

- So much of the Towns Improvement (Ireland) Act, 1854 (as amended by the Char-a-banc Regulation Act (Northern Ireland), 1924) as relates to the regulation of vehicles.
- The Municipal Privilege Act (Ireland), 1876.
- So much of the Local Government Acts (Northern Ireland), 1898 to 1940, as relates to roads and bridges.
- The Local Government (Roads) Act (Northern Ireland), 1923.
- So much of section one hundred and one of the Education Act (Northern Ireland), 1923, as relates to the confirmation of byelaws made under Part VII of that Act.
- So much of any enactment amending or extending any of the enactments mentioned in Part I of this Schedule as relates to functions not transferred to the Ministry of Health and Local Government.

ORDER IN COUNCIL, DATED 15TH DECEMBER, 1944, MADE UNDER SECTION FOUR OF THE MINISTRIES ACT (NORTHERN IRELAND), 1944, WITH RESPECT TO THE MINISTRY OF COMMERCE, THE MINISTRY OF HOME AFFAIRS AND THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT.

1944. No. 111.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.

#### A B E R C O R N

WHEREAS by section four of the Ministries Act (Northern Ireland), 1944, (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; 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 sub-section (2) of section four of the Act; and that any Order in Council made under the said section may be varied or revoked by a subsequent Order in Council so made:

AND WHEREAS by sub-section (5) of the said section four it is provided that the said Governor shall not be recommended to make an Order in Council under the said section four (other than an Order in Council made for the purposes of section one or section two 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:

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 one or section two 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, JAMES ALBERT EDWARD, DUKE OF ABERCORN, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of Saint Patrick, 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 four of the Act, do hereby order as follows :—

*General.*

1. (1) This Order may be cited as the Ministries (Transfer of Functions) (No. 3) Order, 1944.

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

“ day of transfer ” means the day on which this Order is made ;

“ 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) 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.

(4) This Order shall have effect subject to the provisions of any Order in Council which may hereafter be made under section four of the Act.

*Functions of Ministry of Commerce.*

2. (1) The functions exercisable immediately before the day of transfer by the Ministry of Home Affairs under or for the purposes of the enactments set out in Part I of the Schedule to this Order shall be and are hereby, transferred as from that day to the Ministry of Commerce.

(2) References to the Ministry of Home Affairs, where they occur in the enactments set out in Part I of the Schedule to this Order shall, as from the day of transfer, be construed as references to the Ministry of Commerce.

3. (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 Part II of the Schedule to this Order shall be, and are hereby, transferred as from that day to the Ministry of Commerce.

(2) References to the Ministry of Health and Local Government where they occur in the enactments set out in Part II of the Schedule to

this Order shall, as from the day of transfer, be construed as references to the Ministry of Commerce.

4. (1) 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 Commerce and the Ministry of Home Affairs, have effect subject to the provisions of this Order.

(2) The Ministries (Transfer of Functions) (No. 1) Order, 1944, as amended by the Ministries (Transfer of Functions) (No. 2) Order, 1944, shall have effect subject to the provisions of this Order.

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

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, 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.

6. All property, rights and liabilities held, enjoyed or incurred before the day of transfer by the Ministry of Home Affairs or the Ministry of Health and Local Government in connection with the functions transferred to the Ministry of Commerce by this Order shall be transferred to that Ministry 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 Ministry of Commerce ;
- (b) the said rights shall be enjoyed by that Ministry ; and
- (c) the said liabilities shall become liabilities of that Ministry.

*Modification and Adaptation of Enactments.*

7. 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 the Royal Courts of Justice, Belfast, this fifteenth day of December, 1944.

*Thos. Dixon.*

*Crawford McCullagh.*

*J. M. Sinclair.*

*Edmond Warnock.*

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SCHEDULE.

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PART I — ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED TO MINISTRY OF COMMERCE FROM MINISTRY OF HOME AFFAIRS.

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The Bridges (Ireland) Acts, 1813 to 1875.

So much of the Grand Juries (Ireland) Acts, 1816 to 1895 as relates to roads and bridges.

So much of the Public Works (Ireland) Acts, 1831 to 1886 as relates to highways, roads and bridges.

So much of the Towns Improvement (Ireland) Act, 1854 (as amended by the Char-a-banc Regulation Act (Northern Ireland), 1924), as relates to the regulation of vehicles.

The Locomotive Act, 1861, section six.

So much of the Local Government Acts (Northern Ireland), 1898 to 1940, as relates to roads and bridges.

The Barbed Wire Act, 1893.

The Locomotives on Highways Act, 1896.

The Development and Roads Improvement Funds Act, 1909, Part II.

The Public Roads (Ireland) Act, 1911.

The Ministry of Transport Act, 1919.

The Ferries (Acquisition by Local Authorities) Act, 1919.

The Finance Act, 1920, section thirteen and the Second Schedule (including any enactments amending or extending those enactments in their application to duties of excise on licences for mechanically propelled vehicles).

The Roads Act, 1920.

The Motor Vehicles Races Act (Northern Ireland), 1922.

The Local Government (Roads) Act (Northern Ireland), 1923.

The Char-a-banc Regulation Act (Northern Ireland), 1924.

The railway enactments within the meaning of Part II of the Schedule to the Administrative Provisions Act (Northern Ireland), 1926, and so much of that Act as relates to railways.

The Motor Vehicles and Road Traffic Acts (Northern Ireland), 1926 to 1934.

The Railways (Road Vehicles) Act (Northern Ireland), 1927.  
 The Roads Improvement Act (Northern Ireland), 1928.  
 The Drainage Act (Northern Ireland), 1933, section eight.  
 The Railway Act (Northern Ireland), 1934.  
 The Road and Railway Transport Acts (Northern Ireland), 1935 to 1937.  
 The Roads Act (Northern Ireland), 1937.  
 The Road Transport Act (Northern Ireland), 1938.  
 The Exchequer and Financial Provisions Act (Northern Ireland), 1941, paragraph (b) of section four.  
 The Clogher Valley Railway and Roads Act (Northern Ireland), 1941.  
 Any enactment in force at the day of transfer amending or extending any of the above-mentioned enactments.

PART II — ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED TO MINISTRY OF COMMERCE FROM MINISTRY OF HEALTH AND LOCAL GOVERNMENT.

So much of section eighty-three of the Local Government (Ireland) Act, 1898, as relates to the appointment, removal, qualifications, remuneration and discharge of duties of county surveyors and assistant surveyors.  
 The Motor Vehicles and Road Traffic Act (Northern Ireland), 1930, section three.  
 Any enactment in force at the day of transfer amending or extending any of the above-mentioned enactments.

MOTOR VEHICLES AND ROAD TRAFFIC.

*Motor Cars :*

*Use and Construction, p. 104.*

*Motor Vehicle Licences :*

*Harvesting Operations*

*Concession, p. 105.*

*Road Vehicles : Speed, p. 105.*

**Motor Cars : Use and Construction.**

REGULATIONS, DATED 29TH DECEMBER, 1944, MADE BY THE MINISTRY OF COMMERCE UNDER THE MOTOR VEHICLES AND ROAD TRAFFIC ACTS (NORTHERN IRELAND), 1926 TO 1934.

1944. No. 114.

The Ministry of Commerce, in exercise of the powers vested in it by the Motor Vehicles and Road Traffic Acts (Northern Ireland), 1926 to 1934, and of all other powers in this behalf thereunto enabling it, hereby makes the following regulations, that is to say :—

1. The Motor Cars (Use and Construction) Regulations, 1934, (a), as amended (b), shall have effect as if in the first provisos to Regulations 29 and 35, in the proviso to Regulation 46, and in Regulation 48 thereof, respectively, the date "1st January, 1946," were substituted for the date "1st January, 1945."

(a) S. R. & O. (N.I.) 1934 No. 87.

(b) S. R. & O. (N.I.) 1940 No. 72, and 1942 No. 195.