

## 1990 No. 77

**NORTHERN IRELAND DEPARTMENTS****Departments (Transfer of Functions) Order  
(Northern Ireland) 1990**

*Made* . . . . . 26th February 1990

*Coming into operation* . . . . . 1st April 1990

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 Department (Transfer of Functions) Order (Northern Ireland) 1990.

(2) This Order shall come into operation on 1st April 1990.

*Interpretation*

2. In this Order—

“Department” includes the head of a Department;

“the transfer date” means 1st April 1990;

“transferred provision” has the meaning assigned to it by section 1 of the Interpretation Act (Northern Ireland) 1954(c).

*Transfer of certain functions of Department of Education in relation to community relations*

3. The functions exercisable immediately before the transfer date by the Department of Education under or for the purposes of Article 4(2) and (3) of the Community Relations (Amendment) (Northern Ireland) Order 1975(d) are hereby transferred as from the transfer date to the Department of Finance and Personnel.

*References in enactments*

4.—(1) In Article 4 of the Community Relations (Amendment) (Northern Ireland) Order 1975, in paragraphs (2) and (3) for the words “the Department of Education” there shall be substituted the words “the Department of Finance and Personnel”.

(2) In the construction and for the purposes of any transferred provision, judgment, decree, order, award, deed, contract, regulation, byelaw,

(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.)

(d) S.I. 1975/417 (N.I. 2)

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 Education shall, so far only as may be necessary for the purposes of this Order, be construed as a reference to the Department of Finance and Personnel.

(3) 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 Education 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 Finance and Personnel.

(4) Anything commenced before the transfer date by or under the authority of the Department of Education 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 Finance and Personnel.

(5) Where, at the transfer date, any legal proceeding is pending to which the Department of Education is a party and the proceeding relates to any of the functions transferred by this Order, the Department of Finance and Personnel shall be substituted in the proceeding for the Department of Education 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 Education in connection with the functions transferred to the Department of Finance and Personnel by this Order are hereby transferred to the Department of Finance and Personnel 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 Finance and Personnel;
- (b) those rights shall be enjoyed by the Department of Finance and Personnel; and
- (c) those liabilities shall become liabilities of the Department of Finance and Personnel.

#### *Consequential repeals*

6. In Article 4 of the Community Relations (Amendment) (Northern Ireland) Order 1975 the following provisions are hereby repealed, namely—

- (a) in paragraph (2) the words “As from the transfer date”;
- (b) paragraph (4).

Dated this 26th day of February 1990.

*P. L. Brooke*  
One of Her Majesty's Principal  
Secretaries of State

EXPLANATORY NOTE

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

This Order transfers to the Department of Finance and Personnel the functions of the Department of Education under Article 4(2) and (3) of the Community Relations (Amendment) (Northern Ireland) Order 1975.