1973. No. 56 **[NC]**

CRIMINAL INJURIES: MERCHANT SHIPPING

Transfer of Functions and Adaptation of Enactments

TRANSFER OF FUNCTIONS (CRIMINAL INJURIES TO VESSELS) (NORTHERN IRELAND) ORDER 1973, DATED THE 6TH DAY OF MARCH 1973 MADE BY THE SECRETARY OF STATE UNDER SECTION 2 OF THE NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) ACT 1945.

WHEREAS section 2 of the Northern Ireland (Miscellaneous Provisions) Act 1945(**a**) as amended by section 13 of the Northern Ireland Act 1947(**b**) provides that if it appears to the Governor of Northern Ireland that, in consequence of functions having been transferred by or under an Act of the Parliament of Northern Ireland from one authority or person to another, it is expedient that functions conferred on the one 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 tranferred to the other, 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 of Northern Ireland to be necessary or expedient for the purposes of the Order (including provisions amending any Act of the Parliament of the United Kingdom):

AND WHEREAS in consequence of the functions of county councils in relation to the payment of compensation for damage caused as a result of certain criminal acts to property and the functions of county courts in determining in the first instance any application for such compensation having been transferred to the Ministry of Home Affairs for Northern Ireland from 1st April 1973 by virtue of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971(**c**) (hereinafter referred to as "the Act") and the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 (Date of Commencement) Order 1973(**d**) it is expedient to make such provision as hereafter appearing in this Order:

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

NOW THEREFORE the Secretary of State, in exercise of the powers conferred upon him by section 2 of the Northern Ireland (Miscellaneous Provisions) Act 1945, as amended by section 13 of the Northern Ireland Act 1947, and by section 1(1) of the Northern Ireland (Temporary Provision) Act 1972, hereby makes the following Order:—

(**a**) 8 & 9 Geo. 6. c. 12.
(**b**) 10 & 11 Geo. 6 c. 37.
(**c**) 1971. c. 38 (N.I.).
(**d**) S.R. & O. (N.I.) 1973, No. 55.
(**e**) 1972. c. 22.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Transfer of Functions (Criminal Injuries to Vessels) (Northern Ireland) Order 1973 and shall come into operation on the 1st April 1973.

(2) Subject to Article 3(3), the Interpretation Act (Northern Ireland) 1954(**f**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Compensation for plundering, etc., a wreck

2. In Northern Ireland the function of determining, in the first instance, compensation for plunder, damage or destruction such as is referred to in section 515 of the Merchant Shipping Act 1894(**g**) and of paying such compensation, where the plunder is committed or the damage or destruction is the result of an act committed on or after 1st April 1973, is hereby transferred from the county court and the county council respectively to the Ministry of Home Affairs for Northern Ireland.

Provisions consequent upon Article 2

3.—(1) In section 515 of the Merchant Shipping Act 1894 for the words "In Northern Ireland, in pursuance of an application in that behalf to the county court" there shall be substituted the words—

> "In Northern Ireland, in pursuance of an application under the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 as modified for the purposes of this section by the Transfer of Functions (Criminal Injuries to Vessels) (Northern Ireland) Order 1973."

(2) Section 23 of the Northern Ireland Act 1962(**h**) shall, subject to paragraph (3), cease to have effect.

(3) Notwithstanding this Article and section 29(3) of the Interpretation Act (Northern Ireland) 1954, where the plunder, damage or destruction of a vessel, its cargo or apparel occurred before 1st April 1973, the said section 23 shall apply to any application for compensation under the said section 515 subject to any order under section 133(1) or section 134 of the Local Government Act (Northern Ireland) 1972(**i**) as to the transfer of the functions of or proceedings against county councils under the Criminal Injuries Acts (Northern Ireland) 1956 to 1970(**j**) to the Ministry of Home Affairs.

(4) The reference to the said section 515 includes a reference to that section as extended by the Aircraft (Wreck and Salvage) Order 1938(**k**) and the Schedule to this Order shall have effect accordingly.

(5) The modifications referred to in paragraph (1) are those scheduled to this Order.

Dated this 6th day of March 1973.

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

(**f**) 1954. c. 33.
(**g**) 57 & 58 Vict. c. 60.
(**h**) 10 & 11 Eliz. 2. c. 30.
(**i**) 1972. c. 9 (N.I.).
(**j**) 1956. c. 19; 1957. c. 8; 1958. c. 11; 1964. c. 7 (N.I.); 1970. c. 26 (N.I.).
(**k**) S.R. & O. 1938, No. 136 (I, p. 72).

SCHEDULE

MODIFICATIONS OF THE ACT FOR THE PURPOSES OF SECTION 515 OF THE MERCHANT SHIPPING ACT 1894

For the said purposes—

(*a*) any reference in the Act to—

(i) a person having an estate or interest in the property the subject of the application shall be construed as a reference to the owner of the vessel or its cargo or apparel;

(ii) damage to or unlawful removal of property shall be construed as a reference to plunder, damage or destruction within the meaning of section 515;

(*b*) the Act shall have effect as if the modifications referred to in the second column of the Table below were made to the provision specified in the first column.

Provision modified	*Modification for the purposes of section 515 of the Merchant Shipping Act 1894*
Section 3	For section 3 there shall be substituted the following section— "3. Where in Northern Ireland a vessel is wrecked, stranded or in distress within the meaning of section 511 of the Merchant Shipping Act 1894 and section 515 applies, the owner may, where the vessel or any part of its cargo or apparel is plundered, damaged or destroyed on or after 1st April 1973 and damage thereto the amount of which exceeds £20 is suffered by such owner he may, subject to the provisions of this Act, obtain compensation from the Ministry."
Section 4	In section 4(2)(*b*) for the words "stock in trade" there shall be substituted the word "cargo". Section 4(4) shall be omitted.
Section 5	In section 5(1) for the word "ten" there shall be substituted the word "thirty". In section 5(1)(*b*) after the word "in" there shall be inserted the words "or nearest to".
Schedule 2	Schedule 2 shall be omitted.

EXPLANATORY NOTE

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

This Order transfers from the County Court to the Ministry of Home Affairs the function of determining claims for compensation under section 515 of the Merchant Shipping Act 1894 for damage to or destruction or plunder of a wreck or its cargo or apparel.

For this purpose that section is amended so as to apply the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 with modifications.