STATUTORY RULES OF NORTHERN IRELAND

1999 No. 481

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

Made - - - -	*30th November 1999*
Coming into operation	*1st December 1999*

In exercise of the powers conferred by section 4 of the Ministries Act (Northern Ireland) 1944(**1**) and now vested in me(**2**) and all other powers enabling me in that behalf, I hereby make the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999.

(2) This Order shall come into operation on 1st December 1999.

Interpretation

2.—(1) In this Order—

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

"the transfer date" means 1st December 1999;

"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.

(2) In this Order "department" includes—

(a) in the case of a transferor, the head of the department; and

(b) in the case of a transferee, the Minister of the department;

and functions of the head of a department transferred by this Order are transferred to the Minister of a department.

(**1**) 1944 c. 14 (N.I.)
(**2**) by S.I. 1973/2163 Article 14(1) and Sch. 5, para. 27; 1974 c. 28 section 1(3) and Sch. 1, para. 2(1)(*b*)

Transfer of certain functions of Department of Agriculture

3. The functions which immediately before the transfer date are exercisable by the Department of Agriculture under or for the purposes of the enactments set out in Schedule 1 are hereby transferred as from that date to the Department of Culture, Arts and Leisure.

Transfer of certain functions of Department of Economic Development

4. The functions which immediately before the transfer date are exercisable by the Department of Economic Development—

(a) under or for the purposes of the enactments set out in Part I of Schedule 2 are hereby transferred as from that date to the Office of the First Minister and deputy First Minister;

(b) under or for the purposes of the enactments set out in Part II of Schedule 2 are hereby transferred as from that date to the Department of Higher and Further Education, Training and Employment;

(c) under or for the purposes of the enactments set out in Part III of Schedule 2 are hereby transferred as from that date to the Department for Regional Development.

Transfer of certain functions of Department of Education

5. The functions which immediately before the transfer date are exercisable by the Department of Education—

(a) under or for the purposes of the enactments set out in Part I of Schedule 3 are hereby transferred as from that date to the Department of Culture, Arts and Leisure;

(b) under or for the purposes of the enactments set out in Part II of Schedule 3 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 the Environment

6. The functions which immediately before the transfer date are exercisable by the Department of the Environment—

(a) under or for the purposes of the enactments set out in Part I of Schedule 4 are hereby transferred as from that date to the Department of Culture, Arts and Leisure;

(b) under or for the purposes of the enactments set out in Part II of Schedule 4 are hereby transferred as from that date to the Department of Finance and Personnel;

(c) under or for the purposes of the enactments set out in Part III of Schedule 4 are hereby transferred as from that date to the Department of Health, Social Services and Public Safety;

(d) under or for the purposes of the enactments set out in Part IV of Schedule 4 are hereby transferred as from that date to the Department for Regional Development;

(e) under or for the purposes of the enactments set out in Part V of Schedule 4 are hereby transferred as from that date to the Department for Social Development.

Transfer of certain functions of Department of Finance and Personnel

7. The functions which immediately before the transfer date are exercisable by the Department of Finance and Personnel under or for the purposes of the enactments set out in Schedule 5 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 Health and Social Services

8. The functions which immediately before the transfer date are exercisable by the Department of Health and Social Services—

(a) under or for the purposes of the enactments set out in Part I of Schedule 6 are hereby transferred as from that date to the Office of the First Minister and deputy First Minister;

(b) under or for the purposes of the enactments set out in Part II of Schedule 6 are hereby transferred as from that date to the Department for Social Development.

Assignment of functions to Office of the First Minister and deputy First Minister

9. The Office of the First Minister and deputy First Minister shall, in addition to any functions exercisable by virtue of any other statutory provision, be the department responsible for—

(a) the co-ordination of policy;

(b) liaison with other bodies, persons and authorities (both within and outside Northern Ireland);

(c) supporting the Executive Committee;

(d) information services;

(e) the legislative programme;

(f) policy in relation to public appointments;

(g) the economic policy unit;

(h) standards in public life;

(i) other functions heretofore exercisable by the Central Secretariat.

References in enactments, etc.

10.—(1) In the construction and for the purposes of any enactment 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 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 date; and any such instrument or act shall, if in force immediately before that date, continue in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the transferee.

(3) Anything (including any legal proceedings) in the process of being done by or in relation to the transferor immediately before the transfer date may, so far as it relates to any function transferred by this Order, be continued by or in relation to the transferee.

Transfer of assets and liabilities

11. All property, rights and liabilities to which the transferor is entitled or subject immediately before the transfer date in connection with the functions transferred by this Order shall on that date be transferred to, and by virtue of this Order vest in, the transferee.

Peter Mandelson

Dated this 30th day of November 1999.

One of Her Majesty's Principal Secretaries of State

SCHEDULE 1

Enactments relating to functions transferred from the Department of Agriculture to the Department of Culture, Arts and Leisure

Railway and Canal Traffic Acts 1854 to 1894, so far as relating to canals.

Local Government (Ireland) Act 1898, section 37.

Irish Land Act 1903, section 13(1), (2) and (5) and subsection (4) so far as relating to sporting rights.

Northern Ireland Land Act 1925, section 15.

Railway and Canal Traffic (Amendment) Act (Northern Ireland) 1930, so far as relating to canals.

Northern Ireland Land Purchase (Winding Up) Act 1935, section 3(*c*), so far as relating to sporting rights.

Inland Navigation Act (Northern Ireland) 1954.

Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955, section 6(3) and so much of sections 5, 7, 9, 12, 13 and 14 as relates to section 6(3).

In the Fisheries Act (Northern Ireland) 1966 ("the Act")—

Section 1, so far as relating to inland fisheries and salmon fisheries;

Sections 1A to 7;

Section 8, so far as relating to inland waters;

Section 9, so far as relating to inland fisheries and salmon fisheries;

Section 10;

Sections 11 to 11C, so far as relating to fish farms in inland waters;

Section 12, so far as relating to inland fisheries, salmon fisheries and fish other than sea-fish;

Section 14, so far as relating to the artificial propagation of salmon, eels or freshwater fish and the improvement of any inland fishery or salmon fishery;

Sections 15 and 16;

Sections 17 and 18, except so far as relating to records and returns made by sea-fishermen, fish-salesmen or persons engaged in business in connection with the wholesale distribution or the processing of sea-fish;

Section 19, so far as relating to functions under sections 3A, 15, 17, 108(1)(*c*) and 111(4);

Section 20, so far as relating to inland fisheries or the operation of any provision of the Act other than Part VIII, IX or IXA or any other such provision in its application to sea-fisheries;

Section 22(1)(*a*) and (*c*), so far as relating to functions exercisable under any provision of the Act other than Part VIII, IX or IXA or any other such provision in its application to sea-fisheries;

Section 22(1)(*b*), so far as relating to inland fisheries;

Parts II to VII;

Section 166(1);

Section 170 and Schedule 5A, so far as relating to the appointment of, and the renewal of the appointment of, private water bailiffs for the protection of any inland fisheries or salmon fisheries;