

2006 No. 192

NORTHERN IRELAND DEPARTMENTS

**The Departments (Transfer of Functions) Order (Northern
Ireland) 2006**

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

Made - - - - 3rd April 2006

Coming into operation - 28th May 2006

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), makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as The Departments (Transfer of Functions) Order (Northern Ireland) 2006.

(2) This Order comes into operation on 28th May 2006.

Interpretation

2. In this Order—

“instrument” includes any judgement, 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” in relation to any functions transferred by this Order, means the department from which the functions are transferred.

Transfer of certain functions of Department for Employment and Learning

3. The functions which immediately before the transfer date are exercisable by the Department for Employment and Learning under or for the purposes of the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(c) are transferred as from that date to the Department for Social Development.

(a) S.I.1999/283 (NI 1)

(b) See the Northern Ireland Act 2000 (c.1), Schedule, paragraph 4(1)

(c) S.I.1979/925 (NI 9); these functions were previously transferred by S.R. 1999/481

Transfer of certain functions of Department of the Environment

4. The functions which immediately before the transfer date are exercisable by the Department of the Environment under or for the purposes of Article 31(5) of the Land Acquisition and Compensation (Northern Ireland) Order 1973(a) are transferred to the Department for Social Development.

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 Department for Social Development.

(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 so far as it relates to any function transferred by this Order; 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 Department for Social Development.

(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 Department for Social Development.

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 Department for Social Development.

Peter Hain
One of Her Majesty's Principal Secretaries of State

(a) S.I.1973/1896 (NI 21); Article 31 is substituted by Article 5 of the Home Loss Payments (Northern Ireland) Order 1992 (SI 1992/1307(NI 8))

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the Department for Social Development—

- (a) the functions of the Department for Employment and Learning under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979; and
- (b) the functions of the Department of the Environment under Article 31(5) of the Land Acquisition and Compensation (Northern Ireland) Order 1973.