

## NORTHERN IRELAND DEPARTMENTS

1976 No. 80

## Departments (Transfer of Functions) Order (Northern Ireland) 1976

*Made* . . . . . 23rd February 1976

*Coming into operation* . . . . . 1st April 1976

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) 1976.

(2) This Order shall come into operation on 1st April 1976.

*Interpretation*

2. In this Order—

“Department” includes the head of a Department;

“the transfer date” means 1st April 1976;

“transferor” and “transferee” respectively mean, in relation to any functions transferred under this Order the Department from which and the Department to which the functions are transferred;

“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 Finance*

3. There shall be and are hereby transferred as from the transfer date to the Department of the Environment the functions exercisable immediately before that date by the Department(d) of Finance under or for the purposes of the Historic Monuments Act (Northern Ireland) 1971(e) including any enactment in force on the transfer date amending or extending the above mentioned enactment and so much of any transferred provision in force on the transfer date as confers functions on the Department of Finance for the purposes of the above mentioned enactment.

*References in enactments etc.*

4.—(1) The following provisions of this Article shall apply in relation to the functions transferred by this Order.

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

(b) By S.I. 1973/2163 Article 14(1) and Sch. 5 para. 27; 1974 c. 28 Article 1(3) and Sch. 1 para. 2(1)(b)

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

(d) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(e) 1971 c. 17 (N.I.)

(2) In the construction and for the purposes of any transferred provision, judgement, 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 transferor, shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the transferee.

(3) The transfer shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the transferor 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 transferee.

(4) Anything commenced before the transfer date by or under the authority of the transferor may, so far as it relates to any functions transferred, be carried on or completed by or under the authority of the transferee.

(5) Where at the transfer date any legal proceeding is pending to which the transferor is a party, and the proceeding has reference to any of the functions transferred, the transferee shall be substituted in the proceeding for the transferor, 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 a transferor in connection with the functions transferred to the transferee by this Order shall be transferred to the transferee as from the transfer date; and accordingly, as from that date, by virtue of this order and without any further conveyance, transfer or assignment—

- (a) the said property, real or personal, shall vest in the transferee;
- (b) the said rights shall be enjoyed by the transferee; and
- (c) the said liabilities shall become liabilities of the transferee.

#### *Modification and adaptation of enactments*

6.—(1) There shall be made in every local and personal Act and public general Act of a local character such modifications and adaptations as may be required to bring it into conformity with the provisions of this Order.

(2) The Notification entitled "Assignment of Functions to Departments" issued by the Lord Lieutenant of Ireland on 7th June 1921 and altered by subsequent enactments and the Ministries of Northern Ireland Act (Northern Ireland) 1921(f) shall have effect subject to this Order.

Dated this 23rd day of February 1976.

(L.S.)

*Merlyn Rees*  
One of Her Majesty's Principal  
Secretaries of State

## EXPLANATORY NOTE

*(This Note is not part of the Order but is intended to indicate its general purport.)*

This Order transfers to the Department of the Environment with effect from 1st April 1976 the functions of the Department of Finance in respect of Historic Monuments under the Historic Monuments Act (Northern Ireland) 1971.

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This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.