
STATUTORY INSTRUMENTS

1982 No. 338 (N.I. 6)

NORTHERN IRELAND

The Departments (Northern Ireland) Order 1982

Laid before Parliament in draft

<i>Made</i>	10th March 1982
<i>Coming into Operation</i>	1st April 1982

ARRANGEMENT OF ORDER

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At the Court at Buckingham Palace, the 10th day of March 1982

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Departments (Northern Ireland) Order 1982 and shall come into operation on 1st April 1982.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“Department” includes the head of a Department;

“statutory provision” has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954;

“transfer date” means the date on which this Order comes into operation;

“transferor” and “transferee” respectively mean, in relation to any functions transferred under this Order, the Department from and the Department to which the functions are transferred.

(3) Any reference in Schedule 1 to an enactment includes—

(a) a reference to any enactment in force on the transfer date amending or extending that enactment; and

(b) a reference to so much of any statutory provision in force on the transfer date as confers functions on the Department of Finance for the purposes of that enactment.

Renaming of Department of Finance

3. The Department of Finance is renamed the Department of Finance and Personnel.

Dissolution of Department of the Civil Service

4.—(1) The functions which, immediately before the transfer date, are exercisable by the Department of the Civil Service are hereby transferred to the Department of Finance and Personnel.

(2) The Department of the Civil Service is hereby dissolved.

Transfer of certain functions of Department of Finance

5. The functions which, immediately before the transfer date, are exercisable by the Department of Finance—

(a) under or for the purposes of the enactments set out in Part I of Schedule 1 are hereby transferred to the Department of Agriculture;

(b) under or for the purposes of the enactments set out in Part II of Schedule 1 are hereby transferred to the Department of the Environment;

(c) under or for the purposes of the enactments set out in Part III of Schedule 1 are hereby transferred to the Department of Health and Social Services.

(a) 1974 c. 28.

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

Amendment of Ministries of Northern Ireland Act (Northern Ireland) 1921

6. In sections 2 and 3 of the Ministries of Northern Ireland Act (Northern Ireland) 1921 (a), any reference to an assistant secretary shall include a reference to an under secretary.

References in enactments, etc.

7.—(1) In the construction and for the purposes of any statutory 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 transferor shall, so far only as may be necessary for the purposes of this Order, be construed as a reference to the transferee.

(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 transferor 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 transferee.

(3) Anything commenced before the transfer date by or under the authority of the transferor 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 transferee.

(4) Where, at the transfer date, any legal proceeding is pending to which the transferor is a party and the proceeding relates to any of the functions transferred by this Order, the transferee shall be substituted in the proceeding for the transferor, and the proceeding shall not abate by reason of the substitution.

Transfer of assets and liabilities

8.—(1) All property, rights and liabilities held, enjoyed or incurred immediately before the transfer date by a transferor in connection with the functions transferred to the transferee by this Order are hereby transferred to the transferee 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 transferee;
- (b) those rights shall be enjoyed by the transferee;
- (c) those liabilities shall become liabilities of the transferee.

(2) A certificate by the Department of Finance and Personnel, that any property specified in the certificate, or any such interest in or right over any such property as may be specified, or any right or liability so specified, is by virtue of paragraph (1) for the time being vested in a Northern Ireland Department so specified, shall be conclusive evidence for all purposes of that fact.

Exercise of certain functions subject to approval of Department of Finance and Personnel

9. The functions of a department under the enactments set out in Schedule 2 shall be exercised subject to the approval of the Department of Finance and Personnel.

(a) 1921 c. 6 (N.I.).

Amendments, repeals and saving

10.—(1) The enactments set out in Schedule 3 shall have effect subject to the amendments specified in that Schedule.

(2) The enactments set out in Schedule 4 are hereby repealed to the extent specified in column 3 of that Schedule.

(3) Article 4 (2) and the repeal of the Department of the Civil Service (Northern Ireland) Order 1976 (a) do not affect the operation of the Parliamentary Commissioner Act (Northern Ireland) 1969 (b).

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULES

Article 5.

SCHEDULE 1

ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED FROM DEPARTMENT OF FINANCE

PART I

ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF AGRICULTURE

Tithe Rentcharge (Ireland) Act 1838 (c. 109).
Landed Property Improvement (Ireland) Act 1847 (c. 32).
Landed Property Improvement (Ireland) Act 1849 (c. 59).
Irish Church Act 1869 (c. 42).
Landlord and Tenant (Ireland) Act 1872 (c. 32).
Irish Church Act (1869) Amendment Act 1872 (c. 90).
Land Law (Ireland) Act 1881 (c. 49).
Purchase of Land (Ireland) Act 1885 (c. 73).
Land Law (Ireland) Act 1887 (c. 33).
Public Works Loans Act 1888 (c. 39).
Public Works Loans Act 1889 (c. 71).
Purchase of Land (Ireland) Act 1891 (c. 48).
Public Works Loans Act 1892 (c. 61).
Land Law (Ireland) Act 1896 (c. 47).
Tithe Rentcharge (Ireland) Act 1900 (c. 58).
Irish Land Act 1903 (c. 37).
Irish Land Act 1909 (c. 42).
Northern Ireland Land Act 1925 (c. 34).
Northern Ireland Land Act 1929 (c. 14).
Tithe Rentcharge and Variable Rents Act (Northern Ireland) 1930 (c. 22).
Land Law (Miscellaneous Provisions) Act (Northern Ireland) 1932 (c. 16).
Local Government Act (Northern Ireland) 1934 (c. 22), paragraph 10 (2) of Schedule 2.
Northern Ireland Land Purchase (Winding Up) Act 1935 (c. 21).
Roads Act (Northern Ireland) 1948 (c. 28), paragraphs 7 and 9 (2) and (3) of Schedule 5.
Administrative and Financial Provisions Act (Northern Ireland) 1956 (c. 17), section 1.
Local Government Act (Northern Ireland) 1972 (c. 9), paragraphs 8 and 11 (3) of Schedule 6.

(a) S.I. 1976/1211 (N.I. 20). (b) 1969 c. 10 (N.I.).

PART II
ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED
TO DEPARTMENT OF THE ENVIRONMENT

Boundary Survey (Ireland) Act 1854 (c. 17), except section 15.
Public Works (Ireland) Act 1869 (c. 74).
Survey Act 1870 (c. 18).
Public Records (Ireland) Act 1867 Amendment Act 1875 (c. 59).
Parochial Records Act 1876 (c. 58).
Settled Land Act 1882 (c. 38).
Irish Land (Provision for Sailors and Soldiers) Act 1919 (c. 82).
Land Trust (Powers) Act (Northern Ireland) 1923 (c. 19).
Public Records Act (Northern Ireland) 1923 (c. 20).
Stormont Regulation and Government Property Act (Northern Ireland) 1933 (c. 6).
Administrative Provisions Act (Northern Ireland) 1933 (c. 25), section 1.
University and Collegiate and Scientific Institutions Act (Northern Ireland) 1938 (c. 18), section 7.
Business Tenancies Act (Northern Ireland) 1964 (c. 36), except section 19 (6).
Land Registration Act (Northern Ireland) 1970 (c. 18).
Registration of Deeds Act (Northern Ireland) 1970 (c. 25).
Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 (c. 7), except section 25 (2) and (3).
Drainage (Northern Ireland) Order 1973 (S.I. 1973/69 (N.I. 1)), paragraph 1 (c) of Schedule 1.
Land Acquisition and Compensation (Northern Ireland) Order 1973 (S.I. 1973/1896 (N.I. 21)), Part VII.
Rates (Northern Ireland) Order 1977 (S.I. 1977/2157 (N.I. 28)), except—
 (a) Articles 2 (7), 6 to 8, 27 (4), 34 to 37, 39 to 41, 45 (1) and (7), 47, 51 to 53, 55, 56, 58, and 59; and
 (b) Schedule 12 and paragraphs 7 and 8 of Part II of Schedule 16.
Rates Amendment (Northern Ireland) Order 1979 (S.I. 1979/297 (N.I. 4)).
Building Regulations (Northern Ireland) Order 1979 (S.I. 1979/1709 (N.I. 16)).

PART III
ENACTMENTS RELATING TO FUNCTIONS TRANSFERRED
TO DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Street Trading (Regulation) Act (Northern Ireland) 1929 (c. 9).
Shops Act (Northern Ireland) 1946 (c. 7).
Dog Races (Restriction) Act (Northern Ireland) 1946 (c. 22).
House to House Charitable Collections Act (Northern Ireland) 1952 (c. 6).
Marriages Act (Northern Ireland) 1954 (c. 21).
Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955 (c. 29).
Births, Deaths and Marriages Registration Act (Northern Ireland) 1956 (c. 5).
Auctions (Local Control) Act (Northern Ireland) 1957 (c. 4).
Betting and Lotteries Act (Northern Ireland) 1957 (c. 19).
Registration of Clubs Act (Northern Ireland) 1967 (c. 27).
Financial Provisions Act (Northern Ireland) 1968 (c. 25), so much of Schedule 1 as relates to the Pedlars Act 1871 (c. 96) and the Street Trading (Regulation) Act (Northern Ireland) 1929.
Census Act (Northern Ireland) 1969 (c. 8), except section 2 (3).
Friendly Societies Act (Northern Ireland) 1970 (c. 31), paragraph 5 (1) of Schedule 5.
Licensing Act (Northern Ireland) 1971 (c. 13).
Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (c. 11).
Births, Deaths and Marriages Registration (Northern Ireland) Order 1973 (S.I. 1973/600 (N.I. 8)), Article 7.
Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14)).
Horse Racing and Betting (Northern Ireland) Order 1976 (S.I. 1976/1157 (N.I. 17)), Articles 12 and 13.

Article 9.

SCHEDULE 2

ENACTMENTS CONFERRING FUNCTIONS ON DEPARTMENTS WHICH ARE TO
BE EXERCISABLE WITH THE APPROVAL OF THE
DEPARTMENT OF FINANCE AND PERSONNEL

Public Records Act (Northern Ireland) 1923 (c. 20), section 2 (3) and (5).

Land Registration Act (Northern Ireland) 1970 (c. 18) sections 84 (1) and 93 (1) and paragraphs 4 and 5 of Schedule 1.

Registration of Deeds Act (Northern Ireland) 1970 (c. 25) section 7 (2).

Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14)), Article 4 (2).

Article 10 (1).

SCHEDULE 3

AMENDMENTS

MARRIAGES (IRELAND) ACT 1844 (c. 81).

For section 52, substitute—

“Registrar 52. In this Act “registrar general” means the Registrar General in Northern General. Ireland.”

BOUNDARY SURVEY (IRELAND) ACT 1854 (c. 17)

In section 1, for “Lord Lieutenant” (twice) substitute “head of the Department of Finance and Personnel”.

In section 2, for the words from “Lord Lieutenant” onwards substitute “Department of Finance and Personnel”.

MARRIAGE LAW (IRELAND) AMENDMENT ACT 1863 (c. 27)

After section 16, insert—

“Registrar 16A. In this Act “Registrar General” means the Registrar General in General. Northern Ireland.”

REGISTRATION OF MARRIAGES (IRELAND) ACT 1863 (c. 90)

In section 3, at the end, insert—

““Registrar General” means the Registrar General in Northern Ireland.”

MATRIMONIAL CAUSES AND MARRIAGE LAW (IRELAND)
AMENDMENT ACT 1870 (c. 110)

In section 4, at the end, insert—

““Registrar General” means the Registrar General in Northern Ireland.”

MATRIMONIAL CAUSES AND MARRIAGE LAW (IRELAND)
AMENDMENT ACT 1871 (c. 49)

In section 22, for “Registrar General of Marriages” substitute “Registrar General in Northern Ireland”.

SAVINGS BANKS ACT 1887 (c. 40)

In section 10, for “Registrar-General of Births, Deaths and Marriages for Ireland” substitute “Registrar General in Northern Ireland”.

PUBLIC WORKS LOANS ACT 1892 (c. 61)

In section 5, for “Treasury” substitute “Department of Agriculture”.

STREET TRADING (REGULATION) ACT (NORTHERN IRELAND) 1929 (c. 9)

In section 10 (7)—

(a) after “Finance” (in both places) insert “and Personnel”;

(b) for “Ministry of Home Affairs” substitute “Department of Health and Social Services”.

STORMONT REGULATION AND GOVERNMENT PROPERTY ACT
(NORTHERN IRELAND) 1933 (c. 6)

In section 5 (5)—

- (a) for “Ministry of Finance” (in the first and last places) substitute “Department of Finance and Personnel”;
- (b) for the words from “by the Ministry of Finance” to “other Ministry” substitute “,with the consent of the Department of Finance and Personnel, by a department of Northern Ireland”.

PARLIAMENTARY COMMISSIONER ACT (NORTHERN IRELAND) 1969 (c. 10)

In Schedule 1, after Note 2, insert—

“2A. The reference to the Department of the Environment includes the Land Registry, the Public Record Office and the Registry of Deeds.

2B. The reference to the Department of Health and Social Services includes the General Register Office.”

LEASEHOLD (ENLARGEMENT AND EXTENSION) ACT
(NORTHERN IRELAND) 1971 (c. 7)

In section 25 (2) and (3) after “Finance” insert “and Personnel”.

LICENSING ACT (NORTHERN IRELAND) 1971 (c. 13)

In section 35 (b) after “Finance” insert “and Personnel”.

RATES (NORTHERN IRELAND) ORDER 1977 (S.I. 1977/2157 (N.I. 28))

In Article 2 (2), in the definition of “regulations”, after “Department” insert “of the Environment or the Department of Finance and Personnel, as Article 61 may require”.

In Article 51, in paragraphs (1) and (2), after “the Department” insert “of the Environment or the Department of Finance and Personnel”.

In Article 54 (1), after “the Department” insert “of the Environment or the Department of Finance and Personnel”.

In Article 61, insert—

“(1A) In paragraph (1) “regulations” means regulations made by the Department of the Environment or the Department of Finance and Personnel, depending upon which of those Departments exercises functions under—

- (a) the provision which requires or authorises a document referred to in paragraph (1) (a) to be used; or
- (b) the provision mentioned in paragraph (1) (b) or (c).”

BUILDING REGULATIONS (NORTHERN IRELAND) ORDER 1979
(S.I. 1979/1709 (N.I. 16))

In Article 4 (3) for “the Civil Service” substitute “Finance and Personnel”.

REPEALS

Chapter or Number	Short Title	Extent of Repeal
1870 c. 110. c. 110	Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870.	In section 34, the words "of Marriages in Ireland" and "said" (where it occurs before "Registrar").
1876 c. 58.	Parochial Records Act 1876.	In section 5, the words from "by a report" to "such report or reports" and the words "by such report as aforesaid".
1888 c. 39.	Public Works Loans Act 1888.	Section 6 (3).
1923 5 c. 20.	Public Records Act (Northern Ireland) 1923.	Section 11 (d).
1969 c. 10.	Parliamentary Commissioner Act (Northern Ireland) 1969.	In Schedule 1, in Note 2, the words from "the General" to "Deeds and".
S.I. 1972 No. 1265 (N.I. 14).	Health and Personal Social Services (Northern Ireland) Order 1972.	In Article 47, the words "of the Department of the Civil Service and in regard to interest rates".
S.I. 1976 No. 1211 (N.I. 20).	Department of the Civil Service (Northern Ireland) Order 1976.	The whole Order.
S.I. 1977 No. 2157 (N.I. 28).	Rates (Northern Ireland) Order 1977.	Article 36 (6).
S.I. 1978 No. 1050 (N.I. 20).	Rent (Northern Ireland) Order 1978.	In Article 59 (1), the words "to be administered by the Department of Finance".
S.I. 1981 No. 156 (N.I. 3).	Housing (Northern Ireland) Order 1981.	In Article 120 (1), the words "to be administered by the Department of Finance".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order effects changes in the organisation of various Northern Ireland Departments. Article 3 renames the Department of Finance as the Department of Finance and Personnel. Article 4 transfers to that Department the functions of the Department of the Civil Service, which it dissolves. Article 5 transfers from the Department of Finance—

- (a) to the Department of Agriculture, functions relating to land purchase and land improvement;
- (b) to the Department of the Environment, functions relating to public records, the collection of rates, the ordnance survey, the acquisition and disposal of land for the public service and the registration of title and of deeds and other matters relating to land;
- (c) to the Department of Health and Social Services, functions relating to the registration of births, deaths and marriages, the census, shops, betting and lotteries, intoxicating liquor and clubs and certain minor miscellaneous matters.

Article 6 recognises under secretaries for the purposes of sections 2 and 3 of the Ministries of Northern Ireland Act (Northern Ireland) 1921.

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Printed in Northern Ireland by Bell Logan Carswell Ltd., and published by Her Majesty's Stationery Office.

790/Z17 C12 3/82

ISBN 0 11 026338 3