

1984 No. 204

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) Order (Northern Ireland) 1984

Made 13th June 1984

Coming into operation 9th July 1984

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) 1984.

(2) This Order shall come into operation on 9th July 1984.

Interpretation

2. In this Order—

“Department” includes the head of a Department;

“the transfer date” means 9th July 1984;

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

Transfer of functions of Department of the Environment in relation to home insulation grants

3.—(1) The functions exercisable immediately before the transfer date by the Department of the Environment under or for the purposes of Article 86 of the Housing (Northern Ireland) Order 1981(d) are hereby transferred as from the transfer date to the Department of Economic Development.

(2) In Article 20 of the Housing (Northern Ireland) Order 1981—

(a) in paragraph (1) for the words “paragraph (2)” there shall be substituted the words “paragraphs (2) and (3)”; and

(b) after paragraph (2) there shall be added the following paragraphs—

“(3) Paragraph (1) does not empower the Department to pay grant towards expenditure incurred or to be incurred by the Executive in the exercise of its functions under Article 86.

(4) For the purposes of Article 86 paragraphs (1) and (2) shall have effect subject to the following modifications—

(a) any reference to the Department shall be construed as a reference to the Department of Economic Development; and

(b) in paragraph (1) the reference to expenditure incurred or to be incurred by the Executive shall be construed as a reference to expenditure incurred by the Executive in the exercise of its functions under that Article.”

(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. 1981/156 (N.I. 3)

References in enactments

4.—(1) In Article 86 of the Housing (Northern Ireland) Order 1981, in paragraphs (1), (3) and (6), after the words “the Department” there shall be inserted the words “of Economic Development”.

(2) In the construction and for the purposes of any transferred 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 Department of the Environment shall, so far only as may be necessary for the purposes of this Order be construed as a reference to the Department of Economic Development.

(3) 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 the Environment 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 Economic Development.

(4) Anything commenced before the transfer date by or under the authority of the Department of the Environment 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 Economic Development.

(5) Where, at the transfer date, any legal proceeding is pending to which the Department of the Environment is a party and the proceeding relates to any of the functions transferred by this Order, the Department of Economic Development shall be substituted in the proceeding for the Department of the Environment 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 the Environment in connection with the functions transferred to the Department of Economic Development by this Order are hereby transferred to the Department of Economic Development 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 Economic Development;
- (b) those rights shall be enjoyed by the Department of Economic Development; and
- (c) those liabilities shall become liabilities of the Department of Economic Development.

Dated this thirteenth day of June 1984.

James Prior
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 Economic Development those functions of the Department of the Environment which relate to the payment by the Northern Ireland Housing Executive of grants for home insulation under the Housing (Northern Ireland) Order 1981.