
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the transfer of functions and the modification of certain enactments in consequence of the Northern Ireland Act 1998. It comes into force on the day after it is made.

Most of the provisions in the Order, namely Articles 2, 3 and 5 to 9, relate to functions in respect of agriculture in Northern Ireland. Agriculture is a transferred matter under the Northern Ireland Act. Subject to the exception referred to below, these functions which prior to the Order coming into effect were exercisable by the Secretary of State for Northern Ireland, in some cases acting alone, in other cases acting jointly, are transferred to the Northern Ireland Department of Agriculture and Rural Development. The exception is where the function is a joint function and relates to an order or regulation making power. In such cases, rather than being transferred, the Secretary of State for Northern Ireland ceases to be one of the parties who may exercise the function and instead the consent of the Northern Ireland Department of Agriculture and Rural Development is required to the exercise of the powers. These Articles also contain some modifications and consequential amendments. Article 8(6) transfers a rule-making function in relation to the Plant Varieties and Seeds Tribunal from the Lord Chancellor to the Northern Ireland Department of Agriculture and Rural Development.

Article 4 of the Order transfers a function under the Lands Tribunal and Compensation Act (Northern Ireland) 1964 from the Secretary of State for Northern Ireland to the Department of Finance and Personnel.

Article 10 of the Order contains transitional and saving provisions.