

1973. No. 128

[C]

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

ORDER, DATED 14TH APRIL 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) (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 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, the Secretary of State, in exercise of the powers conferred on him by section 4 and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972 and all other powers enabling him in that behalf, does hereby order as follows:—

*General*

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

(2) In this Order—

"fishery harbour" means any transferred harbour within the meaning of the Northern Ireland Fishery Harbour Authority Order (Northern Ireland) 1973(c) and any other harbour for which the Northern Ireland Fishery Harbour Authority is established as the harbour authority by an order made by the Ministry of Commerce under section 1 of the Harbours Act (Northern Ireland) 1970(d);

"Ministry" includes a Minister;

"transferor" and "transferee" mean respectively the Ministry of Commerce and the Ministry of Agriculture;

"transfer date" means 17th April 1973.

(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) S. R. & O. (N.I.) 1973, No. 35.  
(d) 1970. c. 1 (N.I.).

*Transfer of certain functions of Ministry of Commerce*

2. The functions exercisable immediately before the transfer date by the transferor under or for the purposes of the enactments set out in the Schedule shall be, and are hereby, transferred as from that date to the transferee so far as those functions relate to any fishery harbour, but subject to any provision of the Schedule as to the extent of the functions so transferred.

*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 the transferor or transferee have effect subject to this Order.

*Construction of certain references, etc.*

4.—(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, rule, byelaw, 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 assets and liabilities*

5. 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 14th day of April 1973.

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

## SCHEDULE

## Article 2

**Enactments relating to functions transferred from the Ministry of Commerce to the Ministry of Agriculture**

The Public Harbours Act 1806(e).

The Harbours Act 1814(f).

The Harbours, Docks, and Piers Clauses Act 1847(g).

The Harbours Transfer Act 1862(h) insofar as it relates to harbours, docks and piers or works connected therewith.

The Ministry of Transport Act 1919(i) insofar as it relates to harbours, docks and piers.

The Administrative Provisions Act (Northern Ireland) 1925(j) insofar as it relates to the administration in Northern Ireland of Irish services in connection with harbours, docks and piers.

The Harbours Act (Northern Ireland) 1970 except Part II thereof.

Any enactment in force on the day of transfer amending or extending any of the above-mentioned enactments.

The Northern Ireland Fishery Harbour Authority Order (Northern Ireland) 1973 except Articles 7(2) and 12.

The transfer of functions under section 1 of the Harbours Act (Northern Ireland) 1970 does not include any function in consequence of the exercise of which a harbour which is not a fishery harbour becomes a fishery harbour.

(e) 46 Geo. 3. c. 153.

(f) 54 Geo. 3. c. 159.

(g) 10 & 11 Vict. c. 27.

(h) 25 & 26 Vict. c. 69.

(i) 9 & 10 Geo. 5. c. 50.

(j) 15 & 16 Geo. 5. c. 3 (N.I.).

**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 Commerce to the Ministry of Agriculture of functions relating to fishery harbours.