
STATUTORY INSTRUMENTS

2012 No. 2595

**The Northern Ireland Act 1998 (Devolution
of Policing and Justice Functions) Order 2012**

Transfers of records

3.—(1) All property and liabilities so far as relating to the following records to which a Minister of the Crown or a government department is entitled or subject immediately before the coming into force of this Order are transferred to the Department of Justice—

- (a) written records in respect of a relevant function exercised by—
 - (i) the Northern Ireland Prison Service,
 - (ii) the Youth Justice Agency of Northern Ireland,
 - (iii) Forensic Science Northern Ireland,
 - (iv) the Northern Ireland Compensation Agency,

which have been provided to the Department of Justice prior to the coming into force of this Order; and

- (b) electronic records in respect of a relevant function which were identified as relevant to the ongoing business of the Department of Justice and provided to that Department before the coming into force of the 2010 Order.

(2) If at any time the Secretary of State is of the opinion that any record referred to in paragraph (1) contains protected information, the Secretary of State may direct that—

- (a) the record (and any copies) be returned to the Northern Ireland Office;
- (b) the record (and any copies) be destroyed or deleted,

and, where a record is returned, the property and liabilities so far as relating to that record are transferred to the person from whom they were transferred under paragraph (1).

(3) The Department of Justice must comply with any directions given by the Secretary of State in accordance with paragraph (2).

(4) Article 22 of the 2010 Order ceases to have effect.

(5) In this article—

“the 2010 Order” means the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010(1);

“the Department of Justice” means the Department of Justice in Northern Ireland;

“government department” means a department of the Government of the United Kingdom;

“relevant function” means—

- (a) a function transferred by or by virtue of any provision of this Order to the Department of Justice;

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- (b) a relevant function as defined in article 3 of the 2010 Order transferred to the Department of Justice or the Minister in charge of that Department by or by virtue of that Order; or
- (c) a function which, by virtue of the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010 is exercisable on Her Majesty's behalf under section 23(2) of the Northern Ireland Act 1998,

and the cases covered by paragraphs (a) and (c)(2) include cases where the function transferred was part of a larger function (for example, where a function that is exercisable in relation to England and Wales and Northern Ireland is transferred so far as it is exercisable in relation to Northern Ireland);

“property” includes rights and interests of any description;

“protected information” means information the disclosure of which may, in the opinion of the Secretary of State, be against the interests of national security; and

“records” means written and electronic records.

(2) The same provision is made in respect of sub-paragraph (b) in article 3 of the 2010 Order.