



## 2013 CHAPTER 3

### *Transfer to Commission of certain functions of Department*

#### **Educational endowments**

4. The functions which immediately before the date on which this section comes into operation are exercisable by the Department under—

- (a) the Educational Endowments (Ireland) Act 1885;
- (b) the Educational Endowments (Confirmation of Schemes) Act (Northern Ireland) 1956; and
- (c) the Education (Amendment) Act (Northern Ireland) 1956,

are hereby transferred as from that date to the Commission.

#### **Miscellaneous functions**

5.—(1) The functions which immediately before the date on which this subsection comes into operation are exercisable by the Department under Article 90(7) of the Education and Libraries (Northern Ireland) Order 1986 (power to authorise sale of teacher's residence if provided etc. by a statutory loan prior to 1st February 1922 and now no longer required for occupation by a teacher in connection with any school) are hereby transferred as from that date to the Commission.

(2) The functions which immediately before the date on which this subsection comes into operation are exercisable by the Department under section 42(4) (b) of the Companies Act 2006 (prior written consent required in the case of a company which is a charity for affirmation of transaction to which section 41 of that Act applies) are hereby transferred as from that date to the Commission.

### **Supplementary provisions**

6.—(1) In the construction and for the purposes of any statutory provision or instrument passed, made or issued before the transfer date, any reference to, or which is to be construed as a reference to, the Department must, so far as may be necessary for the purpose of the transfer, be construed as a reference to the Commission.

(2) The transfer does not affect the validity of any instrument made or issued or any other act done by, or in relation to, the Department before the transfer date; and any such instrument or act, if in force immediately before that date, continues in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the Commission.

(3) Anything (including any legal proceedings) in the process of being done by or in relation to the Department immediately before the transfer date may, so far as it relates to any function transferred by this section, be continued by or in relation to the Commission.

(4) All property, rights and liabilities to which the Department is entitled or subject immediately before the transfer date in connection with the functions transferred by section 4 or subsection (1) or (2) of section 5 are on that date transferred to, and by virtue of this subsection vest in, the Commission.

(5) In this section—

“instrument” includes any judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document;

“the transfer” means the transfer of functions by section 4 or subsection (1) or (2) of section 5;

“the transfer date” means the date on which section 4 or, as the case may be, subsection (1) or (2) of section 5 comes into operation.