

according to the work reasonably undertaken and properly done, it shall, certify accordingly, and, where it so certifies, any limitation contained in this Schedule on the amount of any fee payable shall not apply, and the Legal Aid Committee shall, after taking into account all the relevant circumstances of the case and having regard to the considerations mentioned in the preceding paragraph, allow such fees in respect of the work to which the certificate relates as appear to it to represent fair remuneration according to the work reasonably undertaken and properly done.

5. Where a solicitor acting on behalf of an assisted person under a certificate reasonably undertakes work in giving notice of appeal or in applying for a case to be stated and in matters preliminary thereto, being work done within the ordinary time for giving notice or making an application, there shall, in addition to the fees which may be paid to him under the foregoing provisions of this Schedule and his disbursements on the said work, be allowed to him a fee not exceeding £10 10s. 0d. in respect of the said work and, in any case where counsel's opinion is required, a fee not exceeding £10 10s. 0d. shall be allowed to counsel for his opinion.

EXPLANATORY NOTE

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

This Order is made by the Minister of Home Affairs under powers conferred by section 6(6) of and Schedule 3 to the Legal Aid and Advice Act (Northern Ireland) 1965 and provides for the remuneration of solicitors and counsel in authorised summary proceedings.

1965. No. 245

[NC]

TRANSFER OF FUNCTIONS AND ADAPTATION OF ENACTMENTS

THE MINISTRIES (TRANSFER OF FUNCTIONS) (No. 2) (NORTHERN IRELAND) ORDER 1965, DATED 3RD NOVEMBER, 1965, MADE BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND ON 3RD NOVEMBER, 1965, 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 THE MINISTRY OF DEVELOPMENT.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

ERSKINE OF RERRICK

Whereas section 2 of the Northern Ireland (Miscellaneous Provisions) Act 1945(a) provides that if it appears to the Governor 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

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

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:

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 to be necessary or expedient for the purposes of the Order (including provisions amending any Act of 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 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) (No. 2) Order (Northern Ireland) 1964(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 Maxwell, Baron Erskine of Rerrick, Knight Grand Cross of the Most Excellent Order of the British Empire, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland and with the consent of the under-signed Secretary of State, in exercise of the powers conferred upon me by section 2 of the said Act of 1945, do hereby order as follows:—

Citation, etc.

1.—(1) This Order may be cited as the Ministries (Transfer of Functions) (No. 2) (Northern Ireland) Order 1965.

(2) In this Order—

“appointed day” means 1st December, 1965;

“transferor” means the Ministry of Development; and

“transferee” means the Ministry of Health and Social Services.

(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.

Transfer of certain functions of Ministry of Development

2. The functions exercisable immediately before the appointed day by the Ministry of Development under or for the purposes of the Aliens Order 1953(d) shall be, and are hereby, transferred as from the appointed day to the Ministry of Health and Social Services.

References in enactments, etc., to transferor

3.—(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 enactment mentioned in Article 2), judgment, decree, order, award, deed, contract, regulation, bye-law, certificate or other document passed or made before the appointed day, any reference to, or which is to be construed as

(a) S.R. & O. (N.I.) 1964, No. 205.

(b) 1944. c. 14.

(c) 1954. c. 33.

(d) S.I. 1953/1671.

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 appointment, instruction or requirement 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.

Modification and adaptation of enactments

4. 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 3rd day of November, 1965.

Brian Faulkner

W. K. Fitzsimmons

H. V. Kirk

H. W. West

R. W. B. McConnell

Wm. Craig

W. J. Morgan

John L. O. Andrews

I hereby consent to the foregoing Order.

Frank Soskice,

Secretary of State for the Home
Department.

Dated this 15th day of November, 1965.

EXPLANATORY NOTE

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

This Order transfers functions exercisable by the Ministry of Development under the Aliens Order 1953. The transfer of these functions is consequential upon the re-organisation of departmental functions in Northern Ireland under the Ministries (Transfer of Functions) (No. 2) Order (Northern Ireland) 1964 (S.R. & O. (N.I.) 1964, No. 205).