SCHEDULE

The Registration of Births and Deaths (Ireland) Act, 1863.
The Registration of Marriages (Ireland) Act, 1863.

Borough, Urban and Rural District Councils to Health Authorities

Infectious Diseases and Miscellaneous Public Health Matters

ORDER, DATED 23RD DECEMBER, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION TWO OF THE PUBLIC HEALTH AND LOCAL GOVERNMENT (ADMINISTRATIVE PROVISIONS) ACT (NORTHERN IRELAND), 1946.

1948. No. 326

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred upon it by section two 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. 8) Order (Northern Ireland), 1948.

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

"appointed day" means the second day of January, 1949 ;

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

"transferee" means the health 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. As from the appointed day :—

(*a*) 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 :—

(i) a transferor shall be construed as a reference to the transferee ;

(ii) a medical superintendent officer of health or a medical officer of health of a dispensary district shall be construed as a reference to the assistant medical officer of health appointed under section 10 (1) (c) of the Act ;

(iii) the town clerk or the clerk of a transferor shall be construed as a reference to the secretary of the transferee ; and

(iv) a sanitary officer or inspector of nuisances of a transferor shall be construed as a reference to the officer of the transferee authorised by the transferee to exercise and perform the functions of such officer or inspector under the enactment ; and

(*b*) there shall be made in any other enactment in force at the date of this Order 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, appointment, 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 immediately 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, so far as it relates to any functions transferred, be carried on and completed by or on behalf of 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 the property, assets, rights or liabilities of a transferor or transferors or to services to be provided by a transferor 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-third day of December, One thousand nine hundred and forty-eight in the presence of

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

SCHEDULE

The Public Health (Ireland) Act, 1878, sections 48, 56, 78, 132, 135, 137 to 141, 148, 149 to 151 and 219 to 223 in so far as the functions contained in Sections 219 to 223 are neessary for the exercise of the powers conferred by the Public Health (Ireland) Act, 1911.
The Contagious Diseases (Animals) Act, 1886.
The Sale of Horseflesh, etc. Regulation Act, 1889.
The Infectious Disease (Notification) Act, 1889.
The Infectious Disease (Prevention) Act, 1890.
The Public Health Acts Amendment Act, 1890, sections 22 and 47 and section 3 in so far as it relates to these Sections.
The Cleansing of Persons Act, 1897.
The Public Health Acts Amendment Act, 1907, sections 3 (in so far as it relates to Parts iv and v) 53, 55, 56, 58, 59, 61, 64 and 66.
The Public Health (Regulations as to Food) Act, 1907.
The Tuberculosis Prevention (Ireland) Act, 1908, sections 16 and 17.
The Public Health (Ireland) Act, 1911 and as extended to rural district councils by Order dated 10th February, 1939—S. R. & O. (Northern Ireland) 1939, No. 19.
The Sale of Ice Cream Act (Northern Ireland) 1937.
The Hairdressers Act (Northern Ireland) 1939.
The Shops Act (Northern Ireland) 1946, section 22 and section 35 (in so far as it relates to the provisions of section 22).

Maternity and Child Welfare and Diphtheria Immunisation.

ORDER, DATED 25TH MARCH, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION TWO OF THE PUBLIC