

4.—(1) Any adjustment relating to the property, assets, rights or liabilities of a transferor consequent upon the transfer of functions by this Order shall be the subject of agreements to be entered into by the transferor and the transferee, with the approval of the Ministry.

(2) In default of agreement as aforesaid in relation to any adjustment which either a transferor or a transferee deems necessary in consequence of the transfer of functions by this Order the matter in dispute shall be determined by the Ministry.

5. The provisions of section thirteen of the Act shall, as from the appointed day, extend and be applicable to any person designated by the transferee and employed immediately before the appointed day by a transferor partly for the purposes of the functions transferred by this Order and partly for other purposes :

Provided that this Article shall, if the transferee so determines and the Ministry approves, apply the provisions of the said section thirteen to the whole of the employment of that person for the purposes of any of the functions of the transferor transferable to the transferee under the Act.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this thirtieth day of June, one thousand nine hundred and forty-eight, in the presence of :—

(L.S.)

Thos. Elwood,

Assistant Secretary.

Registration of Births, Deaths and Marriages

ORDER, DATED 29TH JUNE, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION TWO OF THE PUBLIC HEALTH AND LOCAL GOVERNMENT (ADMINISTRATIVE PROVISIONS) ACT (NORTHERN IRELAND), 1946.

1948. No. 167

The Ministry of Health and Local Government for Northern Ireland in exercise of the powers conferred upon it by section two of the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946 (in this Order referred to as "the Act"), hereby orders as follows :—

1.—(1) This Order may be cited as the Public Health and Local Government ("Transfer of Functions") (No. 4) Order (Northern Ireland), 1948.

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

“appointed day” means the fifth day of July, 1948 ;

“transferor” means the board of guardians of a poor law union ;

“transferee” means the health authority for the area in which the area or part of the area of the transferor is situate as the case may require.

(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.

2. The functions exercisable immediately before the appointed day by a transferor under the enactments set forth in the Schedule to this Order shall, as from the appointed day, be transferred to the transferee.

3. As from the appointed day :—

(a) in the construction and for the purposes of the enactments set forth in the Schedule to this Order any reference which may be construed as a reference to a transferor shall be construed as a reference to a transferee ;

(b) the Registration of Births and Deaths (Ireland) Act, 1863, shall have effect subject to the following modifications :—

(i) section twenty-one shall cease to have effect ;

(ii) in section twenty-two the words from “The Clerk of the Union” to “in that capacity” shall be omitted ;

(iii) for section twenty-three, there shall be substituted the following section :—

Appointment of Registrars	23. The health authority shall for each such district within their area as the Registrar-General may determine appoint a person, with such qualifications as the Registrar-General may by any general rule declare to be necessary, to be registrar of such district. Every registrar shall hold his office during the pleasure of the Registrar-General.
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(iv) in section twenty-four, the words from “In every case” to “in every such case and” shall be omitted ;

(v) in section twenty-five, the words “the clerk of the union or the medical officer shall not think fit or shall be disqualified to accept the office of superintendent registrar or registrar, and” shall be omitted ;

(vi) in section fifty-four the words “and the same shall be charged to the union at large” shall be omitted ;

(c) in section twenty-one of the Registration of Marriages (Ireland) Act, 1863 the words from “and the same” to the end of the section shall be omitted ;

(d) there shall be made in any other enactment in force at the date of this Order such modifications and adaptations as may

be required to bring it into conformity with the provisions of this Order.

4. The following provisions of this Article shall apply in relation to the functions transferred by this Order :—

(1) In the construction and for the purposes of any judgment, decree, award, deed, contract, byelaw, certificate or other document passed or made before the appointed day, any reference which may be construed as a reference to a 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.

(2) The transfer shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by a 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.

(3) Anything commenced before the appointed day by or on behalf of a transferor may, so far as it relates to any functions transferred, be carried on and completed by or on behalf of the transferee.

(4) Where at the appointed day any legal proceeding is pending to which a transferor is a party and the proceeding has reference to any functions transferred, the name of the transferee shall be substituted in the proceeding for the name of the transferor and the proceeding shall not abate by reason of the substitution.

5.—(1) Any adjustment relating to the property, assets, rights or liabilities of a transferor or to services to be provided by a transferor consequent upon the transfer of functions by this Order shall be the subject of agreements to be entered into by the transferor and the transferee, with the approval of the Ministry.

(2) In default of agreement as aforesaid in relation to any adjustment which either a transferor or a transferee deems necessary in consequence of the transfer of functions by this Order the matter in dispute shall be determined by the Ministry.

6. Nothing in this Order shall prejudice the right of any person holding at the appointed day the office of Superintendent-Registrar, Registrar, Assistant Registrar or Deputy Registrar under the Acts set forth in the Schedule to this Order to continue in such office subject to the provisions of the said Acts.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-ninth day of June, One thousand nine hundred and forty-eight in the presence of :

(L.S.)

Thos. Elwood,
Assistant Secretary.