

(c) in respect of a child aged eleven years or over, but less than sixteen years, the sum of twenty-eight shillings per week.

4. The Welfare Authorities (Charges for Residential Accommodation) Regulations (Northern Ireland) 1961(a), are hereby revoked.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 17th day of April, nineteen hundred and sixty-three.

(L.S.)

*Wm. J. Morgan,*  
Minister of Health and Local Government.

#### EXPLANATORY NOTE

*(This note is not part of the Regulations but is intended to indicate their general purport.)*

The minimum weekly amount which a person is required to pay for accommodation (in a welfare home) provided by or on behalf of a Welfare Authority is increased from 46/- to 54/-. In the case of a person accompanied by a child the weekly amounts payable in respect of the child (which vary according to the child's age) are increased from 17/- to 19/6; 20/- to 23/-, and 24/- to 28/- respectively.

1963. No. 77

[NC]

### TRANSFER OF FUNCTIONS AND ADAPTATION OF ENACTMENTS

THE MINISTRIES OF NORTHERN IRELAND (TRANSFER OF FUNCTIONS) ORDER 1963, DATED 10TH APRIL 1963; MADE BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND ON 10TH APRIL 1963, WITH THE CONSENT OF THE SECRETARY OF STATE UNDER SECTION 2 OF THE NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) ACT 1945 (8 & 9 GEO. 6. c. 12), TRANSFERRING FUNCTIONS OF DEPARTMENTS AND MINISTERS OF NORTHERN IRELAND.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Whereas section two of the Northern Ireland (Miscellaneous Provisions) Act 1945(b) (in this Order referred to as "the Act") provides that if it appears to the Governor of Northern Ireland that, in consequence of functions having been transferred by or under an Act of the Parliament of Northern Ireland from a department of the Government of Northern Ireland or a Minister of Northern Ireland to another such department or Minister, it is expedient that functions conferred on the first-mentioned department or Minister by or under an Act of the Parliament of the United Kingdom (being functions that cannot be transferred by or under an Act of the Parliament of Northern Ireland), should be transferred to the last-mentioned department or Minister, he may, by Order in Council made with the consent of the Secretary of State, provide for the transfer of the functions so conferred accordingly:

(a) S.R. & O. (N.I.) 1961, No. 39.

(b) 8 & 9 Geo. 6. c. 12.

And whereas the said section further provides that any such Order in Council may contain such consequential, incidental and supplemental provisions as appear to the Governor of Northern Ireland to be necessary or expedient for the purposes of the Order (including provisions amending any Act of the Parliament of the United Kingdom, or instrument issued under any such Act), and may be varied or revoked by a subsequent Order of the Governor of Northern Ireland in Council made with the consent of the Secretary of State:

And whereas in consequence of certain functions having been transferred by the Ministries (Transfer of Functions) Order (Northern Ireland) 1963(a), made under the Ministries Act (Northern Ireland) 1944(b), it is expedient to make such provision as hereafter appearing in this Order:

Now, therefore, I, John de Vere, Baron Wakehurst, Knight of the Most Noble Order of the Garter, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland and with the consent of the undersigned Secretary of State, in exercise of the powers conferred upon me by section two of the Act, do hereby order as follows:—

1.—(1) This Order may be cited as the Ministries of Northern Ireland (Transfer of Functions) Order 1963.

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

“appointed day” means the 1st day of May, 1963;

“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 (Northern Ireland) 1954(c) shall apply 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 the Ministry of Commerce under or for the purposes of the following enactments, that is to say:—

The Civil Aviation Act 1949(d), sections 28, 31, 35 and 39;

The Motor Vehicles (International Circulation) Act 1952(e) and Orders in Council made thereunder;

The Land Powers (Defence) Act 1958(f), section 8 and Schedule 3;

Regulation 20 of the Civil Aviation (Licensing) Regulations 1960 (S.I. 1960, No. 2137);

Any enactment in force at the appointed day amending or extending any of the above-mentioned enactments;

shall be, and are hereby, transferred as from the appointed day to the Ministry of Home Affairs.

3. The functions exercisable immediately before the appointed day by the Ministry of Commerce under or for the purposes of the following enactments, that is to say:—

(a) S.R. & O. (N.I.) 1963, No. 29.

(b) 1944, c. 14.

(c) 1954, c. 33.

(d) 12, 13 & 14 Geo. 6. c. 67.

(e) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 39.

(f) 6 & 7 Eliz. 2. c. 30.

So much of the Trawling in Prohibited Areas Prevention Act 1909(a) as relates to functions which cannot be transferred by or under an Act of the Parliament of Northern Ireland;

The Herring Fishery (Branding) Act 1913(b);

The Sea-Fishing Industry Act 1933(c);

The Northern Ireland (Foyle Fisheries) Act 1952(d);

The Radioactive Substances Act 1960(e), sections 8, 9(3)(4), 11(1)(2), 12(7) and 21;

The Sea Fish Industry Act 1962(f);

Any enactment in force at the appointed day amending or extending any of the above-mentioned enactments;

shall be, and are hereby, transferred as from the appointed day to the Ministry of Agriculture.

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 enactment (including the enactments mentioned in Articles 2 and 3), 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.

5. All property, rights and liabilities held, enjoyed or incurred before the appointed day by the transferor in connection with any functions transferred to the transferee by this Order shall as from the appointed day be transferred to the transferee to which such functions are transferred; 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 transferee;

(a) 9 Ed. 7. c. 8.

(b) 3 & 4 Geo. 5. c. 9.

(c) 23 & 24 Geo. 5. c. 45.

(d) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 11.

(e) 8 & 9 Eliz. 2. c. 34.

(f) 10 & 11 Eliz. 2. c. 31.

- (b) the said rights shall be enjoyed by the transferee; and  
 (c) the said liabilities shall become liabilities of the transferee.

6. 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 tenth day of April, 1963.

*Terence O'Neill*

*Brian Faulkner*

*J. L. O. Andrews*

*H. W. West*

I hereby consent to the foregoing Order.

*Henry Brooke,*  
 Home Secretary.

Dated this eleventh day of April, 1963.

#### EXPLANATORY NOTE

*(This note is not part of the Order, but is intended to indicate its general purport.)*

This Order transfers certain functions of the Ministry of Commerce under enactments of the Parliament of Westminster relating to transport and fisheries. The transfer of these functions is consequential on the transfer from that Ministry of transport functions to the Ministry of Home Affairs and fishery functions to the Ministry of Agriculture under S.R. & O. (N.I.) 1963, No. 29.

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[NC]

#### PENSIONS (NORTHERN IRELAND)

##### The Pensions Appeal Tribunals (Northern Ireland) (Amendment) Rules 1963

I, the Right Honourable John Clarke, Baron MacDermott, Lord Chief Justice of Northern Ireland, by virtue of the powers conferred on me by section 14 of the Pensions Appeal Tribunals Act 1943(a) and paragraph 5(1) and (4) of the Schedule to the said Act do hereby make the following Rules.

1. The following amendment shall be made to the Pensions Appeal Tribunals (Northern Ireland) Rules 1946(b), as amended by the Pensions

(a) 6 & 7 Geo. 6. c. 39.

(b) S.R. & O. 1946, No. 2183.