**1962. No. 43** **[C]**

# MINISTRIES

## Transfer of Inland Navigation Functions

ORDER IN COUNCIL, *DATED 12TH MARCH, 1962, MADE UNDER SECTION 17 OF THE INLAND NAVIGATION ACT (NORTHERN IRELAND), 1954, AND SECTION 4 OF THE MINISTRIES ACT (NORTHERN IRELAND), 1944.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Whereas by section seventeen of the Inland Navigation Act (Northern Ireland), 1954(**a**), (hereinafter referred to as "the Act of 1954") it is provided that section four of the Ministries Act (Northern Ireland), 1944(**b**), (hereinafter referred to as "the Act of 1944") shall have effect so as to enable an Order in Council to be made thereunder at any time after the vesting date referred to in the Act of 1954 transferring to the Ministry of Finance all or any of the functions of the Ministry of Commerce under the Act of 1954 and all or any of the property (whether or not held by the Ministry of Commerce in connection with the functions so transferred) vested in the Ministry of Commerce by the Act of 1954:

And whereas agreements in the terms of the draft agreements set out in the First Schedule to the Act of 1954 were pursuant to the provisions of the Act of 1954 duly executed between the Ministry of Commerce and the Lagan Navigation Company and between the said Ministry and the Councils of the Counties of Armagh, Down and Tyrone and the Upper Bann Navigation Trustees on the 1st day of April, 1954, which date accordingly became the vesting date referred to in the Act of 1954 in relation to the undertakings of the Lagan Navigation and the Upper Bann Navigation:

And whereas it is expedient to make such transfer of functions and property as is hereinafter provided:

And whereas pursuant to sub-section (5) of section four of the Act of 1944 a draft of this Order has lain before each House of Parliament for the statutory period, and neither House of Parliament has during that period resolved that no further proceedings shall be taken in relation thereto:

Now, therefore, I, John de Vere, Baron Wakehurst, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in exercise of the powers conferred upon me by section seventeen of the Act of 1954 and section four of the Act of 1944 do hereby order as follows:

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(**a**) 1954. c. 1. (**b**) 1944. c. 14

*A draft of this Order was laid before each House of Parliament on 5th December, 1961, for the statutory period.

*General*

**1.**—(1) This Order may be cited as the Ministries (Transfer of Inland Navigation Functions) Order, 1962.

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

"Ministry" includes a Minister;

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

(3) This Order shall come into force on the first day of April, 1962, hereinafter referred to as "the day of transfer".

*Functions of the Ministry of Finance*

**2.**—(1) The functions exercisable immediately before the day of transfer by the Ministry of Commerce under or for the purposes of the Act of 1954 shall be, and are hereby, transferred as from that day to the Ministry of Finance.

(2) References to the Ministry of Commerce, where they occur in the Act of 1954, shall as from the day of transfer be construed as references to the Ministry of Finance.

*Transfer of Functions, Property, Rights and Liabilities*

**3.**—(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, judgement, decree, order, award, deed, contract, regulation, bye-law, certificate or other document passed or made before the day of transfer, 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 day of transfer, but any such matter shall, if in force immediately before that day, continue in force to the like extent and subject to like provisions as if it had been duly made, given or done by the transferee.

(4) Anything commenced before the day of transfer, 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 day of transfer 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 proceeding for the transferor, and the proceeding shall not abate by reason of the substitution.

**4.** All property, rights and liabilities held, enjoyed or incurred before the day of transfer by the Ministry of Commerce in connection with the functions to be transferred to the Ministry of Finance by this Order except so much of the said property as is situate within the boundaries of the new roads described