

## EXPLANATORY NOTE

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

This Order which comes into operation on 18th May, 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Shirtmaking Wages Regulation Order (Northern Ireland) 1962 (Order N.I.S. (62)), which Order is revoked.

New provisions in the Schedule are printed in italics.

1964. No. 67

[C]

## MINISTRIES OF NORTHERN IRELAND

## Transfer of Functions and Adaptation of Enactments

ORDER IN COUNCIL\*, DATED 27TH APRIL, 1964, MADE UNDER SECTION 4 OF THE MINISTRIES ACT (NORTHERN IRELAND) 1944, WITH RESPECT TO THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT AND THE MINISTRY OF EDUCATION.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

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 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 section 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:

(a) 1944. c. 14.

\*A draft of this Order in Council was laid before the House of Commons on 28th January, 1964, and before the Senate on 4th February, 1964, and lay for the statutory period.

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 1 or section 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 de Vere, Baron Wakehurst, Knight of the Most Noble Order of the Garter, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, 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 4 of the Act, do hereby order as follows:—

### *General*

1.—(1) This Order may be cited as the Ministries (Transfer of Functions) Order (Northern Ireland) 1964.

(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 May, 1964;

“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) 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.

### *Transfer of certain Functions of Ministry of Health and Local Government*

2.—(1) The functions exercisable immediately before the day of transfer by the Ministry of Health and Local Government under or for the purposes of the enactments set out in the Schedule shall be, and are hereby, transferred as from that day to the Ministry of Education.

(2) The Notification entitled “Assignment of Functions to Departments” issued by the Lord Lieutenant of Ireland on the seventh day of June, 1921, and altered by subsequent enactments, shall, so far as it relates to the Ministry of Health and Local Government or the Ministry of Education, have effect subject to the provisions of this Order.

### *Transfer of Functions, Property, Rights and Liabilities*

3.—(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 Schedule), judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the day of transfer, 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 day of transfer, 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 day of transfer, 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 day of transfer 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.

4. All property, rights and liabilities held, enjoyed or incurred before the day of transfer by the transferor in connection with the functions transferred to the transferee by this Order shall be transferred to the transferee as from the day of transfer; 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*

5. 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 27th day of April, 1964.

*John L. O. Andrews*  
*Ivan Neill*  
*William J. Morgan*  
*Glentoran*

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#### SCHEDULE

##### **Enactments relating to functions transferred from Ministry of Health and Local Government to Ministry of Education**

The Public Libraries Acts (Northern Ireland) 1855 to 1924.

So much of section 221 of the Public Health (Ireland) Act 1878 as relates to the confirmation of byelaws made under the Public Libraries Acts (Northern Ireland) 1855 to 1924.

The Museums and Gymnasiums Act 1891.

So much of section 18 of the Local Government Act (Northern Ireland) 1934 as relates to the appointment, removal, qualifications, salaries and remuneration of officers appointed under the Public Libraries Acts (Northern Ireland) 1855 to 1924.

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#### EXPLANATORY NOTE

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

This Order in Council provides for the transfer from the Ministry of Health and Local Government to the Ministry of Education of functions relating to public libraries and museums.