STATUTORY INSTRUMENTS

1982 No. 338 (N.I. 6)

The Departments (Northern Ireland) Order 1982

\- - - - - - *10th March 1982*

Title and commencement

1. This Order may be cited as the Departments (Northern Ireland) Order 1982 and shall come into operation on 1st April 1982.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"Department" includes the head of a Department;

"statutory provision" has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954;

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

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

(3) Any reference in Schedule 1 to an enactment includes—

(a) a reference to any enactment in force on the transfer date amending or extending that enactment; and

(b) a reference to so much of any statutory provision in force on the transfer date as confers functions on the Department of Finance for the purposes of that encactment.

F1 1954 c.33 (N.I.).

Art. 3 rep. by 1999 NI 1

Dissolution of Department of the Civil Service

4.—(1) The functions which, immediately before the transfer date, are exercisable by the Department of the Civil Service are hereby transferred to the Department of Finance and Personnel.

Para.(2) rep. by 1999 NI 1

Transfer of certain functions of Department of Finance

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

(a) under or for the purposes if the enactments set out in Part I of Schedule 1 are hereby transferred to the Department of Agriculture;

(b) under or for the purposes of the enactments set out in Part II of Schedule 1 are hereby transferred to the Department of the Environment;

(c) under or for the purposes of the enactments set out in Part III of Schedule 1 are hereby transferred to the Department of Health and Social Services.

Art.6 rep. by 1999 NI 1

References in enactments, etc.

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

(2) The transfer of functions by this Order 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.

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

(4) Where, at the transfer date, any legal proceeding is pending to which the transferor is a party and the proceeding relates to any of the functions transferred by this Order, 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

8.—(1) All property, rights and liabilities held, enjoyed or incurred immediately before the transfer date by a transferor in connection with the functions transferred to the transferee by this Order are hereby transferred to the transferee and accordingly, by virtue of this Order and without any further conveyance, transfer or assignment—

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

(b) those rights shall be enjoyed by the transferee;

(c) those liabilities shall become liabilities of the transferee.

(2) A certificate by the Department of Finance and Personnel, that any property specified in the certificate, or any such interest in or right over any such property as may be specified, or any right or liability so specified, is by virtue of paragraph (1) for the time being vested in a Northern Ireland Department so specified, shall be conclusive evidence for all purposes of that fact.

Exercise of certain functions subject to approval of Department of Finance and Personnel

9. The functions of a department under the enactments set out in Schedule 2 shall be exercised subject to the approval of the Department of Finance and Personnel.

Article 10 —Amendments and repeals

S C H E D U L E S

SCHEDULE 1

Article 5.

ENACTMENTS RELATING TO FUNCTIONS
TRANSFERRED FROM DEPARTMENT OF FINANCE

PART I

ENACTMENTS RELATING TO FUNCTIONS
TRANSFERRED TO DEPARTMENT OF AGRICULTURE

Tithe Rentcharge (Ireland) Act 1838 (c. 109).

Landed Property Improvement (Ireland) Act 1847 (c. 32).

Landed Property Improvement (Ireland) Act 1849 (c, 59).

Irish Church Act 1869 (c. 42).

Landlord and Tenant (Ireland) Act 1872 (C. 32).

Irish Church Act (1869) Amendment Act 1872 (c. 90).

Land Law (Ireland) Act 1881 (c. 49).

Purchase of Land (Ireland) Act 1885 (c. 73).

Land Law (Ireland) Act 1887 (c. 33).

Public Works Loans Act 1888 (c. 39).

Public Works Loans Act 1889 (c. 71).

Purchase of Land (Ireland) Act 1891 (c. 48).