

HEALTH AND LOCAL GOVERNMENT (ADMINISTRATIVE PROVISIONS)
ACT (NORTHERN IRELAND), 1946.

1948. No. 75

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"), and after consultation with the local authorities concerned, hereby orders as follows :—

1.—(1) This Order may be cited as the Public Health and Local Government (Transfer of Functions) (No. 3) Order (Northern Ireland), 1948.

(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 April, 1948;

"transferor" means the council of a borough or urban or rural district; and

"transferee" means the health authority within whose area the the area of the transferor is situate.

(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 relative to maternity and child welfare and diphtheria immunisation under the enactments set forth in the Schedule to this Order shall as from that 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 the transferee;

(b) in sub-section (2) of section two of the Notification of Births (Extension) Act, 1915, the words from "any such powers" to the end of the section shall cease to have effect;

(c) 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 the 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. 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 Twenty-fifth day of March, One thousand nine hundred and forty-eight, in the presence of :

(L.S.)

L. G. P. Freer,

Secretary.

SCHEDULE

The Public Health (Ireland) Act, 1878, section 148.

The Notification of Births (Extension) Act, 1915.