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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 114**

**The Departments (Transfer of Functions)  
Order (Northern Ireland) 2021**

**Citation and commencement**

1.—(1) This Order may be cited as the Departments (Transfer of Functions) Order (Northern Ireland) 2021.

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

**Interpretation**

2.—(1) In this Order—

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

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

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

(2) Any reference in this Order to a statutory provision under or for the purposes of which a function is transferred by the Order (a “transferring provision”) includes a reference to a statutory provision passed or made before the transfer date which—

(a) amends or extends the transferring provision, or

(b) confers functions on the transferor for the purposes of the transferring provision.

**Transfer to the Department for Communities of certain functions of the Executive Office**

3. The functions which immediately before the transfer date are exercisable by the Executive Office<sup>(1)</sup> under or for the purposes of section 19 of the Employment Act (Northern Ireland) 2016<sup>(2)</sup> are transferred as from that date to the Department for Communities.

**Transfer to the Department for Infrastructure of certain functions of the Department of Agriculture, Environment and Rural Affairs**

4. The functions which immediately before the transfer date are exercisable by the Department of Agriculture, Environment and Rural Affairs<sup>(3)</sup> under or for the purposes of the Reservoirs Act (Northern Ireland) 2015<sup>(4)</sup> are transferred as from that date to the Department for Infrastructure.

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(1) The Office of the First Minister and deputy First Minister, on which the functions were conferred, was renamed the Executive Office by section 1(1) of the Departments Act (Northern Ireland) 2016. Section 1(1) came into operation on 8th May 2016.

(2) [2016 c. 15 \(N.I.\)](#).

(3) The Department of Agriculture and Rural Development, on which the functions were conferred, was renamed the Department of Agriculture, Environment and Rural Affairs by section 1(2) of the Departments Act (Northern Ireland) 2016. Section 1(2) came into operation on 8th May 2016.

### **Transfer to the Department of Justice of certain functions of the Department of Education**

5. The functions which immediately before the transfer date are exercisable by the Department of Education under or for the purposes of Article 23 of the Special Educational Needs and Disability (Northern Ireland) Order 2005<sup>(5)</sup> are transferred as from that date to the Department of Justice.

### **References in statutory provisions, etc.**

6.—(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 is, so far as may be necessary for the purpose of the transfer of functions by this Order, to be construed as, or as including, a reference to the transferee.

(2) The transfer of functions by this Order does 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; and any such instrument or act in force immediately before that date continues 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 transferor.

(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**

7. All assets and liabilities enjoyed or incurred by the transferor immediately before the transfer date in connection with any function transferred by this Order are on that date transferred to, and by virtue of this Order vest in, the transferee.

### **Consequential amendments**

8.—(1) The Schedule contains amendments of statutory provisions in consequence of Articles 3 to 5.

(2) Nothing in the Schedule affects the generality of Article 6 or 7.

Dated this 1st of April 2021

*The Rt Hon Arlene Foster MLA*  
First Minister  
*Michelle O'Neill MLA*  
deputy First Minister

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(4) 2015 c. 8 (N.I.).

(5) S.I. 2005/1117 (N.I. 6).