1993 No. 493

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) (No. 2) Order (Northern Ireland) 1993

Made	*6th December 1993*
Coming into operation . .	*6th December 1993*

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) (No. 2) Order (Northern Ireland) 1993.

(2) This Order shall come into operation on 6th December 1993.

Interpretation

2.—(1) In this Order—

"Department" includes the head of a Department;

"the transfer date" means 6th December 1993;

"transferred provision" has the meaning assigned to it by section 1 of the Interpretation Act (Northern Ireland) 1954(**c**).

(2) Any reference in the Schedule to an enactment includes—

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

(*b*) a reference to so much of any enactment in operation on the transfer date as confers functions on the Department of Finance and Personnel for the purposes of that enactment.

Transfer of certain functions of the Department of Finance and Personnel

3. The functions which, immediately before the transfer date, are exercisable by the Department of Finance and Personnel under or for the purposes of the enactments set out in the Schedule are hereby transferred as from that date to the Department of Health and Social Services.

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.)

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

(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 Finance and Personnel 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 Health and Social Services.

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

(4) Where, at the transfer date, any legal proceeding is pending to which the Department of Finance and Personnel is a party and the proceeding relates to any of the functions transferred by this Order, the Department of Health and Social Services shall be substituted in the proceeding for the Department of Finance and Personnel, 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 immediately before the transfer date by the Department of Finance and Personnel in connection with the functions transferred to the Department of Health and Social Services by this Order are hereby transferred to the Department of Health and Social Services 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 Health and Social Services;

(*b*) those rights shall be enjoyed by the Department of Health and Social Services;

(*c*) those liabilities shall become liabilities of the Department of Health and Social Services.

Consequential repeal

6. Article 10 of the Charities (Northern Ireland) Order 1987(**a**) is hereby repealed.

Dated this 6th day of December 1993.

P. B. B. Mayhew
One of Her Majesty's Principal
Secretaries of State

(**a**) S.I. 1987/2048 (N.I. 19)

SCHEDULE Article 3

Enactments relating to functions transferred from the Department of Finance and Personnel to the Department of Health and Social Services

The Leases for Schools (Ireland) Act 1881 (c. 65).

The Educational Endowments (Ireland) Act 1885 (c. 78).

The Open Spaces Act 1906 (c. 25).

The House to House Charitable Collections Act (Northern Ireland) 1952 (c. 6).

The Queen's University of Belfast (Trusts) Act (Northern Ireland) 1952 (c. 22).

The Magee University College Londonderry (Northern Ireland) Act 1953 (c. i), section 75.

The Vaughan's Charity (Administration) Act (Northern Ireland) 1954 (c. 28).

The Educational Endowments (Confirmation of Schemes) Act (Northern Ireland) 1956 (c. 15).

The Education (Amendment) Act (Northern Ireland) 1956 (c. 24), section 8.

The King George VI Memorial Youth Council Act (Northern Ireland) 1957 (c. 23).

The Charities Act (Northern Ireland) 1964 (c. 33).

The Sex Discrimination (Northern Ireland) Order 1976 (N.I. 15), Article 78.

The Education and Libraries (Northern Ireland) Order 1986 (N.I. 3), Article 90(7).

The Charities (Northern Ireland) Order 1987 (N.I. 19).

EXPLANATORY NOTE

(This note is not part of the Order:)

This Order transfers to the Department of Health and Social Services those functions of the Department of Finance and Personnel which relate to charities.