

1991 No. 457

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) Order
(Northern Ireland) 1991

Made 30th September 1991

Coming into operation 1st November 1991

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) 1991.

(2) This order shall come into operation on 1st November 1991.

Interpretation

2. In this Order—

“Department” includes the head of a Department;

“the transfer date” means 1st November 1991;

“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 and Personnel

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 Finance and Personnel under or for the purposes of the Development Services Act (Northern Ireland) 1948(d) and so much of any transferred provision in force on the transfer date as confers functions on the Department of Finance and Personnel for the purposes of that Act.

References in enactments, etc

4.—(1) 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 Department

(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) 1948 c. 25 (N.I.)

of Finance and Personnel shall, so far only as may be necessary for the 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 Finance and Personnel 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 Finance and Personnel 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 Finance and Personnel 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 Finance and Personnel and the proceeding shall not abate by reason of the substitution.

Dated this 30th day of September 1991.

Peter 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 the Environment the functions of the Department of Finance and Personnel under the Development Services Act (Northern Ireland) 1948 which enables financial assistance to be given and other measures to be taken to provide for certain services, for bringing derelict land into use, and for the development of derelict areas generally.