1973. No. 129 **[NC]**

HARBOURS

Transfer of Functions and Adaptation of Enactments

TRANSFER OF FUNCTIONS (FISHERY HARBOURS) (NORTHERN IRELAND) ORDER 1973, DATED 14TH APRIL 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 transferred 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, or instrument issued under any such Act), and may be varied or revoked by a subsequent Order of the Governor of Northern Ireland in Council made with the consent of the Secretary of State:

AND WHEREAS in consequence of certain functions of the Ministry of Commerce in relation to any fishery harbour having been transferred by or under the Ministries Act (Northern Ireland) 1944(**c**) 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(**d**) it is provided that so long as that section has effect all functions which apart from that Act belong to the Governor or 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 Provisions) Act 1972 hereby makes the following Order:—

Citation, etc.

1.—(1) This Order may be cited as the Transfer of Functions (Fishery Harbours) (Northern Ireland) Order 1973.

(**a**) 8 & 9 Geo. 6. c. 12.
(**b**) 10 & 11 Geo. 6. c. 37.
(**c**) 1944. c. 14.
(**d**) 1972. c. 22.

(2) In this Order—

"fishery harbour" means any transferred harbour within the meaning of the Northern Ireland Fishery Harbour Authority Order (Northern Ireland) 1973(**e**) and any other harbour for which the Northern Ireland Fishery Harbour Authority is established as the harbour authority by an order made by the Ministry of Commerce under section 1 of the Harbours Act (Northern Ireland) 1970(**f**);

"transfer date" means 17th April 1973;

"transferor" and "transferee" mean respectively the Ministry of Commerce for Northern Ireland and the Ministry of Agriculture for Northern Ireland.

(3) The Interpretation Act (Northern Ireland) 1954(**g**) 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 functions

2. The functions exercisable immediately before the transfer date by the transferor under or for the purposes of the Prevention of Oil Pollution Act 1971(**h**) shall be, and are hereby, transferred as from that date to the transferee so far as those functions relate to any fishery harbour.

Consequential, etc., provisions

3. In consequence of Article 2, section 30 of the Prevention of Oil Pollution Act 1971 shall have effect in relation to any fishery harbour as if any reference to the transferor were a reference to the transferee and any reference to a person appointed by the transferor were a reference to a person appointed by the transferee.

Dated this 14th day of April 1973.

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

EXPLANATORY NOTE

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

This Order transfers certain functions of the Ministry of Commerce for Northern Ireland under enactments of the Parliament of the United Kingdom relating to harbours. The transfer of these functions is consequential on the transfer from that Ministry of fishery harbour functions to the Ministry of Agriculture for Northern Ireland under S.R. & O. (N.I.) 1973, No. 128.

(**e**) S.R. & O. (N.I.) 1973, No. 35.
(**f**) 1970. c. 1 (N.I.).
(**g**) 1954. c. 33.
(**h**) 1971. c. 60.