
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 177

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions)
(No. 2) Order (Northern Ireland) 1998

Made - - - - *5th May 1998*
Coming into operation *1st July 1998*

In exercise of the powers conferred by section 4 of the Ministries Act (Northern Ireland) 1944⁽¹⁾ and now vested in me⁽²⁾ 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) 1998.

(2) This Order shall come into operation on 1st July 1998.

Interpretation

2.—(1) In this Order “the transfer date” means 1st July 1998.

(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 Agriculture for the purposes of that enactment.

Transfer of certain functions of the Department of Agriculture

3. There are hereby transferred as from the transfer date to the Department of the Environment the functions exercisable immediately before that date by the Department of Agriculture under or for the purposes of the enactments set out in the Schedule.

(1) 1944 c. 14 (N.I.)

(2) By S.I.1973/2163 Article 14(1) and Schedule 5 paragraph 27; 1974 c. 28 section 1(3) and Schedule 1 paragraph 2(1)(b)

References in enactments, etc

4.—(1) In the construction and for the purposes of any enactment, 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 Agriculture shall, so far only as may be necessary for the purposes of this Order, be construed as a reference to the Department of the Environment.

(2) The transfer of functions by this Order shall not effect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the Department of Agriculture 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 the Environment.

(3) Anything commenced before the transfer date by or under the authority of the Department of Agriculture 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 the Environment.

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

Transfer of assets and liabilities

5. On the transfer date all property, rights and liabilities held, enjoyed or incurred immediately before that date by the Department of Agriculture in connection with the functions transferred to the Department of the Environment shall be transferred to, and by virtue of this Order vest in, the Department of the Environment.

Dated this

5th day of May 1998.

Marjorie Mowlam
One of Her Majesty's Principal Secretaries of
State

SCHEDULE

Enactments relating to functions transferred from the Department of Agriculture to the Department of the Environment

[The Turbary \(Ireland\) Act 1891 \[c. 45\]](#).

So much of section 20 of the [Irish Land Act 1903 \[c. 37\]](#) as relates to turbary.

Section 21 of the Irish Land Act 1903.

So much of section 18(2) of the [Irish Land Act 1909 \[c. 42\]](#) as relates to turbary.

Section 26 of the [Northern Ireland Land Act 1925 \[c. 34\]](#).

Section 4(2) of the [Northern Ireland Land Act 1929 \[c. 14\]](#).

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides for the transfer, from the Department of Agriculture to the Department of the Environment, of functions arising under the Land Purchase Acts in relation to turbary.