

2003 No. 163

NORTHERN IRELAND DEPARTMENTS

**The Departments (Transfer of Functions) Order
(Northern Ireland) 2003**

Made - - - - - 5th March 2003

*To be laid before Parliament under paragraph 7(3) of the
Schedule to the Northern Ireland Act 2000*

Coming into operation 1st May 2003

The Secretary of State, in exercise of the powers conferred by Article 8 of the Departments (Northern Ireland) Order 1999(a), and now exercisable by him(b), hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Departments (Transfer of Functions) Order (Northern Ireland) 2003.

(2) This Order shall come into operation on 1st May 2003.

Interpretation

2. In this Order –

“instrument” includes any judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document;

“the transfer date” means the day on which this Order comes into operation;

“transferor” and “transferee”, in relation to any functions transferred by this Order, mean respectively the Department from which and the Department to which the functions are transferred.

Transfer of certain functions of Department of Culture, Arts and Leisure

3. The functions which immediately before the transfer date are exercisable by the Department of Culture, Arts and Leisure under or for the purposes of –

- (a) sections 11 to 11C of the Fisheries Act (Northern Ireland) 1966(c), so far as relating to fish farms in inland waters;
- (b) section 185B of that Act, so far as relating to local public inquiries under section 11A of that Act;
- (c) Schedule 1 to that Act, so far as relating to fish culture licences; and

(a) S.I. 1999/283 (N.I. 1)
(b) See the Northern Ireland Act 2000, Schedule, paragraph 4(1)
(c) 1966 c. 17 (N.I.); these functions were previously transferred by S.R. 1999/481

(d) section 1 of the Fish Industry Act (Northern Ireland) 1972^(a), so far as relating to grants made to fish farms in inland waters, and so much of sections 6 and 7 of that Act as relates to schemes under section 1 in relation to such grants,

are hereby transferred as from that date to the Department of Agriculture and Rural Development.

Transfer of certain functions of Department for Regional Development

4. The functions which immediately before the transfer date are exercisable by the Department for Regional Development under or for the purposes of Article 4 of the Energy Efficiency (Northern Ireland) Order 1999^(b) are hereby transferred as from that date to the Department of Enterprise, Trade and Investment.

References in statutory provisions, etc.

5.—(1) In the construction and for the purposes of any statutory provision or instrument passed, made or issued before the transfer date, any reference to, or which is to be construed as a reference to, the transferor shall, so far as may be necessary for the purpose of the transfer of functions by this Order, be construed as a reference to the transferee.

(2) The transfer of functions by this Order shall not affect the validity of any instrument made or issued or any other act done by, or in relation to, the transferor before the transfer day; and any such instrument or act shall, if in force immediately before that date, continue in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the transferee.

(3) Anything (including any legal proceedings) in the process of being done by or in relation to the transferor immediately before the transfer date may, so far as it relates to any function transferred by this Order, be continued by or in relation to the transferee.

Transfer of assets and liabilities

6. All property, rights and liabilities to which the transferor is entitled or subject immediately before the transfer date in connection with the functions transferred by this Order shall on that date be transferred to, and by virtue of this Order vest in, the transferee.

Paul Murphy

Northern Ireland Office
5th March 2003.

One of Her Majesty's Principal Secretaries of State

(a) 1972 c. 4 (N.I.); these functions were previously transferred by S.R. 1999/481

(b) S.I. 1999/659 (N.I. 3); these functions were previously transferred by S.R. 1999/481

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order transfers –

- (a) certain functions of the Department of Culture, Arts and Leisure relating to inland fisheries to the Department of Agriculture and Rural Development;
- (b) functions of the Department for Regional Development under Article 4 of the Energy Efficiency (Northern Ireland) Order 1999 to the Department of Enterprise, Trade and Investment.

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