
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 76

NORTHERN IRELAND DEPARTMENTS

**The Departments (Transfer of Functions)
Order (Northern Ireland) 2016**

Made - - - - 25th February 2016

Coming into operation in accordance with Article 1

**THE DEPARTMENTS (TRANSFER OF FUNCTIONS)
ORDER (NORTHERN IRELAND) 2016**

1. Citation and commencement
 2. Interpretation
 3. Transfer of certain functions of OFMDFM and of the First Minister and deputy First Minister acting jointly
 4. Transfer of certain functions of Department of Agriculture and Rural Development
 5. Transfer of functions of Department of Culture, Arts and Leisure
 6. Transfer of functions of Department for Employment and Learning
 7. Transfer of certain functions of Department of Enterprise, Trade and Investment to Department for Communities
 8. Transfer of functions of Department of the Environment
 9. References in statutory provisions, etc.
 10. Transfer of assets and liabilities
 11. Amendments
- Signature

SCHEDULES

SCHEDULE FUNCTIONS TRANSFERRED FROM OFMDFM

1

- PART 1 — FUNCTIONS TRANSFERRED TO DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS
- PART 2 — FUNCTIONS TRANSFERRED TO DEPARTMENT FOR COMMUNITIES
- PART 3 — FUNCTIONS TRANSFERRED TO DEPARTMENT OF EDUCATION

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- PART 4 — FUNCTIONS TRANSFERRED TO DEPARTMENT FOR INFRASTRUCTURE
- PART 5 — FUNCTIONS TRANSFERRED TO DEPARTMENT OF JUSTICE
- SCHEDULE 2 FUNCTIONS TRANSFERRED FROM DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT TO DEPARTMENT FOR INFRASTRUCTURE
- SCHEDULE 3 FUNCTIONS TRANSFERRED FROM DEPARTMENT OF CULTURE, ARTS AND LEISURE
- PART 1 — FUNCTIONS TRANSFERRED TO DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS
- PART 2 — FUNCTIONS TRANSFERRED TO DEPARTMENT FOR INFRASTRUCTURE
- SCHEDULE 4 FUNCTIONS TRANSFERRED FROM DEPARTMENT FOR EMPLOYMENT AND LEARNING
- PART 1 — FUNCTIONS TRANSFERRED TO DEPARTMENT FOR COMMUNITIES
- PART 2 — FUNCTIONS TRANSFERRED TO DEPARTMENT FOR COMMUNITIES AND DEPARTMENT FOR THE ECONOMY
- SCHEDULE 5 FUNCTIONS TRANSFERRED FROM DEPARTMENT OF THE ENVIRONMENT
- PART 1 — FUNCTIONS TRANSFERRED TO DEPARTMENT FOR COMMUNITIES
- PART 2 — FUNCTIONS TRANSFERRED TO DEPARTMENT FOR INFRASTRUCTURE
- SCHEDULE 6 AMENDMENTS
- PART 1 — AMENDMENTS CONSEQUENTIAL ON ARTICLE 3

Sex Discrimination (Northern Ireland) Order 1976 (NI 15)

1. In Article 54(1)(c), after “Department” in both places where it...
2. In Article 57(2) for “head of the Department of Manpower...

Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003 (NI 1)

3. In Article 2(2) for the definition of “the Office” substitute—...
4. (1) Amend Article 9 (relevant sites) as follows.
5. In Articles 10 to 13 for “Office” (wherever occurring) substitute...
6. In Article 13(2) for “Office’s” substitute “responsible department’s”.
7. In Articles 15, 17, 19, 20, 21, 22, 23, 26...
8. In Schedule 1, in paragraphs 2 to 5, 7, 8...
9. (1) Amend Schedule 2 as follows. (2) In paragraphs 1...

Commissioner for Children and Young People (Northern Ireland) Order 2003 (NI 11)

10. In Article 24— (a) in paragraph (1)(b), for “First Minister...

Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33)

11. In section 25(2) and (3), for “Office of the First...

Commissioner for Older People Act (Northern Ireland) 2011 (c. 1)

12. In section 1(3), for “the Office” substitute “the Executive Office”....
13. In section 21— (a) in subsection (1)(b), for “First Minister...

Planning Act (Northern Ireland) 2011 (c. 25)

14. In section 5(2)(a), omit sub-paragraph (ii).
 15. In section 203(2), for “First Minister and deputy First Minister...”
- PART 2 — AMENDMENTS CONSEQUENTIAL ON ARTICLE 4

Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (c. 15)

16. In section 1 (schemes for controlling Lough Neagh at lower...)
- PART 3 — AMENDMENTS CONSEQUENTIAL ON ARTICLE 5

Foyle Fisheries Act (Northern Ireland) 1952 (c. 5)

17. In section 58(1A) (general powers) omit paragraphs (b) and (c)....
18. In section 74(4) (forfeiture of licences) for “Department of Culture,...

Fisheries Act (Northern Ireland) 1966 (c. 17)

19. In the heading before section 25 omit “of Culture, Arts...

Mineral Development Act (Northern Ireland) 1969 (c. 35)

20. In Schedule 2 (mining facilities orders), in paragraph 1(4) for...

Roads (Northern Ireland) Order 1993 (NI 15)

21. In Schedule 8 (procedure for making certain orders), in paragraph...

*North/South Co-operation (Implementation Bodies)
(Northern Ireland) Order 1999 (S.I. 1999/859)*

22. (1) Article 5 is amended as follows.
23. In Article 7, for “Minister of Culture, Arts and Leisure”...
24. In paragraph 1 of Schedule 4— (a) in sub-paragraph (2),...

Water (Northern Ireland) Order 1999 (NI 6)

25. In Article 28A(5)(c), for “Department of Culture, Arts and Leisure”...
- PART 4 — AMENDMENTS CONSEQUENTIAL ON ARTICLE 6

Employment and Training Act (Northern Ireland) 1950 (c. 29)

26. In section 1 (general functions of the Department for Employment...
27. In section 2 (employment exchanges and employment services)—
28. In section 3 (provision as to training for employment)—
29. In section 4 (scheme for promoting regularity of employment)—
30. In section 5 (payments towards cost of removal and resettlement...
31. In section 6 (existing powers), for “Ministry” in both places...
32. In section 7 (expenses)— (a) in subsection (1)(a), for “Ministry”...
33. In section 8 (prosecution of offences), for “Ministry” in both...
34. In section 9 (regulations), in subsections (1) and (2) for...
35. In section 10(1) (interpretation)— (a) after “that is to say;—...

Employment and Training (Amendment) (Northern Ireland) Order 1988 (NI 10)

36. In Article 2(2), in the definition of “the Department”, for...

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Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990 (NI 12)

37. In Article 10 (power to exempt discrimination in favour of...

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

38. In section 123A (claimant commitment for income support), in subsections...

Jobseekers (Northern Ireland) Order 1995 (NI 15)

39. In Article 2(2) (interpretation)— (a) in the definition of “the...
40. Omit Article 8L (concurrent exercise of certain functions in relation...
41. In Article 8M (delegation and contracting out), omit paragraph (7)...
42. In Article 10 (attendance, information and evidence), in paragraph (2),...
43. In Article 19B (Article 19A: supplemental) (as the Article has...
44. In Article 22E (contracting out functions) (as the Article has...

Disability Discrimination Act 1995 (c. 50)

45. In section 18C (charities and support for particular groups), in...
46. In section 54A (codes of practice), in subsections (11) and...

Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21)

47. In Article 24A (assisting persons to obtain employment etc.)—

Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)

48. In Article 2(2) (interpretation), in the definition of “the Department”,...
49. In Article 57 (special schemes for claimants for jobseeker’s allowance)—...

Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (SR 2003/497)

50. In regulation 21 (assisting persons to obtain employment etc.)—

Employment Equality (Age) Regulations (Northern Ireland) 2006 (SR 2006/261)

51. In regulation 23 (assisting persons to obtain employment etc.)—

Welfare Reform Act (Northern Ireland) 2007 (c. 2)

52. In section 1C (claimant commitment for employment and support allowance...
53. Omit section 11K (concurrent exercise of certain functions in relation...
54. In section 11L (delegation and contracting out), omit subsection (7)...
55. In section 12(7) (meaning of “work-focused interview”), for “the Department...
56. In section 14 (action plans in connection with work focused...
57. In section 15 (directions about work-related activity), in subsections (1)...

- 58. In section 16 (meaning of “the Department” for purposes of...
- 59. In section 24 (interpretation of Part 1), omit subsections (5)...
- 60. In section 57(1) (interpretation of the Act), in the definition...

Welfare Reform Act 2012 (c. 5)

- 61. In section 127(7) (purposes for which information held for HMRC...

Welfare Reform (Northern Ireland) Order 2015 (NI 1)

- 62. Omit Article 34 (concurrent exercise of certain functions in relation...
 - 63. In Article 35 (delegation and contracting out), omit paragraph (7)...
- PART 5 — AMENDMENTS CONSEQUENTIAL ON ARTICLE 8

Fisheries Act (Northern Ireland) 1966 (c. 17)

- 64. (1) Amend section 11B (discharge of effluent) as follows.

Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (NI 1)

- 65. In Article 32 (matters with regard to which functions of...

Road Traffic (Northern Ireland) Order 1995 (NI 18)

- 66. (1) In the heading of Article 52A (functions of Department...

Water (Northern Ireland) Order 1999 (NI 6)

- 67. In Article 20 (abstraction and impounding of water), omit paragraph...
 - 68. In Article 28A (duty of Department to provide information), in...
 - 69. In Article 57 (water management programmes)— (a) for “Departments” in...
 - 70. (1) Amend Schedule 6 (procedure for making order under Article...
- PART 6 — AMENDMENTS CONSEQUENTIAL ON MORE THAN ONE TRANSFER OF FUNCTIONS

Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (c. 15)

- 71. In section 14 (provision as to bridges and roads), in...

Water (Northern Ireland) Order 1999 (NI 6)

- 72. (1) Amend Schedule 1 (discharge consents) as follows.

Environment (Northern Ireland) Order 2002 (NI 7)

- 73. In Article 48 (matters affecting agriculture, forestry and inland fisheries),...

Water and Sewerage Services (Northern Ireland) Order 2006 (NI 21)

- 74. In Article 2(2) (interpretation)— (a) omit the definition of “DCAL”;...
- 75. (1) Amend Article 10 (codes of practice) as follows.
- 76. In Article 12(5) (general duties with respect to the water...
- 77. In Article 137(2) (power to make drought orders)—

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- 78. In Article 227(10) (consents for certain discharges) for “DARD, DOE...
- 79. In Article 293(14) (procedure of the Appeals Commission), in the...

Planning Act (Northern Ireland) 2011 (c. 25)

- 80. In section 176, at the end insert—
- 81. In section 236(4), for “Department of the Environment” substitute “Department...
- 82. In section 237(4), for “the Department” substitute “the relevant department”....
- 83. in section 239(5)— (a) in paragraph (a) after “Department” insert...
- 84. In section 240(1)— (a) for “or the Department”, in each...
- 85. In section 242(2), for “the Department” substitute “the Department for...
- 86. For section 243 substitute— Power to appoint advisory bodies or...
- 87. In section 250(1), for the definition of “Minister” substitute— “Minister”,...
- 88. In paragraph 1 of Schedule 5, for “Minister” substitute “Minister...

Marine Act (Northern Ireland) 2013 (c. 10)

- 89. In section 3(4) (arrangements to promote co-ordination of functions in...
- 90. In section 4(11) (marine plans for inshore region) omit paragraphs...
Explanatory Note