

1993 No. 310

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) Order
(Northern Ireland) 1993

Made 6th July 1993

Coming into operation 1st September 1993

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) Order (Northern Ireland) 1993.

(2) This Order shall come into operation on 1st September 1993.

Interpretation

2. In this Order—

“Department” includes the head of a Department;

“transfer date” means 1st September 1993;

“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 the Environment

3. The functions exercisable immediately before the transfer date by the Department of the Environment under or for the purposes of the enactments set out in the Schedule are hereby transferred as from that date to the Department of Economic Development.

References in enactments, etc.

4.—(1) 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 Department of the Environment, shall, so far only as may be necessary for the purposes of this Order, be construed as a reference to the Department of Economic Development.

(a) 1944 c. 14 (N.I.)

(b) 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)

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

(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 Department of the Environment 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 Department of Economic Development.

(3) Anything commenced before the transfer date by or under the authority of the Department of the Environment 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 Department of Economic Development.

(4) Where, at the transfer date, any legal proceeding is pending to which the Department of the Environment is a party and the proceeding has reference to any of the functions transferred by this Order, the Department of Economic Development shall be substituted in the proceeding for the Department of the Environment and the proceeding shall not abate by reason of the substitution.

Transfer of assets and liabilities

5. All property, rights and liabilities held, enjoyed or incurred before the transfer date by the Department of the Environment in connection with the functions transferred to the Department of Economic Development by this Order are hereby transferred to the Department of Economic Development as from the transfer date 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 Department of Economic Development;
- (b) those rights shall be enjoyed by the Department of Economic Development; and
- (c) those liabilities shall become liabilities of the Department of Economic Development.

Dated this 6th day of July 1993.

P. B. B. Mayhew
One of Her Majesty's Principal
Secretaries of State

Enactments relating to functions transferred from the Department of the Environment to the Department of Economic Development

The Uniformity of Laws Act (Northern Ireland) 1922, Schedule 5(a).

The Petroleum (Consolidation) Act (Northern Ireland) 1929(b).

The Petroleum (Transfer of Licences) Act (Northern Ireland) 1937(c).

The Cinemas (Northern Ireland) Order 1991(d).

Any enactment in force on the transfer date amending or extending the above-mentioned enactments and so much of any transferred provision in force on that date as confers functions on the Department of the Environment for the purposes of the above-mentioned enactments.

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- (a) 1922 c. 20 (N.I.)
 - (b) 1929 c. 13 (N.I.)
 - (c) 1937 c. 4 (N.I.)
 - (d) S.I. 1991/1462 (N.I. 12)

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order transfers from the Department of the Environment to the Department of Economic Development certain functions relating to health, safety and welfare of persons at work and of the general public. The activities covered by the functions transferred include the transport and sale of petroleum, and fire prevention in premises where raw celluloid and cinematograph film is stored or used.