1976 No. 281

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) (No. 2) Order (Northern Ireland) 1976

Made . . . . . 20*th September* 1976

Coming into operation . . 1*st October* 1976

In exercise of the powers conferred by section 4 of the Ministries Act (Northern Ireland) 1944(a) and now vested in me(b), 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 of Functions) (No. 2) Order (Northern Ireland) 1976.

(2) This Order shall come into operation on 1st October 1976.

Interpretation

2. In this Order—

"Department" includes the Head of a Department;

"transfer date" means 1st October 1976;

"transferor" and "transferee" respectively mean, in relation to any functions transferred under this Order, the department or other authority from which, and the department to which, functions are being so transferred;

"transferred provision" has the meaning assigned to it by section 1 of the Interpretation Act (Northern Ireland) 1954(c).

Transfer of certain functions of the Department of Finance

3.—(1) There shall be and are hereby transferred as from the transfer date to the Department of the Civil Service the following functions exercisable immediately before that date by the Department(d) of Finance—

(*a*) functions under or for the purposes of the enactments set out in Schedule 1 including any enactment in force on the transfer date amending or extending any of those enactments and so much of any transferred provision in force on the transfer date as confers functions on the Department of Finance for the purposes of those enactments;

(*b*) functions in relation to the central control and management of the Northern Ireland Civil Service and in relation to the Central Secretariat (other than the Ulster Office in London); and

(*c*) any other functions relating to the exercise by any person or body other than the Department of Finance of any power requiring for its exercise the sanction of the Department of Finance (whether by approval, consent, agreement or otherwise) being a power to determine the numbers,

(a) 1944 c. 14 (N.I.).
(b) By S.I. 1973/2163 Article 14(1) and Schedule 5 para. 27; 1974 c. 28 s. 1(3) and Schedule 1 para. 2(1)(*b*).
(c) 1954 c. 33 (N.I.).
(d) Formerly Ministry: *see* 1973 c. 36 s. 40 and Schedule 5 para. 8(1).

remuneration, conditions of service, expenses, allowances, compensation for loss of office or superannuation of members of any body or of persons employed under whatever title as officers, servants, staff or agents of any person or body.

(2) In this Article "body" (without prejudice to the generality of that expression) includes in particular any board, commission, authority, council, committee, body of trustees, panel or other body, whether corporate or unincorporate.

Transfer of functions in relation to the Ulster Office in London

4. There shall be and are hereby transferred from the transfer date to the Department of Commerce the functions exercisable immediately before that date by the Department of Finance and the Central Secretariat in relation to the Ulster Office in London (formerly the Agent for Northern Ireland in Great Britain).

References in enactments etc.

5.—(1) The following provisions of this Article shall apply in relation to the functions transferred by this Order.

(2) In the construction and for the purposes of any transferred provision, judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the transfer date, any reference to, or which is to be construed as a reference to, the transferor, shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the transferee.

(3) The transfer shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the transferor before the transfer date, but any such matter shall, if in force immediately before that date, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the transferee.

(4) Anything commenced before the transfer date by or under the authority of the transferor may, so far as it relates to any functions transferred, be carried on or completed by or under the authority of the transferee.

(5) Where at the transfer date any legal proceeding is pending to which the transferor is a party, and the proceeding has reference to any of the functions transferred, the transferee shall be substituted in the proceeding for the transferor, and the proceeding shall not abate by reason of the substitution.

Transfer of assets and liabilities

6. All property, rights and liabilities held, enjoyed or incurred before the transfer date by the transferor in connection with the functions transferred to the transferee by this Order shall be transferred to the transferee as from the transfer date: and accordingly, as from that date, by virtue of this Order and without any further conveyance, transfer or assignment—

(*a*) the said property, real or personal, shall vest in the transferee;

(*b*) the said rights shall be enjoyed by the transferee; and

(*c*) the said liabilities shall become liabilities of the transferee.

Exercise of certain functions of Department of Finance to be subject to approval of Department of the Civil Service

7. The functions of the Department of Finance under the enactments set out in Schedule 2 shall be exercised on or after the transfer date subject to the approval of the Department of the Civil Service.

Amendment of enactments

8. The enactments set out in Schedule 3 shall have effect subject to the amendments specified in that Schedule.

Modification and adaptation of enactments

9.—(1) There shall be made in every local and personal Act and public general Act of a local character such modifications and adaptations as may be required to bring it into conformity with the provisions of this Order.

(2) The Notification entitled "Assignment of Functions to Departments" issued by the Lord Lieutenant of Ireland on 7th June 1921 and altered by subsequent enactments and the Ministries of Northern Ireland Act (Northern Ireland) 1921(a) shall have effect subject to this Order.

Dated this 20th day of September 1976.

Roy Mason
One of Her Majesty's Principal Secretaries of State

(a) 1921 c. 6 (N.I.).