

SCHEDULES

SCHEDULE 6

Article 11

AMENDMENTS

PART 1

AMENDMENTS CONSEQUENTIAL ON ARTICLE 3

Sex Discrimination (Northern Ireland) Order 1976 (NI 15)

1. In Article 54(1)(c), after “Department” in both places where it occurs insert “for Communities”.

2. In Article 57(2) for “head of the Department of Manpower Services” substitute “Department for Communities”.

Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003 (NI 1)

3. In Article 2(2) for the definition of “the Office” substitute—

““the Office” means the Executive Office;”.

4.—(1) Amend Article 9 (relevant sites) as follows.

(2) After paragraph (1) insert—

“(1A) In this Part “the responsible department” means—

- (a) in relation to a relevant site transferred to the Department for Infrastructure by the Departments (Transfer of Functions) Order (Northern Ireland) 2016, that Department;
- (b) in relation to any other relevant site existing immediately before the transfer date, the Office;
- (c) in relation to a new relevant site, means the department in which the site is vested in accordance with the arrangements mentioned in paragraph (1);
- (d) in relation to a development corporation established by an order under Article 15, the department which made the order.

(1B) In paragraph (1A) and this paragraph—

“new relevant site” means any area of land which becomes a relevant site at any time on or after the transfer date;

“the transfer date” has the same meaning as in the Departments (Transfer of Functions) Order (Northern Ireland) 2016.”.

(3) In paragraph (2) for “Office” substitute “responsible department”.

(4) In paragraph (3) for “signed by the First Minister and deputy First Minister” substitute “issued by the responsible department”.

5. In Articles 10 to 13 for “Office” (wherever occurring) substitute “responsible department”.
 6. In Article 13(2) for “Office’s” substitute “responsible department’s”.
 7. In Articles 15, 17, 19, 20, 21, 22, 23, 26 and 27 for “Office” (wherever occurring) substitute “responsible department”.
 8. In Schedule 1, in paragraphs 2 to 5, 7, 8 and 16 to 20 for “Office” (wherever occurring) substitute “responsible department”.
- 9.—(1) Amend Schedule 2 as follows.
- (2) In paragraphs 1 and 2 for “Office” (wherever occurring) substitute “responsible department”.
 - (3) In paragraph 2(1)(d) for “Office’s” substitute “relevant department’s”.
 - (4) In paragraphs 3, 4, 7 and 8 for “Office” (wherever occurring) substitute “responsible department”.

Commissioner for Children and Young People (Northern Ireland) Order 2003 (NI 11)

10. In Article 24—
 - (a) in paragraph (1)(b), for “First Minister and deputy First Minister” substitute “Department for Communities”;
 - (b) in paragraph (5), for “First Minister and deputy First Minister acting jointly” substitute “Department for Communities”.

Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33)

11. In section 25(2) and (3), for “Office of the First Minister and deputy First Minister”, in each place where those words occur substitute “Department of Agriculture, Environment and Rural Affairs”.

Commissioner for Older People Act (Northern Ireland) 2011 (c. 1)

12. In section 1(3), for “the Office” substitute “the Executive Office”.
13. In section 21—
 - (a) in subsection (1)(b), for “First Minister and deputy First Minister” substitute “Department for Communities”;
 - (b) in subsection (5), for “First Minister and deputy First Minister acting jointly” substitute “Department for Communities”.

Planning Act (Northern Ireland) 2011 (c. 25)

14. In section 5(2)(a), omit sub-paragraph (ii).
15. In section 203(2), for “First Minister and deputy First Minister acting jointly” substitute “Department”.

PART 2

AMENDMENTS CONSEQUENTIAL ON ARTICLE 4

Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (c. 15)

16. In section 1 (schemes for controlling Lough Neagh at lower levels), in subsection (1), omit “after consultation with the Ministry of Agriculture”.

PART 3

AMENDMENTS CONSEQUENTIAL ON ARTICLE 5

Foyle Fisheries Act (Northern Ireland) 1952 (c. 5)

17. In section 58(1A) (general powers) omit paragraphs (b) and (c).

18. In section 74(4) (forfeiture of licences) for “Department of Culture, Arts and Leisure” substitute “Department”.

Fisheries Act (Northern Ireland) 1966 (c. 17)

19. In the heading before section 25 omit “of Culture, Arts and Leisure”.

Mineral Development Act (Northern Ireland) 1969 (c. 35)

20. In Schedule 2 (mining facilities orders), in paragraph 1(4) for “Department of Culture, Arts and Leisure” substitute “Department of Agriculture, Environment and Rural Affairs”.

Roads (Northern Ireland) Order 1993 (NI 15)

21. In Schedule 8 (procedure for making certain orders), in paragraph 2(3)(a)(iv) for “Department of Culture, Arts and Leisure” substitute “Department of Agriculture, Environment and Rural Affairs”.

*North/South Co-operation (Implementation Bodies)
(Northern Ireland) Order 1999 (S.I. 1999/859)*

22.—(1) Article 5 is amended as follows.

(2) In paragraphs (3) and (4), for “Department of Culture, Arts and Leisure” (wherever occurring) substitute “Department for Infrastructure”.

(3) In paragraph (5), for “Minister of Culture, Arts and Leisure” substitute “Department for Infrastructure”.

23. In Article 7, for “Minister of Culture, Arts and Leisure” substitute “Department for Infrastructure”.

24. In paragraph 1 of Schedule 4—

(a) in sub-paragraph (2), for “Department of Culture, Arts and Leisure” substitute “Department for Infrastructure”;

- (b) in sub-paragraph (7), for “Minister of Culture, Arts and Leisure” substitute “Minister for Infrastructure”.

Water (Northern Ireland) Order 1999 (NI 6)

25. In Article 28A(5)(c), for “Department of Culture, Arts and Leisure” substitute “Department for Infrastructure”.

PART 4

AMENDMENTS CONSEQUENTIAL ON ARTICLE 6

Employment and Training Act (Northern Ireland) 1950 (c. 29)

26. In section 1 (general functions of the Department for Employment and Learning)—
- (a) in the heading, for “Ministry” substitute “Department”;
 - (b) in subsection (1), for “Department of Economic Development (in this Act referred to as “the Department”)” substitute “Department”.
27. In section 2 (employment exchanges and employment services)—
- (a) in subsections (1) and (2), for “Ministry” substitute “Department”;
 - (b) in subsection (3), for “Ministry” in the second place where it occurs substitute “Department”;
 - (c) in subsection (4), for “Ministry” substitute “Department”;
 - (d) in subsection (6), for “Ministry” in the second place where it occurs substitute “Department”.
 - (e) in subsections (7) and (8), for “Ministry” substitute “Department”.
28. In section 3 (provision as to training for employment)—
- (a) in subsection (1), for “Ministry” substitute “Department”;
 - (b) in subsection (2), for “Ministry” in the first place where it occurs substitute “Department”;
 - (c) in subsection (4), for “Ministry” in the first, second and fourth places where it occurs substitute “Department”.
29. In section 4 (scheme for promoting regularity of employment)—
- (a) in subsection (1), for “Ministry” in the first, second, fourth and fifth places where it occurs substitute “Department”;
 - (b) in subsections (2) and (3), for “Ministry” in each place where it occurs substitute “Department”;
 - (c) in subsection (4), for “Ministry” in the first and second places where it occurs substitute “Department”.
30. In section 5 (payments towards cost of removal and resettlement of workers)—
- (a) in subsection (1), for “Ministry” in the second place where it occurs substitute “Department”;
 - (b) in subsection (2), for “Ministry” in both places where it occurs substitute “Department”;
 - (c) in subsection (3), for “Ministry” in the first place where it occurs substitute “Department”;
 - (d) in subsection (5), for “Ministry” substitute “Department”.

31. In section 6 (existing powers), for “Ministry” in both places where it occurs, substitute “Department”.

32. In section 7 (expenses)—

- (a) in subsection (1)(a), for “Ministry” substitute “Department”;
- (b) in subsection (1)(b), for “Ministry” in the first place where it occurs substitute “Department”;
- (c) in subsection (2), for “Ministry” substitute “Department”.

33. In section 8 (prosecution of offences), for “Ministry” in both places where it occurs substitute “Department”.

34. In section 9 (regulations), in subsections (1) and (2) for “Ministry” substitute “Department”.

35. In section 10(1) (interpretation)—

- (a) after “that is to say;— ” insert—
 - “ “the Department” means—
 - (a) except in section 4 and this subsection, the Department for Communities or the Department for the Economy;
 - (b) in section 4 and this subsection, the Department for the Economy;”;
- (b) in the definition of “industry” for “Ministry” substitute “Department”.

Employment and Training (Amendment) (Northern Ireland) Order 1988 (NI 10)

36. In Article 2(2), in the definition of “the Department”, for “Department of Economic Development” substitute “Department for Communities or the Department for the Economy”.

Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990 (NI 12)

37. In Article 10 (power to exempt discrimination in favour of lone parents in connection with training)—

- (a) in paragraph (1), for “Department” in both places where it occurs substitute “Department for Communities or the Department for the Economy”;
- (b) in paragraph (3)(b), for “Department” substitute “Department for Communities or the Department for the Economy”.

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

38. In section 123A (claimant commitment for income support), in subsections (2) and (4)(b), omit “or the Department for Employment and Learning”.

Jobseekers (Northern Ireland) Order 1995 (NI 15)

39. In Article 2(2) (interpretation)—

- (a) in the definition of “the Department”, for “the Department of Health and Social Services” substitute “the Department for Communities”;
- (b) in the definition of “employment officer” (as the Article has effect before the repeal of the definition by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015), omit “or the Department for Employment and Learning”.

40. Omit Article 8L (concurrent exercise of certain functions in relation to jobseeker’s allowance by Department for Social Development and Department for Employment and Learning).

41. In Article 8M (delegation and contracting out), omit paragraph (7) (application of Article to Department for Employment and Learning as respects certain functions as it applies to Department for Social Development).

42. In Article 10 (attendance, information and evidence), in paragraph (2), in sub-paragraphs (b) and (c) omit “or of the Department for Employment and Learning”.

43. In Article 19B (Article 19A: supplemental) (as the Article has effect before its repeal by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015)—

- (a) in paragraph (1) (powers of Department for Employment and Learning for the purposes of or in connection with any “work for your benefit” scheme), omit “or the Department for Employment and Learning”;
- (b) in paragraph (3) (provision that regulations in pursuance of Article 4 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 may make in relation to “work for your benefit” schemes), for “the Department for Employment and Learning” substitute “the Department for Communities or the Department for the Economy”.

44. In Article 22E (contracting out functions) (as the Article has effect before its repeal by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015)—

- (a) in paragraphs (1), (2) and (3), omit “or of the Department for Employment and Learning”;
- (b) in paragraphs (7)(b) and (c), (8) and (9)(a), omit “or the Department for Employment and Learning”;
- (c) in paragraph (10), omit “ or of the Department for Employment and Learning”;
- (d) in paragraph (11) in both places where it occurs omit “or the Department for Employment and Learning”;
- (e) in paragraph (12)(c), omit “or of the Department for Employment and Learning”.

Disability Discrimination Act 1995 (c. 50)

45. In section 18C (charities and support for particular groups), in subsection (2)(b), for “Department for Employment and Learning” substitute “Department for Communities”.

46. In section 54A (codes of practice), in subsections (11) and (12), for “Department for Employment and Learning” substitute “Department for the Economy”.

Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21)

47. In Article 24A (assisting persons to obtain employment etc.)—

- (a) in paragraph (1)—
 - (i) for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”;
 - (ii) for “Department” in the second place where it occurs substitute “Department for Communities or the Department for the Economy”;
- (b) in paragraph (2)(a), for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”.

Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)

48. In Article 2(2) (interpretation), in the definition of “the Department”, for “the Department of Health and Social Services” substitute “the Department for Communities”.

49. In Article 57 (special schemes for claimants for jobseeker’s allowance)—

- (a) in paragraph (5) (powers in connection with any scheme), omit “or the Department of Economic Development”;
- (b) in paragraph (7) (provision that may be included in an order in pursuance of Article 4 of Employment and Training (Amendment) (Northern Ireland) Order 1988), for “the Department of Economic Development” substitute “the Department for Communities or the Department for the Economy”.

Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (SR 2003/497)

50. In regulation 21 (assisting persons to obtain employment etc.)—

- (a) in paragraph (1)—
 - (i) for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”;
 - (ii) for “Department” in the second place where it occurs substitute “Department for Communities or the Department for the Economy”;
- (b) in paragraph (2)(b), for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”.

Employment Equality (Age) Regulations (Northern Ireland) 2006 (SR 2006/261)

51. In regulation 23 (assisting persons to obtain employment etc.)—

- (a) in paragraph (1)—
 - (i) for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”;
 - (ii) for “Department” in the second place where it occurs substitute “Department for Communities or the Department for the Economy”;
- (b) in paragraph (2)(b), for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”.

Welfare Reform Act (Northern Ireland) 2007 (c. 2)

52. In section 1C (claimant commitment for employment and support allowance for interim period until introduction of universal credit) (as the section has effect before its repeal by Part 5 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015), in subsections (2) and (4)(b), omit “or the Department for Employment and Learning”.

53. Omit section 11K (concurrent exercise of certain functions in relation to employment and support allowance by Department for Social Development and Department for Employment and Learning).

54. In section 11L (delegation and contracting out), omit subsection (7) (application of section to Department for Employment and Learning as respects certain functions as it applies to Department for Social Development).

55. In section 12(7) (meaning of “work-focused interview”), for “the Department for Employment and Learning” substitute “the Department”.

56. In section 14 (action plans in connection with work focused interviews)—
- (a) in subsection (1), for “The Department for Employment and Learning” substitute “The Department”;
 - (b) in subsection (5), for “the Department for Employment and Learning” substitute “the Department”.
57. In section 15 (directions about work-related activity), in subsections (1) and (2)(b), omit “or the Department for Employment and Learning”.
58. In section 16 (meaning of “the Department” for purposes of contracting out functions under Part 1), omit subsection (14) (definition of “the Department” in section to mean Department for Social Development or Department for Employment and Learning).
59. In section 24 (interpretation of Part 1), omit subsections (5) (decisions of Department for Employment and Learning to be treated for certain purposes as decisions of Department for Social Development) and (6) (supply by Department for Social Development and Department for Employment and Learning to each other of information for purposes of their functions under Part 1).
60. In section 57(1) (interpretation of the Act), in the definition of “the Department”, for the words from “(except” to the end substitute “means the Department for Communities”.

Welfare Reform Act 2012 (c. 5)

61. In section 127(7) (purposes for which information held for HMRC purposes may be supplied to a Northern Ireland department), for paragraphs (a) to (c) of the definition of “Northern Ireland department”, substitute—
- “(a) the Department for Communities;
 - (b) the Department of Finance;
 - (c) the Department for the Economy.”.

Welfare Reform (Northern Ireland) Order 2015 (NI 1)

62. Omit Article 34 (concurrent exercise of certain functions in relation to universal credit by Department for Social Development and Department for Employment and Learning).
63. In Article 35 (delegation and contracting out), omit paragraph (7) (application of Article to Department for Employment and Learning as respects certain functions as it applies to Department for Social Development).

PART 5

AMENDMENTS CONSEQUENTIAL ON ARTICLE 8

Fisheries Act (Northern Ireland) 1966 (c. 17)

- 64.—(1) Amend section 11B (discharge of effluent) as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) omit “of the Environment”;
 - (b) in paragraph (b) for “that Department” substitute “the Department”;
 - (c) for “the Department of the Environment may, with the approval of the Department,” substitute “the Department may”;

- (d) in paragraph (i) omit “of the Environment”;
 - (e) omit the “and” at the end of paragraph (i);
 - (f) omit paragraph (ii).
- (3) In subsection (2) omit “of the Environment”.
- (4) In subsection (3) omit “of the Environment”.

Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (NI 1)

65. In Article 32 (matters with regard to which functions of authorities to be exercised), omit paragraph (2).

Road Traffic (Northern Ireland) Order 1995 (NI 18)

66.—(1) In the heading of Article 52A (functions of Department for Regional Development as to road safety), for “Department for Regional Development” substitute “Department”.

(2) In that Article, in paragraph (1), for the words from “The” to “the Department)” substitute “The Department”.

Water (Northern Ireland) Order 1999 (NI 6)

67. In Article 20 (abstraction and impounding of water), omit paragraph (4).

68. In Article 28A (duty of Department to provide information), in paragraph (5) omit sub-paragraph (b).

69. In Article 57 (water management programmes)—

- (a) for “Departments” in each place where it occurs (except in paragraph (6)) substitute “Department”;
- (b) omit paragraph (6).

70.—(1) Amend Schedule 6 (procedure for making order under Article 57(1)) as follows.

(2) For “Departments” in each place where it occurs substitute “Department”.

(3) In paragraph 1—

- (a) for “propose” substitute “proposes”;
- (b) for “they” substitute “the Department”;
- (c) in sub-paragraph (d) for “either” substitute “the”.

(4) In paragraph 2 for “Either” substitute “The”.

(5) In paragraph 3—

- (a) for “they think” substitute “the Department thinks”;
- (b) for “propose” substitute “proposes”;
- (c) for “they shall” substitute “the Department shall”;
- (d) for “them” substitute “the Department”.

(6) In paragraph 4—

- (a) for “either” substitute “the”;
- (b) for “are satisfied” substitute “is satisfied”.

(7) In paragraph 7 for “they think” substitute “the Department thinks”.

- (8) In paragraph 8 for “they” and “them” substitute “the Department”.

PART 6

AMENDMENTS CONSEQUENTIAL ON MORE THAN ONE TRANSFER OF FUNCTIONS

Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (c. 15)

71. In section 14 (provision as to bridges and roads), in subsection (3), omit “, after consultation with the Ministry,”.

Water (Northern Ireland) Order 1999 (NI 6)

- 72.—(1) Amend Schedule 1 (discharge consents) as follows.
- (2) In paragraph 2(6) omit head (c).
- (3) In paragraph 3(5)—
- (a) omit head (c);
 - (b) for “or, as the case may be, the Board” substitute “(in a case within head (b))”.
- (4) In paragraph 4(2) omit head (b).
- (5) In paragraph 5(5) omit head (b).

Environment (Northern Ireland) Order 2002 (NI 7)

73. In Article 48 (matters affecting agriculture, forestry and inland fisheries), omit paragraph (2).

Water and Sewerage Services (Northern Ireland) Order 2006 (NI 21)

74. In Article 2(2) (interpretation)—
- (a) omit the definition of “DCAL”;
 - (b) at the appropriate place insert—
“ “DAERA” means the Department of Agriculture, Environment and Rural Affairs;”.
- 75.—(1) Amend Article 10 (codes of practice) as follows.
- (2) In paragraph (3) for “the other relevant Northern Ireland departments” substitute “DAERA”.
- (3) In paragraph (5) for sub-paragraph (a) substitute—
“(a) DAERA;”.
- (4) Omit paragraph (6).
76. In Article 12(5) (general duties with respect to the water industry)—
- (a) omit sub-paragraph (a);
 - (b) for sub-paragraphs (b) and (c) substitute—
“(b) DAERA;
(c) the Department;”.

77. In Article 137(2) (power to make drought orders)—

(a) in sub-paragraph (a) for “DOE” substitute “DAERA”;

(b) in sub-paragraph (b) for the words from “by” to the end substitute “by DAERA.”.

78. In Article 227(10) (consents for certain discharges) for “DARD, DOE and DCAL” substitute “DAERA and the Department”.

79. In Article 293(14) (procedure of the Appeals Commission), in the definition of “the relevant department”, for the words from “whichever” to the end substitute “the Northern Ireland department that has functions under, or in relation to, the statutory provision conferring jurisdiction on the Commission to make that decision.”.

Planning Act (Northern Ireland) 2011 (c. 25)

80. In section 176, at the end insert—

“(5) In this section and in sections 177 and 178, “the Department” means—

(a) in relation to the enforcement of stop notices and enforcement notices, the Department for Infrastructure;

(b) in relation to the enforcement of listed building enforcement notices, the Department for Communities.”.

81. In section 236(4), for “Department of the Environment” substitute “Department for Communities or the Department for Infrastructure”.

82. In section 237(4), for “the Department” substitute “the relevant department”.

83. in section 239(5)—

(a) in paragraph (a) after “Department” insert “for Communities, the Department for Infrastructure”;

(b) in paragraph (b) after “Department” insert “for Communities, the Department for Infrastructure”;

84. In section 240(1)—

(a) for “or the Department”, in each place where it occurs, substitute “the Department for Infrastructure or the Department for Communities”;

(b) for “or, as the case may be, the Department” substitute “or the Department for Infrastructure or the Department for Communities, as the case may be”.

85. In section 242(2), for “the Department” substitute “the Department for Infrastructure or the Department for Communities”.

86. For section 243 substitute—

“Power to appoint advisory bodies or committees

243.—(1) The Minister for Infrastructure may appoint such advisory bodies or committees as the Minister considers necessary to assist the Department for Infrastructure in the exercise and performance of the functions conferred on that Department by this Act.

(2) The Minister for Communities may appoint such advisory bodies or committees as the Minister considers necessary to assist the Department for Communities in the exercise and performance of the functions conferred on that Department by this Act.”.

87. In section 250(1), for the definition of “Minister” substitute—

“ “Minister”, except where otherwise specified, means the Minister for Infrastructure;”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

88. In paragraph 1 of Schedule 5, for “Minister” substitute “Minister for Communities”.

Marine Act (Northern Ireland) 2013 (c. 10)

89. In section 3(4) (arrangements to promote co-ordination of functions in inshore region) omit paragraphs (a) and (b).

90. In section 4(11) (marine plans for inshore region) omit paragraphs (b) and (c).