

1972. No. 252

[C]

MINISTRIES OF NORTHERN IRELAND**Transfer of Functions and Adaptation of Enactments**

ORDER, DATED 2ND OCTOBER 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 4 OF THE MINISTRIES ACT (NORTHERN IRELAND) 1944.

WHEREAS by section 4 of the Ministries Act (Northern Ireland) 1944(a) (in this Order referred to as "the Act") it is provided that the Governor of Northern Ireland may 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 and 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 section 4(2) of the Act:

AND WHEREAS by subsection (1)(a) of section 1 of the Northern Ireland (Temporary Provisions) Act 1972(b) it is provided that so long as that section has effect all functions which apart from that Act belong to the Governor or to the Governor in Council shall be discharged by the Secretary of State:

NOW THEREFORE I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred by section 4 of the Act, and section 1(1)(a) of the Northern Ireland (Temporary Provisions) Act 1972, do hereby order as follows:

Citation, etc.

1.—(1) This Order may be cited as the Ministries (Transfer of Functions) (No. 2) Order (Northern Ireland) 1972.

(2) In this Order—

"Ministry" includes a Minister;

"transfer date" means 1st November 1972;

"transferor" and "transferee" respectively mean, in relation to any functions transferred under this Order, the Ministry from which and the Ministry to which the functions are transferred.

(3) This Order shall have effect subject to the provisions of any Order in Council which may hereafter be made under section 4 of the Act.

(a) 1944. c. 14.

(b) 1972. c. 22.

Transfer of certain functions of Ministry of Home Affairs

2. The functions exercisable immediately before the transfer date by the Ministry of Home Affairs under or for the purposes of the following enactments, that is to say:—

The Game Preservation Act (Northern Ireland) 1928 (1928 c. 25);

The Wild Birds Protection Acts (Northern Ireland) 1931 to 1968;

any enactment in force at the transfer date amending or extending the above-mentioned enactments;

shall be and are hereby, transferred as from the transfer date to the Ministry of Development.

Effect of Order

3. The Notification entitled "Assignment of Functions to Departments" issued by the Lord Lieutenant of Ireland on 7th June 1921 and altered by subsequent enactments, shall so far as it relates to any transferor or transferee have effect subject to this Order.

Construction of certain references, etc.

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 set out in article 2), judgment, decree, order, award, deed, contract, regulation, rule, bye-law, certificate or other document passed or made before the transfer date, 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 transfer date, but any such matter shall, if in force immediately before that date, 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 transfer date, 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 transfer date 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 proceedings for the transferor, and the proceeding shall not abate by reason of the substitution.

Transfer of liabilities and assets

5. All property, rights and liabilities held, enjoyed or incurred before the transfer date by the transferor in connection with the functions transferred to the transferee by this Order shall be transferred to the transferee as from the transfer date; and, accordingly, as from that date 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;
- (b) the said rights shall be enjoyed by the transferee; and
- (c) the said liabilities shall become liabilities of the transferee.

Modification and adaptation of enactments

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.

Dated this 2nd day of October 1972.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

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

This Order provides for the transfer from the Ministry of Home Affairs to the Ministry of Development of functions relating to Wild Birds and Game.