1990 No. 394

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) Order (Northern Ireland) 1990

Made . . . . . 6th November 1990

Coming into operation . . 13th December 1990

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) 1990.

(2) This Order shall come into operation on 13th December 1990.

Interpretation

2. In this Order—

"Department" includes the head of a Department;

"the transfer date" means 13th December 1990.

"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 Health and Social Services

3. There shall be and are hereby transferred as from the transfer date to the Department of Agriculture the functions exercisable immediately before that date by the Department of Health and Social Services under or for the purposes of Article 15(1), (2)(*b*), (*c*), (*d*) and (*f*) and (3) in so far as it relates to meat, Article 15(2)(*g*) and (*h*) and (3), Article 15(2)(i) and (3) in so far as it relates to meat and poultry and Article 35(3) and (4) of the Food (Northern Ireland) Order 1989(**d**) and so much of any transferred provision in force on the transfer date as confers functions on the Department of Health and Social Services for the purposes of those Articles.

References in enactments, etc.

4.—(1) In the construction and for the purposes of any transferred provision, judgment, decree, order, award, deed, contract, regulation,

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(**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**) S.I. 1989/846 (N.I. 6)

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 of Health and Social Services shall, so far only as may be necessary for the purposes of this Order be construed as a reference to the Department of Agriculture.

(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 Health and Social Services 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 Agriculture.

(3) Anything commenced before the transfer date by or under the authority of the Department of Health and Social Services 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 Agriculture.

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

Transfer of assets and liabilities

5. All property, rights and liabilities held, enjoyed or incurred before the transfer date by the Department of Health and Social Services in connection with the functions transferred to the Department of Agriculture by this Order are hereby transferred to the Department of Agriculture 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 Department of Agriculture;

(*b*) those rights shall be enjoyed by the Department of Agriculture; and

(*c*) those liabilities shall become liabilities of the Department of Agriculture.

Dated this 6th day of November 1990.

P. L. 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 Agriculture those functions of the Department of Health and Social Services under the Food (Northern Ireland) Order 1989 which relate to hygienic standards and meat inspection in premises from which meat is supplied for consumption in Northern Ireland only and to the treatment and disposal of meat unfit for human consumption.