

1972. No. 253

[C]

MINISTRIES OF NORTHERN IRELAND**Transfer of Functions and Adaptation of Enactments**

ORDER, DATED 2ND OCTOBER 1972, 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 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 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 or to the Governor in Council shall be discharged by the Secretary of State:

NOW, THEREFORE, I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred on me by section 4 of the Ministries Act (Northern Ireland) 1944 and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972 and all other powers enabling me in that behalf, do hereby order as follows:—

General

1.—(1) This Order may be cited as the Ministries (Transfer of Functions) (No. 3) Order (Northern Ireland) 1972.

(2) In this Order—

“first transfer date” means 1st day of November 1972;

“Ministry” includes a Minister;

“second transfer date” means the appointed day for the purposes of section 52 of the Medicines Act 1968(c);

“transfer date” means the first or second transfer date, as the case may require;

“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.

(a) 1944. c. 14.
(b) 1972. c. 22,

(c) 1968. c. 67.

Transfer of certain functions of Ministry of Home Affairs

2.—(1) The functions exercisable immediately before the first transfer date by the transferor 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 transferee.

(2) Notwithstanding anything in paragraph (1), the functions exercisable immediately before the first transfer date under or for the purposes of the enactments set out in Part II of Schedule 1 shall, to the extent specified in that Part, continue to be exercisable by the transferor until the second transfer date.

(3) Notwithstanding anything in paragraph (1), the functions exercisable immediately before the second transfer date under or for the purposes of the enactments set out in Part III of Schedule 1 shall, to the extent specified in that Part, continue to be exercisable by the transferor after the second transfer date.

Effect of Order

3. 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.

Modification of enactments

4.—(1) The enactments referred to in Schedule 2 shall have effect subject to the modifications specified in relation thereto in column 2 of that Schedule.

(2) Paragraph (1) shall come into operation on the second transfer date.

Construction of certain references, etc.

5.—(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 Schedule 1), judgment, decree, order, award, deed, contract, regulation, rule, bye-law, certificate or other document passed or made before the transfer date, any reference to, or anything 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 liabilities and assets

6. 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.

Dated this 2nd day of October 1972.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

SCHEDULE 1

PART I

Enactments relating to functions transferred from the Ministry of Home Affairs to the Ministry of Health and Social Services~~The Pharmacy and Poisons Act (Northern Ireland) 1925(d)~~~~The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945(e)~~~~The Pharmacy and Poisons Act (Northern Ireland) 1955(f)~~~~The Pharmacy Act (Northern Ireland) 1967(g)~~

PART II

Enactments relating to functions excepted from transfer until second transfer date

 The Pharmacy and Poisons Act
(Northern Ireland) 1925

Section 8 in so far as it relates to an inspector for the purposes of the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1967.

Section 25.

Section 27(1) in so far as it relates to the salary and expenses of such an inspector and to the expenses of the Ministry under so much of the said Act of 1925 as confers functions on the Ministry which may be exercised by it after the coming into operation of this Part.

The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945

Parts III and IV.

The Pharmacy and Poisons Act (Northern Ireland) 1955

Section 13 in so far as it relates to the appointment of an additional inspector or inspectors for the purposes referred to above.

(d) 15 & 16 Geo. 5. c. 8 (N.I.).
(e) 1945. c. 9.(f) 1955. c. 31.
(g) 1967. c. 12 (N.I.).

PART III

Enactments relating to functions excepted from transfer after second transfer date

<p>The Pharmacy and Poisons Act (Northern Ireland) 1925</p>	<p>Section 8, as respects an inspector for the purposes of so much of the Pharmacy and Poisons Act (Northern Ireland) 1925 to 1967 as relates to non-medicinal poisons within the meaning of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.</p> <p>Section 25.</p> <p>Section 27(1) in so far as it relates to the salary and expenses of such an inspector and to the expenses of the Ministry under so much of the said Act of 1925 as confers functions on the Ministry which may be exercised by it after the coming into operation of this Part.</p>
<p>The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945</p>	<p>Sections 26 and 26A.</p> <p>Sections 29, 30 and 32 and Part IV in so far as they relate to non-medicinal poisons or any inspector for the purpose referred to above in this Part.</p>
<p>The Pharmacy and Poisons Act (Northern Ireland) 1955</p>	<p>Section 13 in so far as it relates to the appointment of an additional inspector or inspectors for the purposes referred to above in this Part.</p>

SCHEDULE 2

Modifications of enactments

Enactment	Modification
The Pharmacy and Poisons Act (Northern Ireland) 1925	In section 23 for from "Act to the Inspector" onwards substitute "Act to the Inspector appointed by the Minister of Health and Social Services and also to the divisional commander in each police division, and each divisional commander shall report to the Inspector appointed by the Minister of Health and Social Services any offence against the provisions of this Act (except an offence specified in section 25) committed within his division and shall report to the Inspector appointed by the Minister of Home Affairs any offence specified in section 25 or against Part III of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 committed within his division".
The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945	In section 26(2) for "the pharmaceutical Inspector for the time being of the Ministry of Home Affairs" substitute "the Inspector for the time being appointed by the Minister of Home Affairs under section 8 of the Act of 1925".
The Interpretation Act (Northern Ireland) 1954(h)	In section 43(2)— (a) in the definitions of "Pharmacy Inspector" and "Pharmacy Registrar" after "appointed" insert "by the Minister of Health and Social Services"; (b) after those definitions insert—"Poisons Inspector" means the Inspector appointed by the Minister of Home Affairs under section 8 of the Pharmacy and Poisons Act (Northern Ireland) 1925.
The Diseases of Animals Act (Northern Ireland) 1958(j)	For section 32A(2)(h) substitute— "(h) a pharmacy inspector or poisons inspector or a person acting in accordance with the directions of any such inspector".

(h) 1954. c. 33.

(j) 1958. c. 13.

EXPLANATORY NOTE

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

This Order provides for the transfer from the Ministry of Home Affairs to the Ministry of Health and Social Services of functions relating to the control of medicinal products for human and veterinary use.