

## 1987 No. 105

## NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) Order  
(Northern Ireland) 1987

Made . . . . . 9th March 1987

Coming into operation . . . . . 1st April 1987

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) 1987.

(2) This Order shall come into operation on 1st April 1987.

*Interpretation*

2. In this Order—

“Department” includes the head of a Department;

“the transfer date” means 1st April 1987;

“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 Economic Development*

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 of Economic Development under or for the purposes of the enactments set out in the Schedule including any enactment in force on the transfer date amending or extending any of those enactments and so much of any transferred provision in force on the transfer date as confers functions on the Department of Economic Development for the purposes of those enactments.

*References in enactments, etc.*

4.—(1) In the construction and for the purposes of any transferred provision, judgment, 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 Department of Economic Development shall, so far only as may be necessary for the

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

purposes of this Order be construed as a reference to the Department of the Environment.

(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 Economic Development 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 the Environment.

(3) Anything commenced before the transfer date by or under the authority of the Department of Economic Development 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 the Environment.

(4) Where, at the transfer date, any legal proceeding is pending to which the Department of Economic Development is a party and the proceeding relates to any of the functions transferred by this Order, the Department of the Environment shall be substituted in the proceeding for the Department of Economic Development 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 the Department of Economic Development in connection with the functions transferred to the Department of the Environment by this Order are hereby transferred to the Department of the Environment and accordingly, by virtue of this Order and without any further conveyance, transfer or assignment—

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

#### *Modification and adaptation of enactments*

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

Dated this 9th day of March 1987.

*Tom King*  
One of Her Majesty's Principal  
Secretaries of State

## SCHEDULE

**Enactments relating to functions transferred from Department of  
Economic Development to Department of the Environment**

The Public Harbours Act 1806

The General Pier and Harbour Act 1861 Amendment Act 1862 ss. 7 to 11

The Harbours Transfer Act 1862 ss. 8 and 14

The Administrative Provisions Act (Northern Ireland) 1925 s. 2(2)(b)

The Harbours Act (Northern Ireland) 1970

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**EXPLANATORY NOTE**

*(This note is not part of the Order.)*

This Order transfers to the Department of the Environment those functions of the Department of Economic Development which relate to ports and harbours.