
STATUTORY INSTRUMENTS

2010 No. 976

**The Northern Ireland Act 1998 (Devolution
of Policing and Justice Functions) Order 2010**

PART 2

**Provision consequential on devolution to the Northern Ireland
Assembly of legislative power in relation to policing and justice matters**

Transfers of property etc

21.—(1) The Secretary of State may give such directions extending or restricting the operation of article 18 as the Secretary of State considers appropriate for the purpose of—

- (a) making minor adjustments of any property or liabilities transferred by that article, or
- (b) removing uncertainty as to the application of that article to any property or liabilities.

(2) A direction under paragraph (1) may (in particular) provide for dividing or apportioning any property or liabilities between, on the one hand, a Minister of the Crown or a department of the Government of the United Kingdom and, on the other hand, the Department of Justice or the Director of Public Prosecutions for Northern Ireland.

(3) Before giving a direction under paragraph (1) the Secretary of State must consult the Department of Justice or, if the Secretary of State considers appropriate, the Director of Public Prosecutions for Northern Ireland.

(4) A certificate issued by the Secretary of State to the effect that any property or liabilities specified in the certificate were, or were not, transferred by article 18 to the Department of Justice or to the Director of Public Prosecutions for Northern Ireland is conclusive evidence of the matters stated in the certificate.

(5) But the issue of a certificate under paragraph (4) does not prevent a subsequent direction being given under paragraph (1) in relation to the property or liabilities in question.

(6) A direction may not be given under paragraph (1) after 12 April 2012.

(7) A direction under paragraph (1) operates so as to adjust, apportion, divide or otherwise affect any property or liabilities—

- (a) whether or not they would otherwise be capable of being adjusted, apportioned, divided or otherwise affected,
- (b) without any instrument or other formality being required, and
- (c) irrespective of any kind of requirement for consent that would otherwise apply.