NORTHERN IRELAND), 1944, WITH RESPECT TO THE MINISTRY OF AGRICULTURE, THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT AND THE MINISTRY OF HOME AFFAIRS.

1945. No. 35

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.

ABERCORN

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 sub-section (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 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, JAMES ALBERT EDWARD, DUKE OF ABERCORN, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of Saint Patrick, 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 Drainage Functions) Order, 1945.

(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, 1945 ;

" 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.

(4) 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.

Functions of Ministry of Agriculture and Ministry of Health and Local Government

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

(2) References to the Ministry of Home Affairs, where they occur in the enactments set out in Part I of the Schedule to this Order shall, as from the day of transfer, be construed as references to the Ministry of Agriculture except where otherwise expressly provided by this Order.

3. (1) The functions exercisable immediately before the day of transfer by the Ministry of Home Affairs under or for the purposes of the enactments set out in Part II of the Schedule to this Order shall be, and are hereby transferred as from that day to the Ministry of Health and Local Government.

Provided that so far as the functions so transferred are exercisable under or for the purposes of—

(*a*) sub-section (1) of section three of the Drainage Act (Northern Ireland), 1925 ; or