

1995 No. 96

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) Order
(Northern Ireland) 1995

Made 13th March 1995

Coming into operation 1st April 1995

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) 1995.

(2) This Order shall come into operation on 1st April 1995.

Interpretation

2. In this Order—

“the 1986 Order” means the Recreation and Youth Service (Northern Ireland) Order 1986(c);

“the transfer date” means 1st April 1995.

Transfer of certain functions of the Department of Education

3. There are hereby transferred as from the transfer date to the Department of Health and Social Services the functions exercisable immediately before that date by the Department of Education under or for the purposes of—

(a) Article 10(3) of the 1986 Order, in so far as it relates to the provision by a district council of facilities for social activities;

(b) Article 11 of the 1986 Order, in so far as it relates to the making of grants—

(i) towards the approved expenses of a district council or voluntary organisation in providing or securing the provision of facilities for social activities;

(ii) to a central voluntary organisation whose objects include the provision of facilities for social activities to assist its work in connection with those activities; and

(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) S.I. 1986/2232 (N.I. 25)

- (iii) to persons following approved courses of training for employment in connection with social activities; and
- (c) Article 12(1) of the 1986 Order, in so far as it relates to regulations for the purposes of the functions transferred by paragraphs (a) and (b).

References in enactments, etc.

4.—(1) In the construction and for the purposes of any enactment, judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the transfer date, and any reference to, or which is to be construed as a reference to, the Department of Education shall, so far only as may be necessary for the purposes of this Order, be construed as a reference to the Department of Health and Social Services.

(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 Education 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 Health and Social Services.

(3) Anything commenced before the transfer date by or under the authority of the Department of Education 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 Health and Social Services.

(4) Where, at the transfer date, any legal proceeding is pending to which the Department of Education is a party and the proceeding relates to any of the functions transferred by this Order, the Department of Health and Social Services shall be substituted in the proceeding for the Department of Education, and the proceeding shall not abate by reason of the substitution.

Transfer of rights and liabilities

5. On the transfer date all rights and liabilities enjoyed or incurred immediately before that date by the Department of Education in connection with the functions transferred to the Department of Health and Social Services shall be transferred to, and by virtue of this Order vest in, the Department of Health and Social Services.

Dated this 13th day of March 1995.

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

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order transfers to the Department of Health and Social Services those functions of the Department of Education under Articles 10(3), 11 and 12(1) of the Recreation and Youth Service (Northern Ireland) Order 1986 which relate to social activities.