1993 No. 494

NORTHERN IRELAND DEPARTMENTS

Departments (Transfer of Functions) (No. 3) Order (Northern Ireland) 1993

Made . . . . . *22nd December 1993*

Coming into operation . . *1st April 1994*

In exercise of the powers conferred by section 4 of the Ministries Act (Northern Ireland) 1944(**a**) and now vested in me(**b**) and all other powers enabling me in that behalf, I hereby make the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Departments (Transfer of Functions) (No. 3) Order (Northern Ireland) 1993.

(2) This Order shall come into operation on 1st April 1994.

Interpretation

2.—(1) In this Order—

"Department" includes the head of a Department;

"the transfer date" means 1st April 1994;

"transferred provision" has the meaning assigned to it by section 1 of the Interpretation Act (Northern Ireland) 1954(**c**).

(2) Any reference in the Schedule to an enactment includes—

(*a*) a reference to any enactment in operation on the transfer date amending or extending that enactment; and

(*b*) a reference to so much of any enactment in operation on the transfer date as confers functions on the Department of Health and Social Services for the purposes of that enactment.

Transfer of certain functions of the Department of Health and Social Services

3. The functions which, immediately before the transfer date, are exercisable by the Department of Health and Social Services under or for the purposes of the enactments set out in the Schedule are hereby transferred as from that date to the Department of Finance and Personnel.

(**a**) 1944 c. 14 (N.I.)
(**b**) By S.I. 1973/2163 Article 14(1) and Sch. 5 para. 27; 1974 c. 28 section 1(3) and Sch. 1 para. 2(1)(*b*)
(**c**) 1954 c. 33 (N.I.)

References in enactments, etc.

4.—(1) In the construction and for the purposes of any transferred provision, judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the transfer date, any reference to, or which is to be construed as a reference to, the Department of Health and Social Services shall, so far only as may be necessary for the purposes of this Order, be construed as a reference to the Department of Finance and Personnel.

(2) The transfer of functions by this Order shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the Department of Health and Social Services before the transfer date, but any such matter shall, if in force immediately before that date, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the Department of Finance and Personnel.

(3) Anything commenced before the transfer date by or under the authority of the Department of Health and Social Services may, so far as it relates to any function transferred by this Order, be carried on or completed by or under the authority of the Department of Finance and Personnel.

(4) Where, at the transfer date, any legal proceedings is pending to which the Department of Health and Social Services is a party and the proceeding relates to any of the functions transferred by this Order, the Department of Finance and Personnel shall be substituted in the proceeding for the Department of Health and Social Services, and the proceeding shall not abate by reason of the substitution.

Transfer of assets and liabilities

5. All property, rights and liabilities held, enjoyed or incurred immediately before the transfer date by the Department of Health and Social Services in connection with the functions transferred to the Department of Finance and Personnel by this Order are hereby transferred to the Department of Finance and Personnel and accordingly, by virtue of this Order and without any further conveyance, transfer or assignment—

(*a*) that property, real or personal, shall vest in the Department of Finance and Personnel;

(*b*) those rights shall be enjoyed by the Department of Finance and Personnel;

(*c*) those liabilities shall become liabilities of the Department of Finance and Personnel.

Consequential amendments and repeals

6.—(1) In Schedule 1 to the Parliamentary Commissioner Act (Northern Ireland) 1969(**a**)—

(*a*) in Note 2, after the word "includes" insert the words "the General Register Office and";

(**a**) 1969 c. 10 (N.I.)

(*b*) Note 2B shall cease to have effect.

(2) In Schedule 2 to the Departments (Northern Ireland) Order 1982(**a**) the entry relating to Article 4(2) of the Births and Deaths Registration (Northern Ireland) Order 1976(**b**) is hereby repealed.

(3) In the Adoption (Northern Ireland) Order 1987(**c**)—

(*a*) in Article 2(2) in the definition of ''prescribed'' for the words from ''54 and'' to ''elsewhere'' substitute the words ''and 59 means prescribed by regulations made by the Department, in Article 54 means prescribed by regulations made by the Department of Finance and Personnel and elsewhere'';

(*b*) in Article 2(2) the definition of ''regulations'' is hereby repealed;

(*c*) in Article 68 for the words ''made by the Department'' there shall be substituted the words ''under this Order''.

Dated this 22nd day of December 1993.

P. B. B. Mayhew
One of Her Majesty's Principal
Secretaries of State

(**a**) S.I. 1982/338 (N.I. 6)
(**b**) S.I. 1976/1041 (N.I. 14)
(**c**) S.I. 1987/2203 (N.I. 22)

SCHEDULE Article 3

Enactments Relating to Functions Transferred from the Department of Health and Social Services to the Department of Finance and Personnel

The Marriages Act (Northern Ireland) 1954 (c. 21).

The Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955 (c. 29).

The Births, Deaths and Marriages Registration Act (Northern Ireland) 1956 (c. 5).

The Census Act (Northern Ireland) 1969 (c. 8).

The Friendly Societies Act (Northern Ireland) 1970 (c. 31), paragraph 5(1) of Schedule 5.

The Births, Deaths and Marriages Registration (Northern Ireland) Order 1973 (N.I. 8).

The Births and Deaths Registration (Northern Ireland) Order 1976 (N.I. 14).

The Adoption (Northern Ireland) Order 1987 (N.I. 22), Part VI.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order transfers to the Department of Finance and Personnel those functions of the Department of Health and Social Services which relate to the registration of births, deaths, marriages and adoptions and the census.