



# Administrative Provisions Act (Northern Ireland) 1926<sup>F1</sup>

## 1926 CHAPTER 4

An Act to make provision with respect to the administration of the public services transferred to the Government of Northern Ireland by virtue of the Ireland (Confirmation of Agreement) Act, 1925, and for purposes connected therewith. [30th March 1926]

**F1** Functions transf.(in relation to railways) by SR 1999/481; (in relation to fisheries) SRO (NI) 1963/29

### *General Provisions as to Transferred Powers*

#### **1 Exercise of executive powers of Council of Ireland.**

- (1) The powers which, in pursuance of sub-section (2) of section ten of the Government of Ireland Act, 1920<sup>M1</sup>, as amended by the Ireland (Confirmation of Agreement) Act, 1925<sup>M2</sup>, become, as from the first day of April, nineteen hundred and twenty-six (in this Act referred to as “the appointed day”), powers of the Government of Northern Ireland shall, subject to the provisions of this Act, be exercisable as follows:—
  - (a) the powers with respect to railways and fisheries shall be exercisable by the Ministry of Commerce;
  - (b) the powers with respect to the contagious diseases of animals shall be exercisable by the Ministry of Agriculture.
- (2) The provisions of the<sup>F2</sup> Departments (Northern Ireland) Order 1999 and of any other enactment<sup>F2</sup> making general provision with respect to the administration of public services by departments and officers of the Government of Northern Ireland shall apply, in connection with the exercise of powers and the performance of duties to which this section relates, to the exclusion of any corresponding provisions contained in the enactments applicable in connection therewith immediately before the appointed day.
- (3) The enactments relating to or affecting Irish services in connection with railways, fisheries . . .<sup>F3</sup>, and in force immediately before the appointed day, shall, in their

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application to Northern Ireland, have effect subject to the provisions of this Act, and, in particular, subject to the adaptations and modifications set out in the Schedule to this Act, and to such further adaptations and modifications (if any) as may be made in those enactments by the Governor of Northern Ireland in Council for the purpose of giving full effect to this Act.

F2 1999 NI 1

F3 SLR 1973

**Marginal Citations**

M1 1920 c. 67

M2 1925 c. 77

*S.2 rep. by 1926 c.27 (NI); 1939 c.24 (NI)**Railway Matters***3 Saving for powers as to transit of animals and produce.***Subs.(1) rep. in pt. by SLR 1973; residue spent*

- (2) The Ministry of Agriculture, in the exercise of any of its powers so far as they relate to the transit of animals and produce, shall act in consultation with the Ministry of Commerce.

*S.4 rep. by 1948 c.11 (NI)***5 Grants for purposes of light railways.**

The Ministry of Commerce may, subject to the approval of the Ministry of Finance, make grants out of any moneys provided by Parliament for any purposes of the Tramways (Ireland) Acts, 1860 to 1900, for which, before the appointed day, grants could have been made by or under the authority of the Treasury of the United Kingdom.

Grants made under this section shall be subject to the same conditions and limitations as were applicable to grants made for any of the said purposes before the appointed day.

**6 Saving for Railway and Canal Commission.**

Nothing in this Act shall be construed as making fresh provision with respect to the powers of the Railway and Canal Commission in Northern Ireland.

*Fishery Matters**Ss. 7, 8 rep. by 1966 c.17 (NI)***9 Grants in aid of fisheries.**

The Ministry of Commerce may, subject to the approval of the Ministry of Finance, make grants out of any moneys provided by Parliament for any purposes in connection with fisheries for which, under the enactments relating thereto, grants could before the appointed day have been made by the Secretary of State.

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Grants made under this section shall be subject to the same conditions and limitations as were applicable to grants made for any of the said purposes before the appointed day.

*S. 10 rep. by 1953 c.16 (NI)*

*S. 11 rep. by 1953 c.16 (NI); 1959 c.2 (NI)*

*S. 12 rep. by 1934 c.2 (NI); 1953 c.16 (NI); 1958 c.13 (NI); SRO (NI) 1973/343; 1975 NI 12*

*S. 13 rep. by 1953 c.16 (NI)*

*S. 14 rep. by SLR (NI) 1952*

### *Supplemental*

## **15 Short title.**

(1) This Act may be cited as the Administrative Provisions Act (Northern Ireland), 1926.

*Subs.(2) rep. by SLR (NI) 1952*

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## SCHEDULE

Section 1(3).

### PART I

#### *General Adaptations*

- 1 (1) The enactments to which the several Parts of this Schedule hereinafter contained apply shall have effect, in their application to Northern Ireland, subject to the adaptations and modifications set out in this Schedule, save where inconsistent with the provisions of this Act or the Government of Ireland Act, 1920, or any enactment amending the same.
- (2) Subject to the express adaptations and modifications made by this Schedule, the General Adaptation of Enactments (Northern Ireland) Order, 1921, and any other Order made by His Majesty in Council under the Government of Ireland Act, 1920, or any enactment amending the same, containing adaptations of general application, shall, if and so far as they are applicable to the enactments adapted by this Schedule, apply thereto in like manner as they apply to other enactments.
- (3) The adaptations and modifications made by this Schedule shall apply to any order, scheme, rule, regulation or instrument made or issued under any of the enactments so adapted or modified and in force as respects Northern Ireland immediately before the appointed day, in like manner as they apply to the enactment under which it was made or issued: and any such order, scheme, rule, regulation or instrument shall continue in force as respects Northern Ireland in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so adapted and modified.
- 2 References in this Act to any department of the Government of the United Kingdom shall be construed as including references to the Secretary of State, in any case where immediately before the appointed day the powers and duties of that department were, as respects Northern Ireland, exercisable by the Secretary of State in pursuance of an Order of His Majesty in Council.

### PART II

#### *Railway Enactments*

- 3 This Part of this Schedule applies to the enactments relating to or affecting Irish services in connection with railways (in the said Part referred to as “the railways enactments”).
- 4 In the railway enactments—
  - (a) references to the Board of Trade, to the Minister of Transport, or to any department or officer of such Board or Minister, shall (subject to the provisions of paragraph (b) of this Article) be construed as references to the Ministry of Commerce or to the corresponding department or officer (if any) attached to that Ministry;
  - (b) references to the Minister of Transport or the Commissioners of Public Works in Ireland shall, if they occur in relation to the making or repayment of any advance or loan, be construed as references to the Ministry of

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Finance, and in any other case shall be construed as references to the Ministry of Commerce.

*Para.5 rep. by SLR 1973*

- 6 In any case where, under any provisions of the Tramways (Ireland) Acts, 1860 to 1900, as originally enacted, or amended by subsequent provisions of those Acts, an Order made by the Lord Lieutenant in Council would have required confirmation by Parliament, the Order of the Ministry of Commerce shall not become operative unless and until it has been approved by a resolution passed by both Houses of Parliament.

### PART III

#### *Fishery Enactments*

- 7 This Part of this Schedule applies to the enactments relating to or affecting Irish services in connection with fisheries (in the said Part referred to as “the fishery enactments”).
- 8 In the fishery enactments references to the Department of Agriculture and Technical Instruction for Ireland shall, except as otherwise expressly provided by this Act, be construed as references to the Ministry of Commerce;
- Provided that nothing in this Article shall apply to references to the said Department, where they occur in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws.
- 9 References in the fishery enactments to any officer or constable of the Royal Irish Constabulary shall be construed as references to the officer or constable, by whatever title designated, of the Royal Ulster Constabulary, having corresponding rank and functions.

*Part. IV rep. by 1958 c.13 (NI); 1959 c.2 (NI)*

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