STATUTORY RULES OF NORTHERN IRELAND

2011 No. 44

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) Order (Northern Ireland) 2011

Made - - - - 21st February 2011
Affirmed by resolution of the Assembly - - - - 14th March 2011

Coming into operation in accordance with Article 1(2)

The First Minister and deputy First Minister acting jointly, in exercise of the powers conferred by Article 8 of the Departments (Northern Ireland) Order 1999(**1**), make the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Departments (Transfer of Functions) Order (Northern Ireland) 2011.

(2) This Order comes into operation on 1st April 2011 or the day after that on which it is affirmed by resolution of the Assembly, whichever is later.

Interpretation

2. In this Order—

"instrument" includes any judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document;

"the transfer date" means the date on which this Order comes into operation;

"transferor" and "transferee", in relation to any functions transferred by this Order, mean respectively the department from which and the department to which the functions are transferred.

Transfer of certain functions of the Department of Education

3. The functions which immediately before the transfer date are exercisable by the Department of Education under or for the purposes of Article 22(2)(c), 22(3)(b), 22(6) and 23 of the Education

(**1**) S.I 1999/283 (N.I 1)

(Northern Ireland) Order 1996(**2**) are hereby transferred as from that date to the Department of Justice.

Transfer of certain functions of the Department of Enterprise, Trade and Investment

4. The functions which immediately before the transfer date are exercisable by the Department of Enterprise, Trade and Investment under or for the purposes of Article 10 of the Deregulation and Contracting Out (Northern Ireland) Order 1996(**3**) are hereby transferred as from that date to the Department of Justice.

Transfer of certain functions of the Department of Finance and Personnel

5. The functions which immediately before the transfer date are exercisable by the Department of Finance and Personnel under or for the purposes of sections 1(2), 2(1)(c), 2(5), 3(2), 3(3), 3(5), 4, 5, 7(1), 7(2), 9(1), 9(5) and 12(4) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(**4**) are hereby transferred as from that date to the Department of Justice.

Transfer of certain functions of the Department of Health, Social Services and Public Safety

6. The functions which immediately before the transfer date are exercisable by the Department of Health, Social Services and Public Safety under or for the purposes of—

(a) paragraphs 8, 11, 15(c) to (h), 17 and 19 of Schedule 11 to the Health and Personal Social Services (Northern Ireland) Order 1972(**5**);

(b) Article 70(2) of the Mental Health (Northern Ireland) Order 1986(**6**); and

(c) Article 44(2), 44(3) and 44(4) and paragraphs 1(2)(b), 2(3), 2(4), 3(4), 3(5), 4, 5 and 6 of Schedule 2 to the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**7**);

are hereby transferred as from that date to the Department of Justice.

Transfer of certain functions of the Department for Regional Development

7. The functions which immediately before the transfer date are exercisable by the Department for Regional Development under or for the purposes of Article 31(2) of the Traffic Management (Northern Ireland) Order 2005(**8**) are hereby transferred as from that date to the Department of Justice.

References in statutory provisions, etc.

8.—(1) In the construction and for the purposes of any statutory provision or instrument passed, made or issued before the transfer date, any reference to, or which is to be construed as a reference to, the transferor shall, so far as may be necessary for the purpose of the transfer of functions by this Order, be construed as, or as including, a reference to the transferee.

(2) The transfer of functions by this Order shall not affect the validity of any instrument made or issued or any other act done by, or in relation to, the transferor before the transfer day; and any such instrument or act shall, if in force immediately before that date, continue in force to the same

(**2**) 1996 (N.I. 1)
(**3**) 1996 (N.I 11)
(**4**) 1964 (c.29) (N.I)
(**5**) 1972 (N.I 14)
(**6**) 1986 (N.I 4)
(**7**) 2003 (N.I 9)
(**8**) 2005 (N.I 14)