STATUTORY RULES OF NORTHERN IRELAND

2001 No. 229

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) Order (Northern Ireland) 2001

Made - - - -	*31st May 2001*
Affirmed by resolution of the Assembly - - - -	*25th June 2001*
Coming into operation	*2001*

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**), hereby make the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Departments (Transfer of Functions) Order (Northern Ireland) 2001.

(2) This Order shall come into operation on the day after that on which it is affirmed by a resolution of the Assembly.

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 day on which this Order comes into operation;

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

Transfer of certain functions of Department of Finance and Personnel

3. The functions which immediately before the transfer date are exercisable by the Department of Finance and Personnel under or for the purposes of sections 52(8) and 56(3) of the Northern Ireland

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

Act 1998(**2**) are hereby transferred as from that date to the Office of the First Minister and deputy First Minister.

Transfer of certain functions of Department of the Environment

4.—(1) The functions which immediately before the transfer date are exercisable by the Department of the Environment under or for the purposes of—

(a) sections 109A, 116 and 116B to 116D of the Social Security Administration (Northern Ireland) Act 1992(**3**); and

(b) sections 122 and 122B to 122E of the Social Security Administration Act 1992(**4**),

are hereby transferred as from that date to the Department of Finance and Personnel.

(2) The functions which immediately before the transfer date are exercisable by the Department of the Environment under or for the purposes of—

(a) section 11 of the Transport Act (Northern Ireland) 1967(**5**);

(b) the Transport (Amendment) Act (Northern Ireland) 1971(**6**);

(c) the Transport (Northern Ireland) Order 1977(**7**), except Article 10; and

(d) Articles 31, 33(3), 45 and 50 of the Road Traffic (Northern Ireland) Order 1995(**8**),

are hereby transferred as from that date to the Department for Regional Development.

(3) The functions which immediately before the transfer date are exercisable by the Department of the Environment under or for the purposes of—

(a) Article 8(1)(*b*), (2) and (7) of, and paragraphs 1 and 2 of Schedule 1 to, the Water and Sewerage Services (Northern Ireland) Order 1973(**9**);

(b) Articles 110, 111(1) to (3) and (5) and 127(1)(*c*) of the Planning (Northern Ireland) Order 1991(**10**); and

(c) paragraph 3(2)(*b*) and (3) of Schedule 1 to the Water (Northern Ireland) Order 1999(**11**),

are hereby transferred as from that date to the Office of the First Minister and deputy First Minister.

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

5.—(1) The functions which immediately before the transfer date are exercisable by the Minister of Enterprise, Trade and Investment under or for the purposes of Article 6(1), (3) and (4) of the Statistics of Trade and Employment (Northern Ireland) Order 1988(**12**) are hereby transferred as from that date to the Minister of Finance and Personnel.

(2) 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 6(1)(*b*) and (7) of that Order are hereby transferred as from that date to the Department of Finance and Personnel.

(**2**) 1998 c. 47
(**3**) 1992 c. 8, as amended by 1997 c. 47, sections 1 and 2 and S.I. 1997/1182 (N.I. 11), articles 3 and 14
(**4**) 1992 c. 5, as amended by 1997 c. 47, sections 1 to 3
(**5**) 1967 c. 37 (N.I.); functions under this Act were previously transferred by S.R.&O. (N.I.) 1973/504
(**6**) 1971 c. 14 (N.I.); functions under this Act were previously transferred by S.R.&O. (N.I.) 1973/504
(**7**) S.I. 1977/599 (N.I. 10)
(**8**) S.I. 1995/2994 (N.I. 18)
(**9**) S.I. 1973/70 (N.I. 2); functions under this Order were previously transferred by S.R.&O. (N.I.) 1973/504 and S.R. 1999 No. 481; Article 8 was amended by S.I. 1993/3165 (N.I. 16), Article 6, and paragraph 1 of Schedule 1 was amended by S.I. 1999/663, Article 2(1) and Schedule 1, para 19
(**10**) S.I. 1991/1220 (N.I. 11); Article 110(2) was amended by S.I. 1999/663, Article 2(1) and Schedule 1, para 25
(**11**) S.I. 1999/662 (N.I. 6)
(**12**) S.I. 1988/593 (N.I. 3)

(3) In consequence of paragraph (2), in Article 6(7) of that Order the words ", with the consent of the Department of Finance and Personnel," are repealed.

Transfer of certain functions of Department for Social Development

6. The functions which immediately before the transfer date are exercisable by the Department for Social Development under or for the purposes of—

(a) Chapter II of Part VII of the Pension Schemes (Northern Ireland) Act 1993(**13**); and

(b) sections 153 and 172(1)(*b*), (2)(*a*) and (7)(*c*) of that Act,

are hereby transferred as from that date to the Department of Higher and Further Education, Training and Employment.

Transfer of certain functions of Department of Education

7. The functions which immediately before the transfer date are exercisable by the Department of Education under or for the purposes of—

(a) Article 115 of the Education and Libraries (Northern Ireland) Order 1986(**14**), so far as relating to physical activities;

(b) Article 134 of that Order, so far as relating to Article 115 of that Order so far as that Article relates to library services or recreational, cultural or physical activities; and

(c) Article 32 of the Education and Libraries (Northern Ireland) Order 1993(**15**), so far as relating to commercial activities undertaken by a board in connection with its functions under Part VII of the Education and Libraries (Northern Ireland) Order 1986,

are hereby transferred as from that date to the Department of Culture, Arts and Leisure.

Transfer of certain functions of the Department of Agriculture and Rural Development

8. The functions which immediately before the transfer date are exercisable by the Department of Agriculture and Rural Development under or for the purposes of—

(a) section 185B(3) and (4) of the Fisheries Act (Northern Ireland) 1966(**16**); and

(b) Article 8(1)(*b*) and (2) of, and paragraph 1(1) of Schedule 1 to, the Water and Sewerage Services (Northern Ireland) Order 1973;

are hereby transferred as from that date to the Office of the First Minister and deputy First Minister.

Transfer of certain functions of Department of Culture, Arts and Leisure

9. The functions which immediately before the transfer date are exercisable by the Department of Culture, Arts and Leisure under or for the purposes of—

(a) section 185B(3) and (4) of the Fisheries Act (Northern Ireland) 1966(**17**); and

(b) Article 8(1)(*b*) and (2) of the Water and Sewerage Services (Northern Ireland) Order 1973;

are hereby transferred as from that date to the Office of the First Minister and deputy First Minister.

(**13**) 1993 c. 49; functions under this Act were previously transferred by S.R. 1999 No. 481
(**14**) S.I. 1986/594 (N.I. 3); Article 115 was substituted by S.I. 1989/2406 (N.I. 20), Article 159
(**15**) S.I. 1993/2810 (N.I. 12)
(**16**) 1966 c. 17 (N.I.); section 185B was inserted by S.I. 1991/1466 (N.I. 13), Article 31 and amended by S.I. 1993/3165 (N.I. 16), Article 6
(**17**) These functions were previously transferred by S.R. 1999 No. 481