

NORTHERN IRELAND DEPARTMENTS**Transfer of Functions and Adaptation of Enactments**

ORDER, DATED 29TH DECEMBER 1973, MADE BY THE SECRETARY OF STATE UNDER SECTION 4 OF THE MINISTRIES ACT (NORTHERN IRELAND) 1944.

WHEREAS by section 4 of the Ministries Act (Northern Ireland) 1944(a) 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 giving full effect to the Act, including provision for changing the name by which a department is to be styled and for such other matters as are mentioned in section 4(2) of the Act:

AND WHEREAS by subsection 1(a) of section 1 of the Northern Ireland (Temporary Provisions) Act 1972(b) it is provided that so long as that section has effect all functions which apart from that Act belong to the Governor in Council shall be discharged by the Secretary of State:

NOW, THEREFORE, the Secretary of State in exercise of the powers conferred upon him by section 4 of the Ministries Act (Northern Ireland) 1944 and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972 and of all other powers enabling him in that behalf, hereby makes the following Order:—

Title and commencement

1.—(1) This Order may be cited as the Departments (Transfer of Functions) Order (Northern Ireland) 1973.

(2) This Order, except Article 7, shall come into operation on the appointed day and Article 7 shall come into operation immediately before that day.

*Interpretation***2. In this Order—**

“appointed day” means the day appointed by an Order under section 2 of the Northern Ireland Constitution Act 1973(c) for the commencement of Part II of that Act;

“Department” includes the head of a Department;

“Ministry” includes Minister;

“transferor” and “transferee” respectively mean, in relation to any functions transferred under this Order, the Ministry from and the Department to which the functions are transferred;

(a) 1944. c. 14.

(b) 1972. c. 22.

(c) 1973. c. 36.

"transferred provision" has the meaning assigned to it by section 1 of the Interpretation Act (Northern Ireland) 1954(d).

Transfer of certain functions of Ministry of Education

3. There shall be and are hereby transferred as from the appointed day to the Department of Community Relations the functions exercisable immediately before that day by the Ministry of Education under or for the purposes of the Recreation and Youth Service (Northern Ireland) Order 1973(e) other than Article 7 and Schedule 2 and, so far as they relate to the Youth Committee or to matters relating to or in connection with the Youth Service, Articles 2, 10, 11 and 12.

Transfer of certain functions of the Ministry of Development

4. The functions exercisable immediately before the appointed day by the Ministry of Development under or for the purposes of the enactments set out in Schedule 1 shall be and are hereby transferred from that day to the Department of the Environment.

Transfer of certain functions of the Ministry of Home Affairs

5. The functions exercisable immediately before the appointed day by the Ministry of Home Affairs—

- (a) under or for the purposes of the enactments set out in Part I of Schedule 2 shall be and are hereby transferred to the Department of Health and Social Services;
- (b) under or for the purposes of the enactments set out in Part II of Schedule 2 shall be and are hereby transferred to the Department of the Environment; and
- (c) under or for the purposes of the enactment set out in Part III of Schedule 2 shall be and are hereby transferred to the Department of Commerce;
- (d) under or for the purposes of any other enactments including those set out in Part IV of Schedule 2 shall be and are hereby, except as otherwise provided by any order made under section 39 of the Northern Ireland Constitution Act 1973, transferred to the Department of Finance.

Transfer of certain functions of the Ministry of Health and Social Services

6.—(1) The functions exercisable immediately before the appointed day by the Ministry of Health and Social Services under or for the purposes of the enactments set out in Schedule 3 or in connection with fair wages clauses in contracts shall be and are hereby transferred to the Department of Manpower Services.

(2) In sections 4(3)(c) and 7(2) of the Youth Employment Service Act (Northern Ireland) 1961(f) after the words "Social Services" there shall be inserted the words "or the Ministry of Manpower Services".

Change in style of the Ministry of Development

7.—(1) The Ministry of Development may be styled the Ministry of Housing, Local Government and Planning for Northern Ireland and a corresponding change may be made in the title of the Minister of Development.

(d) 1954. c. 33.

(e) S.I. 1973, No. 961 (N.I. 12).

(f) 1961. c. 8 (N.I.).

(2) In section 5 of the Administrative Provisions Act (Northern Ireland) 1925(g) after the entry relating to the Ministry of Manpower Services there shall be inserted "The expression "Ministry of Housing, Local Government and Planning" shall mean the Ministry of Housing, Local Government and Planning for Northern Ireland".

Change in style of the Department of the Prime Minister

8. The Department of the Prime Minister of Northern Ireland shall be styled the Office of the Executive of Northern Ireland.

References in enactments etc.

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 transferred provision, judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the appointed day, 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 appointed day, 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 appointed day 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 appointed day 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 assets and liabilities

10. All property, rights and liabilities held, enjoyed or incurred before the appointed day by a transferor in connection with the functions transferred to the transferee by this Order shall be transferred to the transferee as from the appointed day; and accordingly, as from that day, 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) 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.

(2) The Notification entitled "Assignment of Functions to Departments" issued by the Lord Lieutenant of Ireland on 7th June 1921 and altered by subsequent enactments and the Ministries of Northern Ireland Act [N.I.] 1921(h) shall have effect subject to this Order.

Dated this 29th day of December 1973.

Francis Pym,
One of Her Majesty's Principal
Secretaries of State.

SCHEDULES

SCHEDULE I

Article 4

Enactments relating to functions transferred from the Ministry of Development to the Department of the Environment

- Bridges (Ireland) Acts 1813 to 1875
So much of the Grand Juries (Ireland) Acts 1816 to 1895 as relates to roads and bridges
Towns Improvement Clauses Act 1847, sections 66, 68, 69, 70, 73 and 74 as those sections are incorporated with or applied by any other transferred provision (including the Roads Act (Northern Ireland) 1948)
Summary Jurisdiction (Ireland) Act 1851, sections 9, 10 and 14
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
Towns Improvement (Ireland) Act 1854, sections 36 to 41, 51, 55 (in so far as it relates to roads), 88 and 92
Tramways (Ireland) Acts 1860 to 1900
Public Health (Ireland) Act 1878, sections 11, 29, 38 to 42, 47, 52 to 55, 57, 58, 80 (so far as it relates to street lighting), 122, 126, 129, 217, 218, 251, 255, 260, 268 and 273 and, so far as they relate to functions which are transferred to the Department of the Environment under this Order, sections 209 to 215, 268, 272, 276 and 278
Housing of the Working Classes Act 1885, sections 9 and 10
Public Health Acts Amendment Act 1890, sections 23 (in so far as it relates to the laying out of new streets), 35, 39, 40, 42 and 43
Barbed Wire Act 1893
Local Government Acts (Northern Ireland) 1898 to 1971 in so far as they relate to roads and bridges
Alkali etc. Works Regulation Act 1906
Public Health Acts Amendment Act 1907, sections 7, 11, 12, 15-18, 20, 28, 29, 31, 39, 47 and 78.
Ministry of Transport Act 1919, except in so far as it relates to harbours, docks, piers, canals, waterways and inland navigation
Ferries (Acquisition by Local Authorities) Act 1919
Roads Act 1920
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
Roads Improvement Act (Northern Ireland) 1928
Railways Act (Northern Ireland) 1934
Roads Act (Northern Ireland) 1937
Clogher Valley Railway and Roads Act (Northern Ireland) 1941
Water Supplies and Sewerage Act (Northern Ireland) 1945
Development Services Act (Northern Ireland) 1948
Roads Act (Northern Ireland) 1948
Road Races Act (Northern Ireland) 1950
Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955, sections 2(1)(a) and 14
Road Traffic Act (Northern Ireland) 1955
Radioactive Substances Act 1960
Special Roads Act (Northern Ireland) 1963
Clean Air Act (Northern Ireland) 1964
Road Traffic Act (Northern Ireland) 1964
Private Streets Act (Northern Ireland) 1964 except sections 1 and 2
Roads (Liability of Road Authorities for Neglect) Act (Northern Ireland) 1966
Transport Act (Northern Ireland) 1967
Local Government and Roads Act (Northern Ireland) 1968 so far as it relates to roads.

Motor Vehicles and Refuse (Disposal) Act (Northern Ireland) 1969
Road Traffic Act (Northern Ireland) 1970
Lough Neagh Drainage (Amendment) Act (Northern Ireland) 1970
Transport (Amendment) Act (Northern Ireland) 1971
Aerodromes Act (Northern Ireland) 1971
Water Act (Northern Ireland) 1972
Planning (Northern Ireland) Order 1972, Articles 31, 37, 82 to 87 and Schedule 2.
Water and Sewerage Services (Northern Ireland) Order 1973
Any enactment in force on the appointed day amending or extending the above-mentioned enactments and so much of any transferred provision in force on the appointed day as confers functions on the Ministry of Development for the purposes of the above-mentioned enactments

SCHEDULE 2

Article 5

Enactments relating to functions transferred from the Ministry of Home Affairs

PART I

Enactments relating to functions transferred to the Department of Health and Social Services

Anatomy Act 1832
Cruelty to Animals Act 1876
Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1967
Hydrogen Cyanide (Fumigation) Act (Northern Ireland) 1938
Therapeutic Substances Act 1956
Adoption Act (Northern Ireland) 1967
Medicines Act 1968
Children and Young Persons Act (Northern Ireland) 1968 subject to the provisions of the Northern Ireland (Modification of Enactments—No. 1) Order 1973.
Adoption (Hague Convention) Act (Northern Ireland) 1969.
Misuse of Drugs Act 1971
Health and Personal Social Services (Northern Ireland) Order 1972
Any enactment in force on the appointed day amending or extending the above-mentioned enactments and so much of any transferred provision in force on the appointed day as confers functions on the Ministry of Home Affairs for the purposes of the above-mentioned enactments

PART II

Enactments relating to functions transferred to the Department of the Environment

Cinematograph Act 1909
Uniformity of Laws Act (Northern Ireland) 1922, Schedule 5
Char-a-banc Regulation Act (Northern Ireland) 1924
Petroleum (Consolidation) Act (Northern Ireland) 1929
Radioactive Substances Act 1948
Road Races Act (Northern Ireland) 1950
Motor Vehicles (International Circulation) Act 1952
Cinematograph Act (Northern Ireland) 1959
Radioactive Substances Act 1960
Road Traffic Act (Northern Ireland) 1964
Fire Services Act (Northern Ireland) 1969
Road Traffic Act (Northern Ireland) 1970
Fire Services (Northern Ireland) Order 1973
Any enactment in force on the appointed day amending or extending the above-mentioned enactments and so much of any transferred provision in force on the appointed day as confers functions on the Ministry of Home Affairs for the purposes of the above-mentioned enactments

PART III

Enactments relating to functions transferred to the Department of Commerce

Consumer Protection Act (Northern Ireland) 1965
Any enactment in force on the appointed day amending or extending the above-mentioned enactment and so much of any transferred provision in force on the appointed day as confers functions on the Ministry of Home Affairs for the purposes of the above-mentioned enactment

PART IV

Enactments relating to functions transferred to the Department of Finance

Municipal Corporations (Ireland) Act 1840
Street Trading (Regulation) Act (Northern Ireland) 1929
Moneylenders Acts (Northern Ireland) 1900 to 1969
Shops Act (Northern Ireland) 1946
Dog Races (Restriction) Act (Northern Ireland) 1946
House to House Charitable Collections Act (Northern Ireland) 1952
Betting and Lotteries Act (Northern Ireland) 1957
Registration of Clubs Act (Northern Ireland) 1967
Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971
Licensing Act (Northern Ireland) 1971 except section 51
Any enactment in force on the appointed day amending or extending the above-mentioned enactments and so much of any transferred provision in force on the appointed day as confers functions on the Ministry of Home Affairs for the purposes of the above-mentioned enactments

SCHEDULE 3

Article 6

Enactments relating to functions transferred from the Ministry of Health and Social Services to the Department of Manpower Services

Truck Acts (Northern Ireland) 1831 to 1940
Trade Union Acts (Northern Ireland) 1871 to 1965
Conciliation Act 1896
Industrial Courts Act 1919
Anthrax Prevention Act 1919
Employment of Women, Young Persons and Children Act 1920
Hours of Employment (Conventions) Act 1936
Disabled Persons (Employment) Act (Northern Ireland) 1945
Wages Councils Act (Northern Ireland) 1945
Safeguarding of Employment Act (Northern Ireland) 1947
Employment and Training Act (Northern Ireland) 1950
Trading Representations (Disabled Persons) Act (Northern Ireland) 1958
Disabled Persons (Employment) Act (Northern Ireland) 1960
Youth Employment Service Act (Northern Ireland) 1961, section 5(2) and section 7(1) so far as it relates to the exercise of functions under the Disabled Persons (Employment) Acts (Northern Ireland) 1945 and 1960.
Transport Act 1962
Terms and Conditions of Employment Act (Northern Ireland) 1963
Industrial Training Act (Northern Ireland) 1964
Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965
Factories Act (Northern Ireland) 1965
National Insurance Act (Northern Ireland) 1966, section 21(3)(e)
National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, section 25(2)(c) and, so far as it relates to the expenses of the Ministry, section 68
Office and Shop Premises Act (Northern Ireland) 1966
Selective Employment Payments Acts (Northern Ireland) 1966 and 1967
Transport Act (Northern Ireland) 1967
Post Office Act 1969
Equal Pay Act (Northern Ireland) 1970
Payment of Wages Act (Northern Ireland) 1970
Industrial Relations Act 1971
Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972
Electricity Supply (Northern Ireland) Order 1972, Article 41
Finance (Northern Ireland) Order 1972, Part V
Enterprise Ulster (Northern Ireland) Order 1973
Counter-Inflation Act 1973

Any enactment in force on the appointed day amending or extending the above-mentioned enactments and so much of any transferred provision in force on the appointed day as confers functions on the Ministry of Health and Social Services for the purposes of the above-mentioned enactments.

EXPLANATORY NOTE

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

This Order transfers certain functions of the Ministries of Education, Development, Home Affairs and Health and Social Services to other Departments and provides that the Ministry of Development may be styled the Ministry of Housing, Local Government and Planning and that the Department of the Prime Minister of Northern Ireland shall be styled the Office of the Executive of Northern Ireland.