

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.  
ABERCORN

WHEREAS it is provided by the Ministries Act (Northern Ireland), 1944, (hereinafter referred to as "the Act") that on and after the appointed day there shall be established a department which shall be styled by the name of the Ministry of Health and Local Government for Northern Ireland; that the Ministry of Home Affairs shall be the department for the administration, so long as the Ministries Act (Northern Ireland), 1940, continues in force, of the public services administered immediately before the appointed day by the Ministry of Public Security; that as from the appointed day the Ministry of Public Security shall cease to exist and the Minister of Public Security shall cease to hold office; and that in the Act the expression "appointed day" means, in relation to any provision of the Act, such day as the Governor of Northern Ireland may by Order in Council appoint for the purposes of that provision:

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 the Act in this behalf, do hereby order as follows:—

The first day of June, 1944, is hereby fixed to be the appointed day for the purposes of the provisions of the Act hereinbefore recited.

Given at Government House, Hillsborough, this twenty-sixth day of May, 1944.

*Basil Brooke*  
*J. M. Sinclair*  
*William Lowry*  
*William Grant*  
*S. H. Hall-Thompson*  
*Harry Midgley*

**Transfer of Functions and Adaptation of Enactments.**

ORDER IN COUNCIL, DATED 26TH MAY, 1944, MADE UNDER SECTION FOUR OF THE MINISTRIES ACT (NORTHERN IRELAND), 1944, WITH RESPECT TO THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT AND THE MINISTRY OF HOME AFFAIRS.

1944. No. 43.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.  
ABERCORN

WHEREAS, on and after the first day of June, 1944, by virtue of section one of the Ministries Act (Northern Ireland), 1944, (in this Order

referred to as "the Act") and an Order in Council appointing the said day the Ministry of Health and Local Government will be established, and by virtue of section two of the Act and the said Order in Council the Ministry of Home Affairs will be the department for the administration of the public services administered immediately before the said day by the Ministry of Public Security, and by virtue of section three of the Act and the said Order in Council the last-mentioned Ministry will cease to exist :

AND WHEREAS it is provided by sub-section (2) of section one of the Act that the Ministry of Health and Local Government shall be the department for the administration of the public services in connection with public health, housing and local government :

AND WHEREAS by section four of 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 for the purposes of sections one and two of the Act it is necessary to make provision as hereafter appearing in this Order :

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. 1) Order, 1944.

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

“ appointed day ” means the first day of June, 1944 ;

“ 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.

*Functions of Ministry of Health and Local Government and  
Ministry of Home Affairs*

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

Provided that the functions exercisable immediately before that day by the Ministry of Home Affairs under or for the purposes of the enactments set out in Part II of the said Schedule shall not be so transferred by virtue of this Order.

(2) Subject to the proviso to paragraph (1) of this Article, references to the Ministry of Home Affairs, where they occur in the enactments set out in Part I of the First Schedule to this Order, shall as from the appointed day be construed as references to the Ministry of Health and Local Government.

3. (1) The functions exercisable immediately before the appointed day by the Ministry of Public Security shall be, and are hereby, transferred as from that day to the Ministry of Home Affairs.

(2) References to the Ministry of Public Security, where they occur in the enactments set out in the Second Schedule to this Order, shall as from the appointed day be construed as references to the Ministry of Home Affairs.

4. 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 Home Affairs, 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 appointed day, 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 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.

(4) Anything commenced before the appointed day 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 appointed day 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. (1) The following provisions of this Article shall apply in relation to property, rights and liabilities connected with the functions transferred by this Order.

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

(3) All property, rights and liabilities held, enjoyed or incurred before the appointed day by the Ministry of Public Security in connection with the functions transferred to the Ministry of Home Affairs by this Order shall be transferred to that Ministry; and, accordingly, as from the appointed 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 Home Affairs;
- (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 Government House, Hillsborough, this twenty-sixth day of May, 1944.

*Basil Brooke*  
*J. M. Sinclair*  
*William Lowry*  
*William Grant*  
*S. H. Hall-Thompson*  
*Harry Midgley*

#### FIRST SCHEDULE.

##### PART I — ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED TO MINISTRY OF HEALTH AND LOCAL GOVERNMENT.

###### *Public Health.*

- The Baths and Washhouses (Ireland) Act, 1846.
  - The Public Parks (Ireland) Act, 1869.
  - The Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939.
  - The Rivers Pollution Prevention Acts, 1876 and 1893.
  - The Public Health (Ireland) Acts, 1878 to 1918 (including any other enactments mentioned in those Acts and applicable to the exercise of functions by sanitary authorities).
  - The Infectious Disease (Notification) Act, 1889.
  - The Infectious Disease (Prevention) Act, 1890.
  - The Alkali, &c., Works Regulation Act, 1906.
  - The Open Spaces Act, 1906.
  - The Public Health (Regulations as to Food) Act, 1907.
  - The Notification of Births Acts, 1907 and 1915.
  - The Tuberculosis Prevention (Ireland) Acts, 1908 and 1913.
  - The Health Resorts and Watering Places (Ireland) Act, 1909.
  - The Rag Flock Act, 1911.
  - The National Insurance Act, 1911, section sixty-four.
  - The Venereal Disease Act, 1917.
  - The Midwives (Ireland) Act, 1918.
  - The Maternity and Child Welfare Act, 1918, so far as it amends section three of the Notification of Births (Extension) Act, 1915.
  - The Nurses Registration (Ireland) Act, 1919.
  - The Blind Persons Acts (Northern Ireland), 1920 to 1938, so far as they relate to assistance to blind persons by local authorities.
  - The Joint Nursing and Midwives Council Act (Northern Ireland), 1922.
  - The Education Act (Northern Ireland), 1923, section forty-seven.
  - The Public Health (Milk Regulations) Act (Northern Ireland), 1925.
  - The Midwives and Nursing Homes Act (Northern Ireland), 1929.
  - The National Health Insurance Act (Northern Ireland), 1930, section thirteen.
  - The Sale of Ice-Cream Act (Northern Ireland), 1937.
  - The Physical Training and Recreation Act (Northern Ireland), 1938, sections four and five.
  - The Hairdressers Act (Northern Ireland), 1939.
- Any enactment in force at the appointed day amending or extending any of the above-mentioned enactments.

*Housing.*

- The Labourers Acts (Northern Ireland), 1883 to 1939.
  - The Housing Acts (Northern Ireland), 1890 to 1944.
  - The Small Dwellings Acquisition Acts (Northern Ireland), 1899 to 1923.
  - The Housing (Additional Powers) Act, 1919.
  - The Housing (Additional Powers) Act (Northern Ireland), 1939.
  - The Housing (Emergency Powers) Act (Northern Ireland), 1939.
  - The Repair of War Damage Act (Northern Ireland), 1941.
  - The Housing (Temporary Accommodation) Act (Northern Ireland), 1942.
  - The Housing (Requisitioning of Premises) Act (Northern Ireland), 1944.
- Any enactment in force at the appointed day amending or extending any of the above-mentioned enactments.

*Local Government.*

- The Poor Relief Acts (Northern Ireland), 1838 to 1937.
  - The Municipal Corporations (Ireland) Acts, 1840 to 1888.
  - The Towns Improvement (Ireland) Act, 1854.
  - The Public Libraries Acts (Northern Ireland), 1855 to 1924.
  - The Valuation (Ireland) Act, 1864, section one.
  - The Union Officers (Ireland) Superannuation Acts, 1865 and 1872.
  - The Medical Officers Superannuation Act (Ireland), 1869.
  - The Local Officers Superannuation Act (Ireland), 1869.
  - The Dispensary Houses (Ireland) Act, 1879.
  - The Union Officers (Ireland) Act, 1885.
  - The Museums and Gymnasiums Act, 1891.
  - The Local Government Acts (Northern Ireland), 1898 to 1940 (including any other enactments mentioned in those Acts and applicable to the exercise of functions by county and district councils and other local authorities).
  - The Unemployed Workmen Act, 1905.
  - The Post Office Act, 1908, section forty-nine.
  - The Public Authorities and Bodies (Loans) Act, 1916.
  - The Local Authorities (Financial Provisions) Act, 1921.
  - The Local Government (Emergency Powers) Act, 1921, (N.I.)
  - The Education Act (Northern Ireland) 1923, sections eighty and eighty-two and paragraph 10 of Part I of the Fourth Schedule.
  - The Local Authorities (University Grants) Act (Northern Ireland), 1925, sub-section (2) of section one.
  - The Municipal Corporations Act (Northern Ireland), 1926.
  - The Borough Funds Act (Northern Ireland), 1928.
  - The Petroleum (Consolidation) Act (Northern Ireland), 1929, section eleven.
  - The Motor Vehicles and Road Traffic Act (Northern Ireland), 1930, section three.
  - The Planning Acts (Northern Ireland), 1931 and 1944.
  - The Valuation Acts Amendment Act (Northern Ireland), 1932, sub-section (2) of section three.
  - The Allotments Act (Northern Ireland), 1932.
  - The Finance Act (Northern Ireland), 1935, sub-section (1) of section five.
  - The Revaluation (Consequential Provisions) Act (Northern Ireland), 1936.
  - The Old Age Pensions Act (Northern Ireland), 1936, section twelve.
  - The Advertisements Regulation Act (Northern Ireland), 1937.
  - The Local Officers Superannuation Act (Northern Ireland), 1939.
  - The Local Government Staffs (War Service) Act (Northern Ireland), 1939.
  - The Fire Services (Emergency Provisions) Act (Northern Ireland), 1942, sub-section (3) of section three.
  - The Belfast County Borough Administration Act (Northern Ireland), 1942.
- Any enactment in force at the appointed day amending or extending any of the above-mentioned enactments.

## PART II — ENACTMENTS RELATING TO FUNCTIONS EXCEPTED FROM TRANSFER.

- So much of the following enactments as relates to byelaws for good rule and government, namely, the Municipal Corporations (Ireland) Act, 1840, section one hundred and twenty-five; the Public Health (Ireland) Act, 1878, section two hundred and twenty-one; the Local Government (Ireland) Act, 1898, section sixteen; and the Local Government Act (Northern Ireland), 1934, sections eight and forty.
- So much of section fifty-seven of the Towns Improvement (Ireland) Act, 1854, and the enactments incorporated with or amending that Act, as relates to byelaws made under sections seventy-seven and eighty-eight thereof.
- 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 public mental hospitals and to roads and bridges.
- The Local Government (Roads) Act (Northern Ireland), 1923.

## SECOND SCHEDULE.

## ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED TO MINISTRY OF HOME AFFAIRS.

- The Civil Defence Acts (Northern Ireland), 1938 and 1939, as modified and adapted by the Ministry of Public Security (Adaptation of Enactments) Order, 1940.
- The Ministries Act (Northern Ireland), 1940, so far as it is in force at the appointed day (including the enactments mentioned in sub-section (2) of section two of that Act as they apply to offences against orders issued in pursuance of that Act).
- The Education (Emergency Provisions) Act (Northern Ireland), 1940.
- The Education (Emergency Provisions) Act (Northern Ireland), 1942.
- The Fire Services (Emergency Provisions) Act (Northern Ireland), 1942.
- Any enactment in force at the appointed day amending or extending any of the above-mentioned enactments.

ORDER IN COUNCIL, DATED THE 26TH JULY, 1944, MADE UNDER SECTION FOUR OF THE MINISTRIES ACT (NORTHERN IRELAND), 1944, WITH RESPECT TO THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT AND THE MINISTRY OF HOME AFFAIRS.

1944. No. 61.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.

ABERCORN

WHEREAS under and by virtue of section one of the Ministries Act (Northern Ireland), 1944, (in this Order referred to as "the Act") the Ministry of Health and Local Government was established as the department for the administration of the public services in connection with public health, housing and local government: