

**MINISTRIES****Transfer of Functions and Adaptation of Enactments****Teachers Superannuation**

ORDER IN COUNCIL, DATED 7TH SEPTEMBER, 1951, MADE UNDER SECTION FOUR OF THE MINISTRIES ACT (NORTHERN IRELAND), 1944, WITH RESPECT TO THE MINISTRY OF FINANCE AND THE MINISTRY OF EDUCATION.

1951. No. 162

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GRANVILLE

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 for certain purposes other than the purposes of section one or section two of the Act;

AND WHEREAS 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, WILLIAM SPENCER, EARL GRANVILLE, Knight Commander of the Royal Victorian Order, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Vice-Admiral, 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) (Teachers Superannuation) Order, 1951.

(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 October, nineteen hundred and fifty-one ;

“ transferee ” means the Ministry of Education ;

“ transferor ” means the Ministry of Finance.

(3) The Interpretation Act, 1889, shall apply for the purposes of the interpretation of this Order in like manner as it applies, by virtue of the Interpretation Act, 1921, for the purposes of the interpretation of an Act of the Parliament of Northern Ireland.

*Functions of Ministry of Finance and Ministry of Education*

2.—(1) The functions exercisable immediately before the day of transfer by the Ministry of Finance 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 Education.

(2) References to the Ministry of Finance 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 Education.

3. The Notification entitled “ Assignment of Functions to Departments ” issued by the Lord Lieutenant of Ireland on the seventh day of June, nineteen hundred and twenty-one, and altered by subsequent enactments, shall, so far as it relates to the Ministry of Finance and the Ministry of Education, have effect subject to the provisions of this Order.

*Supplemental Provisions*

4. The Teachers (Superannuation) Act (Northern Ireland), 1950, shall, as from the day of transfer, have effect subject to the modifications set out in Part II of the Schedule to this Order.

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 any reference 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 proceedings 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.

Given at the Royal Courts of Justice, Belfast, this seventh day of September, 1951.

*B. S. Brooke*  
*J. M. Sinclair*  
*Harry Midgley*

## SCHEDULE

### PART I

#### *Enactments relating to functions transferred to Ministry of Education*

The National School Teachers (Ireland) Act, 1879, and any rules made thereunder. Sections seventy and seventy-one of the Education Act (Northern Ireland), 1923 (both as originally enacted and as applied by Order in Council under section seventy-nine of that Act) and any scheme made under the said sections.

The Teachers Superannuation Act (Northern Ireland), 1926, (except sections one and two and, so far as it relates to the said sections, section nine).

The Superannuation (Teaching Services) Act (Northern Ireland), 1938.

Section eight of the Teachers Salaries and Superannuation (War Service) Act (Northern Ireland), 1939.

The Teachers (Superannuation) Act (Northern Ireland), 1950, and any rules, regulations or schemes made under or by virtue of that Act.

### PART II

#### *Modification of Teachers (Superannuation) Act (Northern Ireland), 1950*

1. The words "with the approval of the Ministry of Finance" shall be inserted after the words "the Ministry may" in the following provisions:—

- (a) the proviso to sub-section (1) of section seven;
- (b) paragraph (a) of sub-section (1) of section eleven;
- (c) sub-section (1) of section fourteen;
- (d) sub-section (1) of section twenty-five;
- (e) sub-section (2) of section thirty-eight; and
- (f) sub-section (1) of section forty-two.

2. In section twenty-three, after the word "Ministry" where it first occurs, there shall be inserted the words "with the approval of the Ministry of Finance", and for the word "Ministry" where it secondly occurs there shall be substituted the words "appropriate Department within the meaning of the said sub-section (4)".