

Order laid before the Assembly under Article 8(4) of the Departments (Northern Ireland) Order 1999, and subject to affirmative resolution procedure of the Assembly

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

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The First Minister and deputy First Minister acting jointly, in exercise of the powers conferred by Article 8 of the Departments (Northern Ireland) Order 1999 (a), make the following Order.

Citation and commencement

1.—(1) This Order may be cited as the Departments (Transfer of Functions) Order (Northern Ireland) 2016.

(2) Subject to paragraph (3), this Order shall come into operation immediately before the transfer date.

(3) Article 11 and Schedule 6 shall come into operation on the transfer date.

Interpretation

2.—(1) In this Order—

“department” includes the Minister of the department (or in the case of OFMDFM the First Minister and the deputy First Minister);

(a) SI 1999/283 (N.I. 1)

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

“OFMDFM” means the Office of the First Minister and deputy First Minister;

“transfer date” means the date on which section 1 of the Departments Act (Northern Ireland) 2016 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.

(2) Any reference in this Order to a statutory provision under or for the purposes of which a function is transferred by this Order (a “transferring provision”) includes a reference to a statutory provision passed or made before the transfer date which—

- (a) amends or extends the transferring provision; or
- (b) confers functions on the transferor for the purposes of the transferring provision.

Transfer of certain functions of OFMDFM and of the First Minister and deputy First Minister acting jointly

3.—(1) The functions which immediately before the transfer date are exercisable by OFMDFM—

- (a) under or for the purposes of the statutory provisions set out in Part 1 of Schedule 1 are transferred as from that date to the Department of Agriculture, Environment and Rural Affairs;
- (b) under or for the purposes of the statutory provisions set out in Part 2 of that Schedule are transferred as from that date to the Department for Communities;
- (c) under or for the purposes of the statutory provisions set out in Part 3 of that Schedule are transferred as from that date to the Department of Education;
- (d) under or for the purposes of the statutory provisions set out in Part 4 of that Schedule are transferred as from that date to the Department for Infrastructure;
- (e) under or for the purposes of the statutory provisions set out in Part 5 of that Schedule are transferred as from that date to the Department of Justice.

(2) The functions which immediately before the transfer date are exercisable by the First Minister and the deputy First Minister acting jointly under or for the purposes of the following statutory provisions are transferred as from that date to the Department for Communities—

- (a) Article 57(2) of the Sex Discrimination (Northern Ireland) Order 1976(a);
- (b) Article 24(1)(b) and (5) of the Commissioner for Children and Young People (Northern Ireland) Order 2003(b);
- (c) section 21(1)(b) and (5) of the Commissioner for Older People Act (Northern Ireland) 2011(c).

Transfer of certain functions of Department of Agriculture and Rural Development

4. The functions which immediately before the transfer date are exercisable by the Department of Agriculture and Rural Development under or for the purposes of the statutory provisions set out in Schedule 2 are transferred as from that date to the Department for Infrastructure.

(a) S.I. 1976/1042 (N.I. 15)
(b) S.I. 2003/439 (N.I. 11)
(c) 2011 c. 1 (N.I.)

Transfer of functions of Department of Culture, Arts and Leisure

5.—(1) The functions which immediately before the transfer date are exercisable by the Department of Culture, Arts and Leisure—

- (a) under or for the purposes of the statutory provisions set out in Part 1 of Schedule 3 are transferred as from that date to the Department of Agriculture, Environment and Rural Affairs;
- (b) under or for the purposes of the statutory provisions set out in Part 2 of that Schedule are transferred as from that date to the Department for Infrastructure;
- (c) under or for the purposes of any other statutory provision are transferred as from that date to the Department for Communities.

(2) The functions transferred to the Department for Communities under paragraph (1) include the functions of the Department of Culture, Arts and Leisure under or for the purposes of the Government Resources and Accounts Act (Northern Ireland) 2001(a) in relation to the financial year ending on 31st March 2016.

Transfer of functions of Department for Employment and Learning

6.—(1) The functions which immediately before the transfer date are exercisable by the Department for Employment and Learning—

- (a) under or for the purposes of the statutory provisions set out in Part 1 of Schedule 4 are transferred as from that date to the Department for Communities;
- (b) under or for the purposes of the statutory provisions set out in Part 2 of that Schedule are, subject to paragraph (2), transferred to the Department for Communities and the Department for the Economy;
- (c) under or for the purposes of any other statutory provision are transferred as from that date to the Department for the Economy.

(2) The functions transferred to the Department for Communities and the Department for the Economy under paragraph (1)(b) are exercisable by each Department or by both Departments jointly.

(3) The functions transferred to the Department for the Economy under paragraph (1) include the functions of the Department for Employment and Learning under the Government Resources and Accounts Act (Northern Ireland) 2001 in relation to the financial year ending on 31st March 2016.

Transfer of certain functions of Department of Enterprise, Trade and Investment to Department for Communities

7. The functions which immediately before the transfer date are exercisable by the Department of Enterprise, Trade and Investment under or for the purposes of section 4 of the Debt Relief Act (Northern Ireland) 2010(b) are transferred as from that date to the Department for Communities.

Transfer of functions of Department of the Environment

8.—(1) The functions which immediately before the transfer date are exercisable by the Department of the Environment—

- (a) under or for the purposes of the statutory provisions set out in Part 1 of Schedule 5 are transferred as from that date to the Department for Communities;
- (b) under or for the purposes of the statutory provisions set out in Part 2 of that Schedule are transferred as from that date to the Department for Infrastructure;

(a) 2001 c. 6 (N.I.)

(b) 2010 c. 16 (N.I.)

(c) under or for the purposes of any other statutory provision are transferred as from that date to the Department of Agriculture, Environment and Rural Affairs.

(2) The functions transferred to the Department of Agriculture, Environment and Rural Affairs under paragraph (1) include the functions of the Department of the Environment under or for the purposes of the Government Resources and Accounts Act (Northern Ireland) 2001 in relation to the financial year ending on 31st March 2016.

References in statutory provisions, etc.

9.—(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, or as including, 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

10. All assets and liabilities enjoyed or incurred by the transferor immediately before the transfer date in connection with any functions transferred by this Order shall on that date be transferred to, and by virtue of this Order vest in, the transferee.

Amendments

11.—(1) Schedule 6 (amendments) shall have effect.

(2) Nothing in Schedule 6 affects the generality of Article 9 or 10.

Dated this 25th day of February 2016.

Arlene Foster
First Minister

Martin McGuinness
deputy First Minister

SCHEDULES

SCHEDULE 1

Article 3

FUNCTIONS TRANSFERRED FROM OFMDFM

PART 1

FUNCTIONS TRANSFERRED TO DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

Northern Ireland (Miscellaneous Provisions) Act 2006, section 25(2)(a) and (3)(c)

Financial Provisions Act (Northern Ireland) 2009, section 5

Planning Act (Northern Ireland) 2011, sections 1(3)(a)(ii) and 5(2)(a)(i)

PART 2

FUNCTIONS TRANSFERRED TO DEPARTMENT FOR COMMUNITIES

Equal Pay Act (Northern Ireland) 1970

Sex Discrimination (Northern Ireland) Order 1976

Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990

Disability Discrimination Act 1995

Equality (Disability, etc.) (Northern Ireland) Order 2000

Commissioner for Children and Young People (Northern Ireland) Order 2003, Articles 4 and 16(11), paragraphs 4, 5, 10, 11 and 12 of Schedule 2 and paragraph 2(9) of Schedule 3

Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003

Employment Equality (Age) Regulations (Northern Ireland) 2006, regulation 37

Equality Act 2006

Disability Discrimination (Northern Ireland) Order 2006

Child Poverty Act 2010

Commissioner for Older People Act (Northern Ireland) 2011, except section 1(3)

PART 3

FUNCTIONS TRANSFERRED TO DEPARTMENT OF EDUCATION

Financial Provisions Act (Northern Ireland) 2009, section 4

Children's Services Co-operation Act (Northern Ireland) 2015

PART 4

FUNCTIONS TRANSFERRED TO DEPARTMENT FOR INFRASTRUCTURE

Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003, Part 3 so far as relating to the relevant sites existing immediately before the transfer date—

- (a) at Crumlin Road Gaol, Belfast, and
- (b) at St. Lucia Barracks, Omagh.

PART 5

FUNCTIONS TRANSFERRED TO DEPARTMENT OF JUSTICE

Water and Sewerage Services (Northern Ireland) Order 2006, Articles 292 and 293

Planning Act (Northern Ireland) 2011, Part 9 and section 223(7)

Reservoirs Act (Northern Ireland) 2015, section 111

SCHEDULE 2

Article 4

FUNCTIONS TRANSFERRED FROM DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT TO DEPARTMENT FOR INFRASTRUCTURE

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

Lough Neagh Drainage (Amendment) Act 1970

Drainage (Northern Ireland) Order 1973

Laganside Development (Northern Ireland) Order 1989, paragraph 1 of Schedule 2

Water (Northern Ireland) Order 1999, Articles 20(4), 40(2) and 57 and Schedule 6

SCHEDULE 3

Article 5

FUNCTIONS TRANSFERRED FROM DEPARTMENT OF CULTURE, ARTS AND LEISURE

PART 1

FUNCTIONS TRANSFERRED TO DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

Fisheries Act (Northern Ireland) 1966

Fishing Vessels (Grants) Act (Northern Ireland) 1967

PART 2

FUNCTIONS TRANSFERRED TO DEPARTMENT FOR INFRASTRUCTURE

Railway and Canal Traffic Acts 1854 to 1894, so far as relating to canals

Irish Land Act 1903, section 13(1), (2) and (5) and subsection (4) so far as relating to sporting rights

Northern Ireland Land Act 1925, section 15

Railway and Canal Traffic (Amendment) Act (Northern Ireland) 1930, so far as relating to canals

Northern Ireland Land Purchase (Winding up) Act 1935, section 3(c), so far as relating to sporting rights

Inland Navigation Act (Northern Ireland) 1954

Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955, section 6(3) and so much of sections 5, 7, 9, 12, 13 and 14 as relates to section 6(3)

Water (Northern Ireland) Order 1999, Part 3 (except Article 40(2)), and Schedules 3 to 5 to that Order so far as applying for the purposes of Part 3

North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999, Part 2 and Schedules 1 to 4

SCHEDULE 4

Article 6

FUNCTIONS TRANSFERRED FROM DEPARTMENT FOR EMPLOYMENT AND LEARNING

PART 1

FUNCTIONS TRANSFERRED TO DEPARTMENT FOR COMMUNITIES

Disabled Persons (Employment) Act (Northern Ireland) 1945

Social Security Contributions and Benefits (Northern Ireland) Act 1992, section 123A

Jobseekers (Northern Ireland) Order 1995

Social Security (Northern Ireland) Order 1998

Welfare Reform and Pensions (Northern Ireland) Order 1999, Article 57(5)

Enterprise Ulster (Dissolution) Order (Northern Ireland) 2007

Welfare Reform Act (Northern Ireland) 2007

Welfare Reform (Northern Ireland) Order 2015

PART 2

FUNCTIONS TRANSFERRED TO DEPARTMENT FOR COMMUNITIES AND DEPARTMENT FOR THE ECONOMY

Employment and Training Act (Northern Ireland) 1950, except sections 4 and 10(1)

Employment and Training (Amendment) (Northern Ireland) Order 1988, Article 4

Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990, Article 10

Fair Employment and Treatment (Northern Ireland) Order 1998, Article 24A

Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003, regulation 21

SCHEDULE 5

Article 8

FUNCTIONS TRANSFERRED FROM DEPARTMENT OF THE ENVIRONMENT

PART 1

FUNCTIONS TRANSFERRED TO DEPARTMENT FOR COMMUNITIES

Public Health (Ireland) Act 1878, Part 3 and so far as they relate to that Part Parts 4 to 6

Pensions (Increase) Act (Northern Ireland) 1971, Schedule 2 paragraph 14B

Local Government Act (Northern Ireland) 1972

Superannuation (Northern Ireland) Order 1972, Articles 9 and 10

Local Government &c (Northern Ireland) Order 1972

Land Acquisition and Compensation (Northern Ireland) Order 1973, Articles 39, 42(2) and 43(2)

Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985

Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992

Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995

Treasure Act 1996

Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002

Local Government (Northern Ireland) Order 2005

Local Government (Boundaries) (Northern Ireland) Order 2006

Local Government (Boundaries) Act (Northern Ireland) 2008

Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010

Local Government Finance Act (Northern Ireland) 2011

In the Planning Act (Northern Ireland) 2011—

sections 80 to 84, 85(9), 104, 158 to 161;

sections 176 to 178 so far as those sections relate to the issue and enforcement of listed building enforcement notices;

Part 8;

in section 225, subsection (2) and so much of subsection (3) as relates to subsection (2);

in section 236—

- (a) subsection (2)(a), so far as it relates to the Department's functions in relation to the making, issue or service of any order or notice under section 80, 81, 82, 84 or 104 of the Act;
- (b) subsection (2)(b) and (c)(i),

and section 237 so far as it relates to those functions;

section 240 so far as it relates to the Department's power to make an order or issue or serve a notice or other document which by any of the provisions of sections 80 to 84, 104, 158, 159, 161, 176 to 178 and 202 of the Act the Department is required to make, issue or serve, and the functions under section 241(3) which relate to those powers;

section 247 so far as that section relates to the Department's power to make regulations prescribing anything which under section 80(5) or 104(5) or paragraph 4(4) of Schedule 5 is authorised or required to be prescribed;

Schedule 5.

Public Service Pensions Act (Northern Ireland) 2014, Schedule 2, paragraph 3

Local Government Act (Northern Ireland) 2014

PART 2

FUNCTIONS TRANSFERRED TO DEPARTMENT FOR INFRASTRUCTURE

Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955, section 14(3)

Caravans Act (Northern Ireland) 1963

Land Development Values (Compensation) Act (Northern Ireland) 1965

Transport Act (Northern Ireland) 1967, Parts 2 and 4

Housing on Farms Act (Northern Ireland) 1972

Drainage (Northern Ireland) Order 1973, Schedule 1 paragraph 1(c)

Land Acquisition and Compensation (Northern Ireland) Order, except Articles 39, 42(2) and 43(2)

Enterprise Zones (Northern Ireland) Order 1981

Planning Blight (Compensation) (Northern Ireland) Order 1981

Road Traffic (Northern Ireland) Order 1981

Road Traffic (Amendment) (Northern Ireland) Order 1991, Article 4 and Schedule 2

Planning (Northern Ireland) Order 1991, Part 3

Disability Discrimination Act 1995, sections 32 to 34, 36, 37 to 38 and 40 to 45

Road Traffic (Northern Ireland) Order 1995

Road Traffic Offenders (Northern Ireland) Order 1996

Road Traffic (New Drivers) (Northern Ireland) Order 1998

Crime (International Co-operation) Act 2003, Part 3

Planning (Amendment) (Northern Ireland) Order 2003, Article 28

Road Traffic (Driving Disqualifications) (Northern Ireland) Order 2003, Article 8

Road Traffic (Northern Ireland) Order 2007

Taxis Act (Northern Ireland) 2008

Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010

Caravans Act (Northern Ireland) 2011, section 15(5)

The following provisions of the Planning Act (Northern Ireland) 2011—

Parts 1, 2 and 3;

section 85(1) to (8);

sections 86 to 103, 105 to 155 and 162 to 175;

sections 176 to 178 in so far as the functions under those sections relate to the issue and enforcement of stop notices and enforcement notices;

section 189;

Parts 7, 10, 11 and 12;

sections 223 and 224;

in section 225, subsection (1) and so much of subsection (3) as relates to subsection (1);

section 226(5);

sections 228 to 235;

section 236, except—

- (a) subsection (2)(a) so far as it relates to the Department's functions in relation to the making, issue or service of any order or notice under sections 80, 81, 82, 84 or 104;
- (b) subsection (2)(b) and (c)(i),

and section 237 so far as it relates to those functions;

section 240, except so far as that section relates to the Department's power to make an order or issue or serve a notice or other document which by any of sections 80 to 84, 104, 158, 159, 161, 176 to 178 and 202 the Department is authorised to make, issue or serve, and the functions under section 241(3) which relate to those powers;

section 247 so far as it relates to the Department's power to make regulations prescribing anything which under any provision of the Act except sections 80(5) and 104(5) and paragraph 4(4) of Schedule 5 is authorised or required to be prescribed;

sections 251 and 254;

Schedules 1, 2 and 3.

Road Traffic (Amendment) Act (Northern Ireland) 2016, sections 23 and 26.

SCHEDULE 6 AMENDMENTS

Article 11

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 occurs insert “for Communities”.

2. In Article 57(2) for “head of the Department of Manpower Services” substitute “Department for Communities”.

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

3. In Article 2(2) for the definition of “the Office” substitute—

““the Office” means the Executive Office;”.

4.—(1) Amend Article 9 (relevant sites) as follows.

(2) After paragraph (1) insert—

“(1A) In this Part “the responsible department” means—

- (a) in relation to a relevant site transferred to the Department for Infrastructure by the Departments (Transfer of Functions) Order (Northern Ireland) 2016, that Department;
- (b) in relation to any other relevant site existing immediately before the transfer date, the Office;
- (c) in relation to a new relevant site, means the department in which the site is vested in accordance with the arrangements mentioned in paragraph (1);
- (d) in relation to a development corporation established by an order under Article 15, the department which made the order.

(1B) In paragraph (1A) and this paragraph—

“new relevant site” means any area of land which becomes a relevant site at any time on or after the transfer date;

“the transfer date” has the same meaning as in the Departments (Transfer of Functions) Order (Northern Ireland) 2016.”.

(3) In paragraph (2) for “Office” substitute “responsible department”.

(4) In paragraph (3) for “signed by the First Minister and deputy First Minister” substitute “issued by the responsible department”.

5. In Articles 10 to 13 for “Office” (wherever occurring) substitute “responsible department”.

6. In Article 13(2) for “Office’s” substitute “responsible department’s”.

7. In Articles 15, 17, 19, 20, 21, 22, 23, 26 and 27 for “Office” (wherever occurring) substitute “responsible department”.

8. In Schedule 1, in paragraphs 2 to 5, 7, 8 and 16 to 20 for “Office” (wherever occurring) substitute “responsible department”.

9.—(1) Amend Schedule 2 as follows.

(2) In paragraphs 1 and 2 for “Office” (wherever occurring) substitute “responsible department”.

(3) In paragraph 2(1)(d) for “Office’s” substitute “relevant department’s”.

(4) In paragraphs 3, 4, 7 and 8 for “Office” (wherever occurring) substitute “responsible department”.

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

10. In Article 24—

(a) in paragraph (1)(b), for “First Minister and deputy First Minister” substitute “Department for Communities”;

(b) in paragraph (5), for “First Minister and deputy First Minister acting jointly” substitute “Department for Communities”.

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

11. In section 25(2) and (3), for “Office of the First Minister and deputy First Minister”, in each place where those words occur substitute “Department of Agriculture, Environment and Rural Affairs”.

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 and deputy First Minister” substitute “Department for Communities”;
- (b) in subsection (5), for “First Minister and deputy First Minister acting jointly” substitute “Department for Communities”.

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 acting jointly” substitute “Department”.

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 levels), in subsection (1), omit “after consultation with the Ministry of Agriculture”.

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, Arts and Leisure” substitute “Department”.

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

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

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

20. In Schedule 2 (mining facilities orders), in paragraph 1(4) for “Department of Culture, Arts and Leisure” substitute “Department of Agriculture, Environment and Rural Affairs”.

Roads (Northern Ireland) Order 1993 (NI 15)

21. In Schedule 8 (procedure for making certain orders), in paragraph 2(3)(a)(iv) for “Department of Culture, Arts and Leisure” substitute “Department of Agriculture, Environment and Rural Affairs”.

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

22.—(1) Article 5 is amended as follows.

(2) In paragraphs (3) and (4), for “Department of Culture, Arts and Leisure” (wherever occurring) substitute “Department for Infrastructure”.

(3) In paragraph (5), for “Minister of Culture, Arts and Leisure” substitute “Department for Infrastructure”.

23. In Article 7, for “Minister of Culture, Arts and Leisure” substitute “Department for Infrastructure”.

24. In paragraph 1 of Schedule 4—

- (a) in sub-paragraph (2), for “Department of Culture, Arts and Leisure” substitute “Department for Infrastructure”;
- (b) in sub-paragraph (7), for “Minister of Culture, Arts and Leisure” substitute “Minister for Infrastructure”.

Water (Northern Ireland) Order 1999 (NI 6)

25. In Article 28A(5)(c), for “Department of Culture, Arts and Leisure” substitute “Department for Infrastructure”.

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 and Learning)—

- (a) in the heading, for “Ministry” substitute “Department”;
- (b) in subsection (1), for “Department of Economic Development (in this Act referred to as “the Department”)” substitute “Department”.

27. In section 2 (employment exchanges and employment services)—

- (a) in subsections (1) and (2), for “Ministry” substitute “Department”;
- (b) in subsection (3), for “Ministry” in the second place where it occurs substitute “Department”;
- (c) in subsection (4), for “Ministry” substitute “Department”;
- (d) in subsection (6), for “Ministry” in the second place where it occurs substitute “Department”.
- (e) in subsections (7) and (8), for “Ministry” substitute “Department”.

28. In section 3 (provision as to training for employment)—

- (a) in subsection (1), for “Ministry” substitute “Department”;
- (b) in subsection (2), for “Ministry” in the first place where it occurs substitute “Department”;
- (c) in subsection (4), for “Ministry” in the first, second and fourth places where it occurs substitute “Department”.

29. In section 4 (scheme for promoting regularity of employment)—

- (a) in subsection (1), for “Ministry” in the first, second, fourth and fifth places where it occurs substitute “Department”;
- (b) in subsections (2) and (3), for “Ministry” in each place where it occurs substitute “Department”;
- (c) in subsection (4), for “Ministry” in the first and second places where it occurs substitute “Department”.

30. In section 5 (payments towards cost of removal and resettlement of workers)—

- (a) in subsection (1), for “Ministry” in the second place where it occurs substitute “Department”;
- (b) in subsection (2), for “Ministry” in both places where it occurs substitute “Department”;
- (c) in subsection (3), for “Ministry” in the first place where it occurs substitute “Department”;
- (d) in subsection (5), for “Ministry” substitute “Department”.

31. In section 6 (existing powers), for “Ministry” in both places where it occurs, substitute “Department”.

32. In section 7 (expenses)—

- (a) in subsection (1)(a), for “Ministry” substitute “Department”;
- (b) in subsection (1)(b), for “Ministry” in the first place where it occurs substitute “Department”;
- (c) in subsection (2), for “Ministry” substitute “Department”.

33. In section 8 (prosecution of offences), for “Ministry” in both places where it occurs substitute “Department”.

34. In section 9 (regulations), in subsections (1) and (2) for “Ministry” substitute “Department”.

35. In section 10(1) (interpretation)—

- (a) after “that is to say;— ” insert—
 - “the Department” means—
 - (a) except in section 4 and this subsection, the Department for Communities or the Department for the Economy;
 - (b) in section 4 and this subsection, the Department for the Economy;”;
- (b) in the definition of “industry” for “Ministry” substitute “Department”.

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

36. In Article 2(2), in the definition of “the Department”, for “Department of Economic Development” substitute “Department for Communities or the Department for the Economy”.

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

37. In Article 10 (power to exempt discrimination in favour of lone parents in connection with training)—

- (a) in paragraph (1), for “Department” in both places where it occurs substitute “Department for Communities or the Department for the Economy”;
- (b) in paragraph (3)(b), for “Department” substitute “Department for Communities or the Department for the Economy”.

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

38. In section 123A (claimant commitment for income support), in subsections (2) and (4)(b), omit “or the Department for Employment and Learning”.

Jobseekers (Northern Ireland) Order 1995 (NI 15)

39. In Article 2(2) (interpretation)—

- (a) in the definition of “the Department”, for “the Department of Health and Social Services” substitute “the Department for Communities”;
- (b) in the definition of “employment officer” (as the Article has effect before the repeal of the definition by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015), omit “or the Department for Employment and Learning”.

40. Omit Article 8L (concurrent exercise of certain functions in relation to jobseeker’s allowance by Department for Social Development and Department for Employment and Learning).

41. In Article 8M (delegation and contracting out), omit paragraph (7) (application of Article to Department for Employment and Learning as respects certain functions as it applies to Department for Social Development).

42. In Article 10 (attendance, information and evidence), in paragraph (2), in sub-paragraphs (b) and (c) omit “or of the Department for Employment and Learning”.

43. In Article 19B (Article 19A: supplemental) (as the Article has effect before its repeal by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015)—

- (a) in paragraph (1) (powers of Department for Employment and Learning for the purposes of or in connection with any “work for your benefit” scheme), omit “or the Department for Employment and Learning”;
- (b) in paragraph (3) (provision that regulations in pursuance of Article 4 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 may make in relation to “work for your benefit” schemes), for “the Department for Employment and Learning” substitute “the Department for Communities or the Department for the Economy”.

44. In Article 22E (contracting out functions) (as the Article has effect before its repeal by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015)—

- (a) in paragraphs (1), (2) and (3), omit “or of the Department for Employment and Learning”;
- (b) in paragraphs (7)(b) and (c), (8) and (9)(a), omit “or the Department for Employment and Learning”;
- (c) in paragraph (10), omit “ or of the Department for Employment and Learning”;
- (d) in paragraph (11) in both places where it occurs omit “or the Department for Employment and Learning”;
- (e) in paragraph (12)(c), omit “or of the Department for Employment and Learning”.

Disability Discrimination Act 1995 (c. 50)

45. In section 18C (charities and support for particular groups), in subsection (2)(b), for “Department for Employment and Learning” substitute “Department for Communities”.

46. In section 54A (codes of practice), in subsections (11) and (12), for “Department for Employment and Learning” substitute “Department for the Economy”.

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

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

- (a) in paragraph (1)—
 - (i) for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”;
 - (ii) for “Department” in the second place where it occurs substitute “Department for Communities or the Department for the Economy”;
- (b) in paragraph (2)(a), for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”.

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

48. In Article 2(2) (interpretation), in the definition of “the Department”, for “the Department of Health and Social Services” substitute “the Department for Communities”.

49. In Article 57 (special schemes for claimants for jobseeker’s allowance)—

- (a) in paragraph (5) (powers in connection with any scheme), omit “or the Department of Economic Development”;
- (b) in paragraph (7) (provision that may be included in an order in pursuance of Article 4 of Employment and Training (Amendment) (Northern Ireland) Order 1988), for “the Department of Economic Development” substitute “the Department for Communities or the Department for the Economy”.

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

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

- (a) in paragraph (1)—

- (i) for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”;
- (ii) for “Department” in the second place where it occurs substitute “Department for Communities or the Department for the Economy”;
- (b) in paragraph (2)(b), for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”.

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

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

- (a) in paragraph (1)—
 - (i) for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”;
 - (ii) for “Department” in the second place where it occurs substitute “Department for Communities or the Department for the Economy”;
- (b) in paragraph (2)(b), for “Department for Employment and Learning” substitute “Department for Communities or the Department for the Economy”.

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

52. In section 1C (claimant commitment for employment and support allowance for interim period until introduction of universal credit) (as the section has effect before its repeal by Part 5 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015), in subsections (2) and (4)(b), omit “or the Department for Employment and Learning”.

53. Omit section 11K (concurrent exercise of certain functions in relation to employment and support allowance by Department for Social Development and Department for Employment and Learning).

54. In section 11L (delegation and contracting out), omit subsection (7) (application of section to Department for Employment and Learning as respects certain functions as it applies to Department for Social Development).

55. In section 12(7) (meaning of “work-focused interview”), for “the Department for Employment and Learning” substitute “the Department”.

56. In section 14 (action plans in connection with work focused interviews)—

- (a) in subsection (1), for “The Department for Employment and Learning” substitute “The Department”;
- (b) in subsection (5), for “the Department for Employment and Learning” substitute “the Department”.

57. In section 15 (directions about work-related activity), in subsections (1) and (2)(b), omit “or the Department for Employment and Learning”.

58. In section 16 (meaning of “the Department” for purposes of contracting out functions under Part 1), omit subsection (14) (definition of “the Department” in section to mean Department for Social Development or Department for Employment and Learning).

59. In section 24 (interpretation of Part 1), omit subsections (5) (decisions of Department for Employment and Learning to be treated for certain purposes as decisions of Department for Social Development) and (6) (supply by Department for Social Development and Department for Employment and Learning to each other of information for purposes of their functions under Part 1).

60. In section 57(1) (interpretation of the Act), in the definition of “the Department”, for the words from “(except” to the end substitute “means the Department for Communities”.

Welfare Reform Act 2012 (c. 5)

61. In section 127(7) (purposes for which information held for HMRC purposes may be supplied to a Northern Ireland department), for paragraphs (a) to (c) of the definition of “Northern Ireland department”, substitute—

- “(a) the Department for Communities;
- (b) the Department of Finance;
- (c) the Department for the Economy.”.

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

62. Omit Article 34 (concurrent exercise of certain functions in relation to universal credit by Department for Social Development and Department for Employment and Learning).

63. In Article 35 (delegation and contracting out), omit paragraph (7) (application of Article to Department for Employment and Learning as respects certain functions as it applies to Department for Social Development).

PART 5

AMENDMENTS CONSEQUENTIAL ON ARTICLE 8

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

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

(2) In subsection (1)—

- (a) in paragraph (a) omit “of the Environment”;
- (b) in paragraph (b) for “that Department” substitute “the Department”;
- (c) for “the Department of the Environment may, with the approval of the Department,” substitute “the Department may”;
- (d) in paragraph (i) omit “of the Environment”;
- (e) omit the “and” at the end of paragraph (i);
- (f) omit paragraph (ii).

(3) In subsection (2) omit “of the Environment”.

(4) In subsection (3) omit “of the Environment”.

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

65. In Article 32 (matters with regard to which functions of authorities to be exercised), omit paragraph (2).

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

66.—(1) In the heading of Article 52A (functions of Department for Regional Development as to road safety), for “Department for Regional Development” substitute “Department”.

(2) In that Article, in paragraph (1), for the words from “The” to “the Department)” substitute “The Department”.

Water (Northern Ireland) Order 1999 (NI 6)

67. In Article 20 (abstraction and impounding of water), omit paragraph (4).

68. In Article 28A (duty of Department to provide information), in paragraph (5) omit subparagraph (b).

69. In Article 57 (water management programmes)—

- (a) for “Departments” in each place where it occurs (except in paragraph (6)) substitute “Department”;

(b) omit paragraph (6).

70.—(1) Amend Schedule 6 (procedure for making order under Article 57(1)) as follows.

(2) For “Departments” in each place where it occurs substitute “Department”.

(3) In paragraph 1—

(a) for “propose” substitute “proposes”;

(b) for “they” substitute “the Department”;

(c) in sub-paragraph (d) for “either” substitute “the”.

(4) In paragraph 2 for “Either” substitute “The”.

(5) In paragraph 3—

(a) for “they think” substitute “the Department thinks”;

(b) for “propose” substitute “proposes”;

(c) for “they shall” substitute “the Department shall”;

(d) for “them” substitute “the Department”.

(6) In paragraph 4—

(a) for “either” substitute “the”;

(b) for “are satisfied” substitute “is satisfied”.

(7) In paragraph 7 for “they think” substitute “the Department thinks”.

(8) In paragraph 8 for “they” and “them” substitute “the Department”.

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 subsection (3), omit “, after consultation with the Ministry,”.

Water (Northern Ireland) Order 1999 (NI 6)

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

(2) In paragraph 2(6) omit head (c).

(3) In paragraph 3(5)—

(a) omit head (c);

(b) for “or, as the case may be, the Board” substitute “(in a case within head (b))”.

(4) In paragraph 4(2) omit head (b).

(5) In paragraph 5(5) omit head (b).

Environment (Northern Ireland) Order 2002 (NI 7)

73. In Article 48 (matters affecting agriculture, forestry and inland fisheries), omit paragraph (2).

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

74. In Article 2(2) (interpretation)—

(a) omit the definition of “DCAL”;

(b) at the appropriate place insert—

“ “DAERA” means the Department of Agriculture, Environment and Rural Affairs;”.

75.—(1) Amend Article 10 (codes of practice) as follows.

(2) In paragraph (3) for “the other relevant Northern Ireland departments” substitute “DAERA”.

(3) In paragraph (5) for sub-paragraph (a) substitute—

“(a) DAERA;”.

(4) Omit paragraph (6).

76. In Article 12(5) (general duties with respect to the water industry)—

(a) omit sub-paragraph (a);

(b) for sub-paragraphs (b) and (c) substitute—

“(b) DAERA;

(c) the Department;”.

77. In Article 137(2) (power to make drought orders)—

(a) in sub-paragraph (a) for “DOE” substitute “DAERA”;

(b) in sub-paragraph (b) for the words from “by” to the end substitute “by DAERA.”.

78. In Article 227(10) (consents for certain discharges) for “DARD, DOE and DCAL” substitute “DAERA and the Department”.

79. In Article 293(14) (procedure of the Appeals Commission), in the definition of “the relevant department”, for the words from “whichever” to the end substitute “the Northern Ireland department that has functions under, or in relation to, the statutory provision conferring jurisdiction on the Commission to make that decision.”.

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

80. In section 176, at the end insert—

“(5) In this section and in sections 177 and 178, “the Department” means—

(a) in relation to the enforcement of stop notices and enforcement notices, the Department for Infrastructure;

(b) in relation to the enforcement of listed building enforcement notices, the Department for Communities.”.

81. In section 236(4), for “Department of the Environment” substitute “Department for Communities or the Department for Infrastructure”.

82. In section 237(4), for “the Department” substitute “the relevant department”.

83. in section 239(5)—

(a) in paragraph (a) after “Department” insert “for Communities, the Department for Infrastructure”;

(b) in paragraph (b) after “Department” insert “for Communities, the Department for Infrastructure”;

84. In section 240(1)—

(a) for “or the Department”, in each place where it occurs, substitute “the Department for Infrastructure or the Department for Communities”;

(b) for “or, as the case may be, the Department” substitute “or the Department for Infrastructure or the Department for Communities, as the case may be”.

85. In section 242(2), for “the Department” substitute “the Department for Infrastructure or the Department for Communities”.

86. For section 243 substitute—

“Power to appoint advisory bodies or committees

243.—(1) The Minister for Infrastructure may appoint such advisory bodies or committees as the Minister considers necessary to assist the Department for Infrastructure in the exercise and performance of the functions conferred on that Department by this Act.

(2) The Minister for Communities may appoint such advisory bodies or committees as the Minister considers necessary to assist the Department for Communities in the exercise and performance of the functions conferred on that Department by this Act.”.

87. In section 250(1), for the definition of “Minister” substitute—

“ “Minister”, except where otherwise specified, means the Minister for Infrastructure;”.

88. In paragraph 1 of Schedule 5, for “Minister” substitute “Minister for Communities”.

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

89. In section 3(4) (arrangements to promote co-ordination of functions in inshore region) omit paragraphs (a) and (b).

90. In section 4(11) (marine plans for inshore region) omit paragraphs (b) and (c).

EXPLANATORY NOTE

(This note is not part of the Order)

This order transfers certain functions of Northern Ireland departments to other Northern Ireland departments.

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