

S.I. No. 409/1993 - The Environmental Research Unit (Establishment) Order, 1988 (Revocation) Order, 1993.

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THE ENVIRONMENTAL RESEARCH UNIT (ESTABLISHMENT) ORDER, 1988 (REVOCATION) ORDER, 1993.

The Minister for the Environment, in exercise of the powers conferred on him by section 5 of the Local Government Services (Corporate Bodies) Act, 1971 (No. 6 of 1971) hereby orders as follows:—

1. This Order may be cited as the Environmental Research Unit (Establishment) Order, 1988 (Revocation) Order, 1993.

2. In this Order—

"the appointed day" means the 1st day of January, 1994;

" the Unit" means the Environmental Research Unit;

"the Minister" means the Minister for the Environment;

"the Department" means the Department of the Environment;

"the Authority" means the National Roads Authority established under the provisions of section 16 of the Roads Act, 1993 (No. 14 of 1993).

3. On the appointed day, the Environmental Research Unit (Establishment) Order, 1988 (S.I. No. 20 of 1988) shall be revoked and the Unit shall be dissolved.

4. The following provisions shall apply in relation to the dissolution of the Unit:

(1) All persons named in the First Schedule to this Order who, immediately before the appointed day, were in the employment of the Unit, shall, on the appointed day, be transferred to the Department.

(2) (a) All property, whether real or personal (including choses-in-action) which, immediately before the appointed day was vested in or belonged to or was held in trust for the Unit and all rights, powers and privileges relating to or connected with any such property shall on the said day, without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or the property of or held in trust for (as the case may require) the Authority for all the estate, term or interest for which the same immediately before the appointed day was vested in or belonged to or was held in trust for the Unit but subject to all trusts and equities affecting the same and then subsisting and capable of being performed.

(b) All property transferred by paragraph (2) (a) which immediately before the appointed day was standing in the books of any bank or was registered in the books of any bank, corporation or company in the name of the Unit shall, upon the request of the Authority made at any time after the said day, be transferred in such books by such bank, corporation or company into the name of the Authority.

(c) After the appointed day, every chose-in-action transferred by paragraph (2) (a) from the Unit to the Authority may be sued upon, recovered or enforced by the Authority and it shall not be necessary for the Authority to give notice to the person bound by such chose-in-action of the transfer effected by this paragraph.

(3) (a) Every debt and other liability (including mortgage debts and also including unliquidated liabilities arising from tort or breach of contract) which immediately before the appointed day was owing and unpaid or had been incurred and was undischarged by the Unit shall, on the said day, become and be the debt or liability of the Authority and shall be paid or discharged by and may be recovered from or enforced against the Authority accordingly.

(b) The dissolution of the Unit shall not invalidate or affect any paying order which may have been issued by the Unit and not presented for payment before the appointed day or any authority given by the Unit for the payment of the amount of such paying order, and the Authority shall make arrangements for the payment of the amount of every such paying order upon due presentation within a reasonable time after the said day.

(4) Every bond, guarantee or other security of a continuing character made or given by the Unit to another person or by any person to the Unit and in force immediately before the appointed day and every contract or agreement in writing made between the Unit and another person and not fully executed and completed before the said day shall, notwithstanding the dissolution of the Unit, continue in force after the said day but shall be construed and have effect as if the name of the Authority were substituted therein for the name of the Unit and such security, contract or agreement shall be enforceable by or against the Authority accordingly.