4. A Deputy Medical Officer of Health and an Assistant Medical Officer of a county or county borough shall perform such duties as may from time to time be assigned to him by the Medical Officer of Health of the county or county borough as the case may be or by the health authority.

5. The Health Authorities (Qualifications and Duties of Medical Officers) Regulations (Northern Ireland), 1947, (a) are hereby revoked.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-second day of January, One thousand nine hundred and forty eight in the presence of

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

TRANSFER OF FUNCTIONS

Boards of Guardians to Welfare Authorities

Transfer of Miscellaneous Residual Functions and abolition of Boards of Guardians

ORDER, DATED THE 5TH DAY OF JULY, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS EIGHT AND TWENTY-EIGHT OF THE PUBLIC HEALTH AND LOCAL GOVERNMENT (ADMINISTRATIVE PROVISIONS) ACT (NORTHERN IRELAND), 1946.

Amended 1948 SR&O (N.I.) 281

1948. No. 187

WHEREAS it is provided in sections two and eight of the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946 (in this Order referred to as " the Act of 1946 ") that the Ministry of Health and Local Government (in this Order referred to as " the Ministry ") may from time to time by order or orders transfer to health authorities or to welfare authorities any functions of Boards of Guardians or of any officers of such Boards ;

AND WHEREAS it is further provided in section twenty-eight of the Act of 1946 that such an order may make provision for the abolition of any Board of Guardians from whom all functions have been or by that order are transferred ;

AND WHEREAS it appears to the Ministry to be necessary for giving full effect to the provisions of the Act that the remaining functions of

(a) S. R. & O. (N.I.) 1947, No. 19.

Boards of Guardians should now be transferred and that the said Boards be abolished ;

NOW, THEREFORE, the Ministry in exercise of the powers conferred upon it by the Act of 1946 hereby orders as follows :—

1.—(1) This Order may be cited as the Public Health and Local Government (Abolition of Boards of Guardians) Order (Northern Ireland), 1948.

(2) In this Order, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them, that is to say :—

" appointed day " means the 5th day of July, 1948 ;

" appropriate authority " means a Rural District Council the area of which is contained within the area of the transferor or the Northern Ireland Hospitals Authority or the Northern Ireland General Health Services Board or the National Assistance Board for Northern Ireland as the case may be ;

" transferor " means the Board of Guardians of a Poor Law Union ;

" transferee " means the welfare authority for the area in which the area or part of the area of the transferor is situate as the as the case may require ;

" valuation " means the net annual value of all the hereditaments in the area of a local authority as shown in the valuation lists for the time being in force under the Valuation Acts (Northern Ireland), 1852 to 1940.

(3) The Interpretation Act, 1921, 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 residual functions

2.—(1) 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.

(2) The functions exercisable by a transferor immediately before the appointed day relative to relief in a workhouse (not being medical relief) of any able-bodied person or persons under the provisions of the Poor Relief Acts (Northern Ireland), 1838 to 1937, shall as from the appointed day be transferred to the transferee and shall be exercised by the transferee for a period not exceeding six months from the appointed day ; the said functions shall be exercised in accordance with the provisions of section seventeen of the Act of 1946.

3. As from the appointed day there shall be transferred to the transferee all the liabilities of the transferor incurred in the exercise of

functions under any enactment providing for the payment of superannuation benefits to officers who have ceased to be employed by the transferor before the appointed day.

4.—(1) As from the appointed day, in the construction and for the purposes of the enactments set forth in the Schedule to this Order, and in their application to the functions transferred by this Order, —

(*a*) any reference which may be construed as a reference to a transferor shall be construed as a reference to the transferee ; and

(*b*) any reference which may be construed as a reference to the 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 in force at the date of the making of this Order such modifications and adaptations as may be required to bring it into conformity with the provisions of this Order.

5. The following provisions of this Article shall apply in relation to the functions transferred by Article 2 of this Order :—

(1) In the construction and for the purposes of any judgment, decree, award, deed, contract, bye-law, 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 authorization 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 duly made, given or done by the transferee.

(3) Anything commenced before the appointed day by or on behalf of a transferor may, as far as it relates to any function transferred, be carried over 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 function 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.

6. The provisions of section thirteen of the Act of 1946 shall, as from the appointed day, extend and be applicable to any person designated by the transferee and employed immediately before that date 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 of 1946.

Abolition of Boards of Guardians

7.—(1) Every transferor shall be abolished on such date (not being in any case later than the 31st day of October, 1948) as the Ministry may, after consultation with such transferor determine, and the Ministry shall cause notice of every such determination to be published in the *Belfast Gazette* as soon as may be thereafter.

(2) Notwithstanding the provisions of Article 2 of the General Order of the Local Government Board for Ireland, dated 18th December, 1882, and made under the Poor Relief (Ireland) Act, 1838, a transferor shall not be required to meet at stated regular intervals of time during the period from the 5th day of July, 1948, to the date of abolition of the said transferor.

(3) The provisions of the last preceding paragraph shall not preclude a transferor from meeting at such times and so often as it thinks fit or on any special occasion if the Ministry should so direct.

Incidental, consequential and supplemental provisions

8.—(1) On the appointed day or on another day as early as practicable after the appointed day, every transferor shall cause a stocktaking to be carried out of all furniture, equipment, provisions and other stores in their possession, other than furniture, equipment, provisions and other stores used in connection with property referred to in Section 19 or Section 23 of the Health Services Act (Northern Ireland), 1948.

(2) The accounts of every transferor for the period beginning 1st April, 1948, shall be closed on 4th July, 1948, and Abstracts of those accounts shall be prepared and submitted to the Ministry in the same manner as they would be prepared and submitted if closed at the end of the normal half-year financial period.

9.—(1) Without prejudice to the provisions of the Health Services Act (Northern Ireland), 1948, and to any regulations made thereunder, the assets, rights and liabilities of a transferor shall be transferred to the transferee on the appointed day :

Provided that adjustments may be made between the transferor, the transferee and any appropriate authority by means of an agreement or agreements.

(2) In default of agreement as aforesaid in relation to any adjustment which a transferor or a transferee or an appropriate authority deems necessary the matter in dispute shall be determined by the Ministry.

10. Where it is necessary under any of the provisions of this Order to apportion any assets or liabilities or in any other way to apportion amounts between two or more local authorities, then (in the absence of any agreement to the contrary) apportionment shall be made on the basis of valuation.

11.—(1) For the purpose of meeting any expenditure during the period between the appointed day and the date of abolition, a transferor may transmit to the council of any county or county borough liable under sections 43 and 51 of the Local Government (Ireland) Act, 1898, a sealed demand or demands for the amount required.

(2) Any such demand shall be deemed to be supplementary to the demand prepared and transmitted under the provisions of the General Order of the Local Government Board for Ireland, dated 10th January, 1905, and the prescribed Form 47 may be altered or adapted to meet the requirements of the special circumstances.

(3) It shall be the duty of the council of a county or a county borough to supply the money required in accordance with the demand or demands transmitted to it.

(4) Pending the receipt of money from a council or councils as aforesaid, a transferor may overdraw its account with its Treasurer to such extent as the Ministry may approve.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 5th day of July, 1948, in the presence of :—

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

SCHEDULE

Poor Relief (Ireland) Act, 1848, Section 3.
Poor Relief (Ireland) Act, 1862, Section 23.
Poor Persons' Burial (Ireland) Act, 1866, Section 1.
Public Health (Ireland) Amendment Act, 1879, Section 4.

Poor Relief (Ireland) Act, 1838, Section 51.
Poor Relief (Ireland) Act, 1847, Section 13.
Poor Relief (Ireland) Act, 1849, Sections 26, 27 and 28.

Naval Apprentices (Ireland) Act, 1851, Section 10.

Poor Relief (Ireland) Act, 1843, Section 14.
Poor Afflicted Persons Act, 1878, Sections 3, 4, 5 and 6.

Poor Relief (Ireland) Act, 1838, Section 27.

Children Act, 1908, sub-section (11) of Section 74.

Union Officers Superannuation Act (Ireland), 1865.
Medical Officers Superannuation Act (Ireland), 1869.
Union Officers (Ireland) Superannuation Act, 1872.
Union Officers (Ireland) Act, 1885.
Local Government (Ireland) Act, 1919, Section 8.
Pensions Increase Acts (Northern Ireland), 1920 and 1926 and the Pensions Increase Acts (Northern Ireland), 1944 and 1947.
