

Boards of Guardians to Welfare Authorities

ORDER, DATED 13TH FEBRUARY, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION EIGHT OF THE PUBLIC HEALTH AND LOCAL GOVERNMENT (ADMINISTRATIVE PROVISIONS) ACT (NORTHERN IRELAND), 1946.

1948. No. 21

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred upon it by section eight of the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946 (in this Order referred to as "the Act"), hereby orders as follows :—

1.—(1) This Order may be cited as the Public Health and Local Government (Transfer of Functions) Order (Northern Ireland), 1948.

(2) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say —

"appointed day" means the first day of April, 1948 ;

"hospital" means any institution for the reception and treatment of persons suffering from illness or mental deficiency, any maternity home or any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation ;

"medical relief" means relief administered in a hospital ;

"transferor" means the board of guardians of a poor law union ;

"transferee" means the welfare authority for the area in which the area or part of the area of the transferor is situate as the case may require.

(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.

2. The functions exercisable immediately before the appointed day by a transferor relative to relief in a workhouse (not being medical relief) of any person or persons, except vagrants, under the enactments set forth in the Schedule to this Order shall, as from the appointed day, be transferred to the transferee.

3. As from the date of this Order the functions of a transferor under section thirty-four and sub-section (26) of section one hundred and thirty-three of the Children Act, 1908 shall be and are hereby transferred to the transferee, and the provisions of this Order shall apply to those enactments.

4.—(1) As from the appointed day, in the construction and for the purposes of the enactments set forth in the Schedule to this Order, and in their application to the functions transferred by this Order :—

- (a) any reference which may be construed as a reference to a transferor shall be construed as a reference to the transferee ;
- (b) any reference which may be construed as a reference to the clerk of a transferor shall be construed as a reference to the secretary of the transferee ; and
- (c) any reference which may be construed as a reference to a relieving officer of a transferor shall be construed as a reference to the welfare officer of or other officer authorised in that behalf by the transferee.

(2) As from the appointed day 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.

5. The following provisions of this Article shall apply in relation to the functions transferred by this Order :—

(1) In the construction and for the purposes of any judgement, decree, award, deed, contract, byelaw, certificate or other document passed or made before the appointed day any reference which may be construed as a reference to a 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.

(2) The transfer shall not affect any order, regulation, rule, direction, instruction, approval, requirement or authorisation made or given or other thing done by a 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.

(3) Anything commenced before the appointed day by or on behalf of a transferor may, as far as it relates to any function transferred, be carried over and completed by the transferee.

(4) Where at the appointed day any legal proceeding is pending to which a transferor is a party and the proceeding has reference to any function transferred, the name of the transferee shall be substituted in the proceeding for the name of the transferor and the proceeding shall not abate by reason of the substitution.

6.—(1) Any adjustment relating to assets, rights or liabilities of a transferor or to services to be provided by a transferor consequent upon the transfer of functions by this Order shall be the subject of agreements to be entered into by the transferor and the transferee, with the approval of the Ministry.

(2) In default of agreement as aforesaid in relation to any adjustment which either a transferor or a transferee deems necessary in consequence of the transfer of functions by this Order the matter in dispute shall be determined by the Ministry.

7. The provisions of section thirteen of the Act shall, as from the appointed day, extend and be applicable to any person designated by the transferee and employed immediately before the appointed day by a transferor partly for the purposes of the functions transferred by this Order and partly for other purposes :

Provided that this Article shall, if the transferee so determines and the Ministry approves, apply the provisions of the said section thirteen to the whole of the employment of that person for the purposes of any of the functions of the transferor transferable to the transferee under the Act.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this Thirteenth day of February, One thousand nine hundred and forty-eight, in the presence of

(L.S.)

L. G. P. Freer,
Secretary.

SCHEDULE

- The Poor Relief (Ireland) Act, 1838, sections 41, 50, 56 and 57.
- The Poor Relief (Ireland) Act, 1843, section 14.
- The Poor Relief (Ireland) Act, 1847, sections 1, 3 and 7.
- The Poor Law (Ireland) Act, 1848, section 1.
- The Eviction (Ireland) Act, 1848.
- The Poor Relief (Ireland) Act, 1862, section 8.
- The Poor Afflicted Persons Relief (Ireland) Act, 1878, sections 3 and 5.
- The Poor Law Act, 1889, section 1.
- The Poor Law (Ireland) Act, 1892, section 2.
- The Merchant Shipping Act, 1894, section 183.
- The Pauper Children (Ireland) Act, 1898, sections 2 and 3.
- The Poor Law Act, 1899, section 3.
- The Poor Removal Act, 1900, section 1.
- The Children Act, 1908, sub-section (11) of section 74 and section 126.
- The Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924, sub-section (2) of section two.
- The Criminal Justice Act (Northern Ireland), 1933, section 4.
- The Local Government Act (Northern Ireland), 1934, section 37.
- The Unemployment Act (Northern Ireland), 1934, article 2 of the sixth schedule.
- The Poor Relief (Amendment) Act (Northern Ireland), 1937, section 2.

Boards of Guardians to Health Authorities

Dispensary Midwifery Service

ORDER, DATED 30TH JUNE, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION TWO OF THE PUBLIC HEALTH AND LOCAL GOVERNMENT (ADMINISTRATIVE PROVISIONS) ACT (NORTHERN IRELAND), 1946.

1948. No. 173

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred upon it by section two of