(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 twentieth day of October, One thousand nine hundred and forty-seven, in the presence of

(L.S.) *Thos. Elwood,*
Assistant Secretary.

SCHEDULE

The Poor Law Act, 1889, section 1.
The Custody of Children Act, 1891, section 2.
The Poor Law (Ireland) Act, 1892, section 2.
The Pauper Children (Ireland) Act, 1898, section 1.
The Poor Law Act, 1899, section 3.
The Children Act, 1908, sections 1, 2, 4, 5, 8, 9 and 10.
The Children (Amendment) Act (Northern Ireland), 1931, sections 4 to 7.

Transfer of Functions

Borough, Urban and Rural District Councils to Welfare Authorities

Common Lodging-Houses

ORDER, DATED THE 29TH DAY OF SEPTEMBER, 1947, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION EIGHT OF THE PUBLIC HEALTH AND LOCAL GOVERNMENT (ADMINISTRATIVE PROVISIONS) ACT (NORTHERN IRELAND), 1946.

1947. No. 157

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred upon it by section eight 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. 6) Order (Northern Ireland), 1947.

(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 October, 1947 ;

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

" transferee " means the welfare authority within whose area 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 by a transferor immediately before the appointed day under the enactments set forth in the Schedule to this Order shall, as from that day, be transferred to the transferee.

3.—(1) As from the appointed day, 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*) a transferor, shall be construed as a reference to the transferee ;

(*b*) the town clerk or clerk of a transferor, shall be construed as a reference to the secretary of the transferee.

(2) As from the appointed day there shall be made in any other enactment 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, 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 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 function transferred, be carried on and completed by 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 property, assets, rights or liabilities of a transferor or transferors consequent upon the transfer of functions by this Order shall be the subject of agreements to be entered into by the transferor or transferors 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-ninth day of September, One thousand nine hundred and forty-seven, in the presence of

(L.S.) *Thos. Elwood,*
Assistant Secretary.

SCHEDULE

The Public Health (Ireland) Act, 1878, sections 87, 89, 90, 91 (in so far as it enables a sanitary authority to make byelaws in accordance with paragraphs (1) and (4) in the said section), 93 and 94.

The Public Health Acts Amendment Act, 1907, sections 69 and 71.