

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. *A*
 - The Drainage Act (Northern Ireland) 1929. *A*
 - The Drainage Act (Northern Ireland) 1931. *A*
 - The Drainage Act (Northern Ireland) 1933. *A*
 - 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.

PART II

Enactments relating to functions excepted from transfer

- The Public Health (Ireland) Act 1878, sections 7, 31, 36 to 38, 41, 61, 63, 71, 80, 81, 205, 226, 232 to 234, 248, 275 and 277.
- The Public Health Acts Amendment Act 1890, sections 23, 38, 49 and 52.
- The Public Health (Ireland) Act 1896, sections 17 and 22.
- The Public Health (Ireland) Act 1900.
- The Public Health Acts Amendment Act 1907, sections 15 to 33, 76 to 86 and 92.
- The Welfare Services Act (Northern Ireland) 1949, section 3.
- The Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1955, sections 1 to 3 and 7.
- The Caravans Act (Northern Ireland) 1963, sections 14, 16, 20 and 21.
- 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 or for the purposes of any other enactment relating to any functions which are not transferred by virtue of this Order.
- Any enactment in force on the transfer date which amends or extends any of the above-mentioned enactments.

SCHEDULE 3

PART I

Enactments relating to functions transferred from Ministry of Home Affairs to Ministry of Development

- ✓ The Inland Navigation Act (Ireland) 1800.
- ✓ The Bridges (Ireland) Acts 1813 to 1875.
- ✓ The Canals (Ireland) Act 1816.
- ✓ So much of the Grand Juries (Ireland) Acts 1816 to 1895 as relates to roads and bridges.
- ✓ The Towns Improvement Clauses Act 1847, sections 66, 68, 69, 70, 73 and 74 as those sections are incorporated with or applied by any other enactment (including the Roads Act (Northern Ireland) 1948).
- ✓ The Summary Jurisdiction (Ireland) Act 1851, sections 9, 10 and 14.
- ✓ The Railway and Canal Traffic Acts 1854 to 1894, so far as not included in the railway enactments within the meaning of Part II of the Schedule to the Administrative Provisions Act (Northern Ireland) 1926.
- ✓ The Tramways (Ireland) Acts 1860 to 1900.
- ✓ The Public Health (Ireland) Act 1878, sections 29, 39, 40 and 55.
- ✓ The Public Health Acts Amendment Act 1890, sections 35, 39, 40, 42 and 43.
- ✓ The Barbed Wire Act 1893.
- ✓ So much of the Local Government Acts (Northern Ireland) 1898 to 1964, as relates to roads and bridges or to the appointment, removal, qualifications, remuneration and discharge of duties of county surveyors and assistant surveyors.
- ✓ The Public Health Acts Amendment Act 1907, section 47.
- ✓ The Ministry of Transport Act 1919, except in so far as relating to harbours, docks and piers.
- ✓ The Ferries (Acquisition by Local Authorities) Act 1919.
- ✓ The Roads Act 1920.
- ✓ The Local Government (Roads) Act (Northern Ireland) 1923.

- The railway enactments within the meaning of Part II of the Schedule to the Administrative Provisions Act (Northern Ireland) 1926, and so much of that Act as relates to railways. ✓
- The Railways (Road Vehicles) Act (Northern Ireland) 1927. ✓
- The Roads Improvement Act (Northern Ireland) 1928. ✓
- The Motor Vehicles and Road Traffic Act (Northern Ireland) 1929, section 7. ✓
- The Motor Vehicles and Road Traffic Act (Northern Ireland) 1930, section 2. ✓
- The Railway and Canal Traffic (Amendment) Act (Northern Ireland) 1930. ✓
- The Drainage Act (Northern Ireland) 1933, section 8. ✓
- The Motor Vehicles and Road Traffic Act (Northern Ireland) 1934, section 46. ✓
- The Railways Act (Northern Ireland) 1934. ✓
- So much of the Road and Railway Transport Act (Northern Ireland) 1935, as remains in force on the transfer date by virtue of section 75 of the Transport Act (Northern Ireland) 1948. ✓
- The Canals and Inland Navigation Act (Northern Ireland) 1936. ✓
- The Roads Act (Northern Ireland) 1937. ✓
- The Road Transport Act (Northern Ireland) 1941. ✓
- The Clogher Valley Railway and Roads Act (Northern Ireland) 1941. ✓
- So much of section 7 of the Industries Development Act (Northern Ireland) 1945 as relates to means of communication by road, rail or water. ✓
- The Drainage Act (Northern Ireland) 1947, sections 8 and 31. ✓
- The Transport Acts (Northern Ireland) 1948 to 1962. ✓
- The Roads Act (Northern Ireland) 1948, and the enactments applied by that Act in relation to the Ministry of Commerce as a road authority. ✓
- The Transport Tribunal (First Chairman) Act (Northern Ireland) 1948. ✓
- So much of sections 6 to 10 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949, as relates to the borrowing of money in connection with highways, roads or bridges. ✓
- So much of section 33B of the Exchequer and Financial Provisions Act (Northern Ireland) 1950 as relates to ferries, canals or inland navigations. ✓
- The Erne Drainage and Development Act (Northern Ireland) 1950, sections 12 and 17. ✓
- The Transport (Special Inquiries) Act (Northern Ireland) 1951. ✓
- The Vehicles (Excise) Act (Northern Ireland) 1954, and the enactments construed as one with that Act. ✓
- The Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955, sections 14 and 15. ✓
- The Road Traffic Act (Northern Ireland) 1955, sections 23(9), 26 to 29, 72(2), so much of section 73 as relates to any of those provisions and section 74 in so far as it relates to functions which are transferred to the Ministry of Development under this Order. ✓
- So much of the Urban Drainage Act (Northern Ireland) 1957 as relates to roads, railways or bridges. ✓
- The Finance Act (Northern Ireland) 1958, section 10. ✓
- The Finance Act (Northern Ireland) 1959, section 10(4). ✓
- The Special Roads Act (Northern Ireland) 1963. ✓
- The Finance Act (Northern Ireland) 1964, section 4. ✓
- 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 Roads Act 1920, section 3(4)(a). ✓
- The Roads Improvement Act (Northern Ireland) 1928, section 13 in so far as it relates to the conducting of experiments in connection with road traffic and road safety matters. ✓
- The Roads Act (Northern Ireland) 1948, section 25 in so far as it relates to roads other than trunk roads, section 26, section 30 in so far as it relates to the issue of sums out of the Road Fund to road authorities under section 25 or the Road

- ✓ Traffic Acts (Northern Ireland) 1926 to 1964, in respect of road traffic and road safety matters on roads other than trunk roads, section 31(1)(a), so much of section 34 as relates to the functions of road authorities under sections 25 and 26 in connection with roads other than trunk roads and sections 35 and 37 in so far as they relate to road traffic and road safety matters.
- ✓ The Special Roads Act (Northern Ireland) 1963, section 17(3) to (6).
- ✓ Any enactment in force on the transfer date which amends or extends any of the above-mentioned enactments.

SCHEDULE 4

Enactments relating to functions transferred from Ministry of Labour and National Insurance to Ministry of Education

- ✓ The Unemployment Insurance Act (Northern Ireland) 1936, sections 80, 83(1) and 85.
- ✓ The Unemployment Insurance Act (Northern Ireland) 1938.
- ✓ The Youth Employment Service Act (Northern Ireland) 1961, except section 6(2) and (4).
- Any enactment in force on the transfer date which amends or extends any of the above-mentioned enactments.

SCHEDULE 5

Modifications of enactments

<i>Enactment</i>	<i>Modification</i>
The Administrative Provisions Act (Northern Ireland) 1925.	In section 5, after the entry relating to the Ministry of Commerce there shall be inserted "The expression 'Ministry of Development' shall mean the Ministry of Development for Northern Ireland" and after the entry relating to the Ministry of Labour there shall be inserted "The expression 'Ministry of Health and Social Services' shall mean the Ministry of Health and Social Services for Northern Ireland".
The Unemployment Insurance Act (Northern Ireland) 1936.	<p>In section 80, in the proviso to subsection (1) for the words "the Ministry of Education" there shall be substituted the words "the Ministry of Health and Social Services" and in subsection (2) for the words "the Ministry" there shall be substituted the words "the Ministry of Health and Social Services".</p> <p>In section 84, in subsection (1) after the words "by the Ministry" there shall be inserted "or, as the case may be, the Ministry of Education" and in subsection (3) after the words "of the Ministry" there shall be inserted the words "or, as the case may be, the Ministry of Education".</p>
The Youth Employment Service Act (Northern Ireland) 1961.	<p>In section 4(3)(c) for the words "by the Ministry" there shall be substituted the words "either by the Ministry or the Ministry of Health and Social Services".</p> <p>In section 5(2) for the words "the Ministry of Education" there shall be substituted the words "the Ministry of Health and Social Services".</p> <p>In section 7(1) after the words "as the Ministry" there shall be inserted the words "with the consent of the Ministry of Health and Social Services," for the words "by the Ministry" there shall be substituted the words "by that Ministry" and for the words "the Ministry" in the third place where they occur there shall be substituted the word "it".</p> <p>In section 7(2) for the words "the Ministry of Education" there shall be substituted the words "the Ministry of Health and Social Services".</p>

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

Under this Order the name of the Ministry of Health and Local Government will be changed to "the Ministry of Development" and the name of the Ministry of Labour and National Insurance will be changed to "the Ministry of Health and Social Services". These changes will take effect on 1st January, 1965. The Order also provides for the transfer, on the same date, of functions relating to:—

- (1) certain drainage and inland navigation matters from the Ministry of Finance to the Ministry of Agriculture;
- (2) hospitals, health and welfare from the Ministry of Health and Local Government to the Ministry of Health and Social Services;
- (3) roads, railways and public transport from the Ministry of Home Affairs to the Ministry of Development; and
- (4) the youth employment service from the Ministry of Labour and National Insurance to the Ministry of Education.

1964. No. 206

[NC]

**LANDS TRIBUNAL AND COMPENSATION ACT
(NORTHERN IRELAND) 1964**

Appointed Day

ORDER, DATED 17TH DECEMBER, 1964, MADE BY THE MINISTER OF FINANCE UNDER SECTION 23(2) OF THE LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964.

I, the Right Honourable Ivan Neill, Minister of Finance, in exercise of the powers conferred on me by section 23(2) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(a) (hereinafter referred to as "the Act") do hereby order as follows:—

1. This Order may be cited as the Lands Tribunal and Compensation Act (Appointed Day) (No. 2) Order (Northern Ireland) 1964.

2. Sections 6, 8, 10 and 21 and Schedules 1, 2 and 3 of the Act shall come into operation on 1st January, 1965.

3. The modification by the Act of section 1(1) of the Acquisition of Land Act(b) and the repeal by the Act of section 1(2) of the Acquisition of Land Act and the Referees and Arbitrators (Procedure) Act (Northern Ireland) 1922(c) shall not affect the operation of those enactments for the purposes of the reference in section 11(1) of the Mines (Working Facilities, Support, etc.) Act (Northern Ireland) 1926(d) to a member of the panel of official arbitrators appointed under the Acquisition of Land Act.

Dated this 17th day of December, 1964.

Ivan Neill,
Minister of Finance for
Northern Ireland.

(a) 1964. c. 29 (N.I.).
(b) 9 & 10 Geo. 5. c. 57.

(c) 12 & 13 Geo. 5. c. 9 (N.I.).
(d) 16 & 17 Geo. 5. c. 9 (N.I.).