

Given under the Official Seal of the Ministry of Home Affairs for Northern Ireland this 25th day of November, One Thousand Nine Hundred and Forty-seven, in the presence of

(L.S.)

H. C. Montgomery,
Assistant Secretary.

The Ministry of Finance for Northern Ireland hereby approves the foregoing Regulations. Given under the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of November, One Thousand Nine Hundred and Forty-seven, in the presence of

(L.S.)

Thom M'Crea,
Assistant Secretary.

MINISTRIES OF NORTHERN IRELAND

Transfer of Functions — Administration of Non-Contributory Old Age Pensions

ORDER IN COUNCIL, DATED 10TH MARCH, 1947, MADE UNDER SECTION FOUR OF THE MINISTRIES ACT (NORTHERN IRELAND), 1944, WITH RESPECT TO THE MINISTRY OF LABOUR AND NATIONAL INSURANCE AND THE ASSISTANCE BOARD FOR NORTHERN IRELAND.

1947. No. 39

BY THE LORDS JUSTICES IN THE PRIVY COUNCIL OF NORTHERN IRELAND

JAMES ANDREWS
KILMOREY

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, WE, THE LORDS JUSTICES for the government of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in pursuance of the provisions of section four of the Act, and in exercise of all powers enabling us in this behalf, do hereby order as follows :—

General

1.—(1) This Order may be cited as the Ministries (Transfer of Administration of Non-Contributory Old Age Pensions) Order, 1947.

(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 April, nineteen hundred and forty-seven ;

“ transferor ” and “ transferee ” mean, in relation to any functions transferred, the Ministry of Labour and National Insurance and the Assistance Board for Northern Ireland respectively ;

“ the Pensions Act ” means the Old Age Pensions Act (Northern Ireland), 1936, as amended by any subsequent enactment, order, or regulation ;

“ the regulations ” means the Non-Contributory Old Age Pensions Regulations (Northern Ireland), 1937 ; “ non-contributory old age pensions ” means pensions under the Pensions Act entitlement to which is subject to statutory conditions as to means, residence and nationality.

(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 Labour and National Insurance and Assistance Board for Northern Ireland

2. The functions exercisable immediately before the day of transfer by the Ministry of Labour and National Insurance in relation to non-contributory old age pensions and the administration thereof under the Pensions Act shall be and are hereby transferred as from that date to the Assistance Board for Northern Ireland, except such of those functions as are reserved to the Minister of Labour and National Insurance under the Pensions Act as modified and adapted by the subsequent provisions of this Order.

Modification and Adaptation of the Pensions Act and the Regulations

3.—(1) The provisions of the Pensions Act specified in the first column of the First Schedule to this Order shall, in so far as they relate to non-contributory old age pensions, have effect, as from the day of transfer, subject to the modifications and adaptations set out in relation thereto in the second column of that Schedule, and there shall be made in any other enactment such modifications and adaptations as may be required to bring it into conformity with the provisions of this Order.

(2) The provisions of the regulations specified in the first column of the Second Schedule to this Order, shall, as from the day of transfer, have effect subject to the modifications and adaptations set out in relation thereto in the second column of that Schedule, and in so far as they were made by the transferor with respect to the functions transferred by this Order shall have effect on and after the day of transfer as if they had been made by the transferee, and duly confirmed in accordance with the provisions of sub-section (1A) of section 12 of the Pensions Act as modified by this Order.

Transfer of Rights and Liabilities

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 contract, agreement, or arrangement made, and any certificate or notice given, and any instrument or document issued 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 of or in consequence of the transfer, be construed as a reference to the transferee.

(3) The transfer shall not affect any decision, determination, direction, instruction, requirement, application, appointment, approval 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.

Given at the Royal Courts of Justice, Belfast, this tenth day of March, 1947.

Edmond Warnock
Brian Maginess
J. C. MacDermott

FIRST SCHEDULE

Modifications and Adaptations of Pensions Act.

- Section 5** For sub-section (1) there shall be substituted the following sub-section :—
- “(1) An old age pension under this Act, subject to any directions of the Assistance Board for Northern Ireland (in this Act referred to as “the Board”) in special cases, shall be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Board, with the approval of the Ministry of Finance, may direct.
- Section 6** For the word “Ministry”, in each place where that word occurs, there shall be substituted the word “Board”.
- Section 10** In sub-section (1) for the word “Ministry” there shall be substituted the word “Board”.
- For sub-section (2) there shall be substituted the following sub-section :—
- “(2) Pension officers shall be officers of the Board appointed for the purposes of this Act by the Board and acting for such areas as the Board directs”.
- In sub-section (3) for the word “Minister” there shall be substituted the words “Minister of Labour and National Insurance”.
- For sub-section (5) there shall be substituted the following sub-sections :—
- “(5) Panels of persons chosen to act on local pension courts shall be constituted by the Minister of Labour and National Insurance for such districts as he may think fit and the members of the panels of local pension courts shall hold office for such term as the said Minister may direct :
- Provided that the said Minister may at any time terminate the appointment of any member of a panel.
- (5A) The members of a local pension court shall be selected from the panels constituted as aforesaid in such manner as may be prescribed :
- Provided that the regulations to be made for the purposes of this sub-section shall make provision that not less than one-half of the members of each local pension court (not including the Chairman) shall be persons who, in the opinion of the Board, are representative of the classes of persons for whose benefit old age pensions under this Act are intended.”

- Section 11 In sub-section (2) for the word "Minister", in the first and last places where that word occurs, there shall be substituted the word "Board" and for the word "his" there shall be substituted the word "its"; for the words "certificate purporting to be signed by the Minister or by a secretary or assistant secretary of the Ministry" there shall be substituted the words "certificate signed by the secretary of the Board".
- In sub-section (3) for the word "Ministry" there shall be substituted the word "Board".
- In sub-section (4) for the words "in the prescribed manner" there shall be substituted the words "by a certificate signed by the secretary of the Board".
- In sub-section (5) for the word "Ministry", in both places where that word occurs, there shall be substituted the word "Board".
- Section 12 In sub-section (1) for the word "Ministry", in the first and last places where that word occurs, there shall be substituted the word "Board"; in paragraph (d) of sub-section (1) the words "term of office" shall be omitted; and at the end of sub-section (1) there shall be added the following sub-section :—
- "(1A) No regulations made by the Board shall have effect until confirmed by the Minister of Labour and National Insurance".
- Section 14 For the word "Ministry", in both places where that word occurs, there shall be substituted the word "Board".

SECOND SCHEDULE

Modifications and Adaptations of the Regulations

- Regulation 2 In paragraph (1) for the words "the Minister" means the Minister of Labour for Northern Ireland; "the Ministry" means the Ministry of Labour for Northern Ireland; there shall be substituted the words "the Board" means the Assistance Board for Northern Ireland; for the word "Ministry", in each place where that word occurs in the other definitions contained in the paragraph, there shall be substituted the word "Board"; and in the definition of "pension" there shall be added after the word "Act" the words "entitlement to which is subject to statutory conditions as to means, residence and nationality".
- Regulations 3, 4, 5, 6, 9 and 11 For the word "Ministry", in each place where that word occurs, there shall be substituted the word "Board".
- Regulation 13 The regulations shall have effect as though regulation 13 were omitted therefrom.
- Regulation 14 For the word "Minister", in the first place where that word occurs in the regulation, there shall be substituted the words "Minister of Labour and National Insurance" and for the word "Minister", wherever that word occurs elsewhere in the regulation, there shall be substituted the word "Board".
- Regulations 15, 17, 18, 19, 20 and 22 For the word "Ministry", in each place where that word occurs, there shall be substituted the word "Board".
- Regulation 23 For the word "Ministry", in the first and second places where that word occurs, there shall be substituted the word "Board".
- Regulations 24 and 25 For the word "Ministry", in each place where that word occurs, there shall be substituted the word "Board".
- Regulation 26 The regulations shall have effect as though regulation 26 were omitted therefrom.