

2010 No. 362

NORTHERN IRELAND DEPARTMENTS

**The Departments (Transfer of Functions) Order
(Northern Ireland) 2010**

Made - - - - 22nd October 2010

Coming into operation in accordance with Article 1(2)

Affirmed by resolution of the Assembly on 30th November 2010

The First Minister and deputy First Minister acting jointly, in exercise of the powers conferred by Article 8 of the Departments (Northern Ireland) Order 1999(a), make the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Departments (Transfer of Functions) Order (Northern Ireland) 2010.

(2) This Order shall come into operation on the day after that on which it is affirmed by a resolution of the Assembly.

Interpretation

2. In this Order—

“instrument” includes any judgement, decree, order, award, deed, contract, regulation, byelaw, certificate or other document;

“the transfer date” means the day on which this Order comes into operation;

“transferor” and “transferee”, in relation to any functions transferred by this Order, mean respectively the department from which the functions are transferred and the department to which the functions are transferred.

Transfer of certain functions of Department of the Environment

3. The functions which immediately before the transfer date are exercisable by the Department of the Environment in relation to the issuing of any strategy or guidance relating to sustainable development under or for the purposes of section 25(2)(a) of the Northern Ireland (Miscellaneous Provisions) Act 2006(b) are transferred as from that date to the Office of the First Minister and deputy First Minister.

(a) S.I. 1999/283 (N.I. 1)

(b) 2006 c. 33

Consequential amendments

4. In consequence of Article 3 section 25(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006 is amended as follows—

- (a) in paragraph (a) for the words “Department of the Environment” substitute “Office of the First Minister and deputy First Minister”;
- (b) in paragraph (b) for the words “Department of the Environment” substitute “Office of the First Minister and deputy First Minister”.

References in statutory provisions, etc.

5.—(1) In the construction and for the purposes of any statutory provision 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 so far as it relates to any function transferred by this Order; 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

6. 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.

Dated this 22nd day of October 2010.

Peter Robinson
First Minister

Martin McGuinness
deputy First Minister

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order transfers functions of the Department of the Environment under section 25(2)(a) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) in relation to the issuing of any strategy or guidance relating to sustainable development to the Office of the First Minister and deputy First Minister.

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