

*Order made by the First Minister and deputy First Minister acting jointly under Article 8 of the Departments (Northern Ireland) Order 1999 and subject to affirmative resolution of the Assembly*

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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 56**

**NORTHERN IRELAND DEPARTMENTS**

**The Departments (Transfer of Functions)  
(No. 2) Order (Northern Ireland) 2011**

*Made - - - - 28th February 2011*

*Coming into operation in accordance with Article 1(2)*

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<sup>(1)</sup>, make the following Order—

**Citation and commencement**

1.—(1) This Order may be cited as the Departments (Transfer of Functions) (No. 2) Order (Northern Ireland) 2011.

(2) This Order shall come into operation on 1st April 2011.

**Interpretation**

2. In this Order—

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

“the Order of 1988” means the Statistics of Trade and Employment (Northern Ireland) Order 1988<sup>(2)</sup>;

“the transfer date” means the day on which this Order comes into operation;

“transferor” and “transferee”, in relation to any functions transferred by this Order, mean respectively the department from which the functions are transferred and the department to which the functions are transferred.

**Transfer of certain functions of Department of Enterprise, Trade and Investment**

3.—(1) The functions which immediately before the transfer date are exercisable by the Department of Enterprise, Trade and Investment under or for the purposes of the Order of 1988 are transferred as from that date to the Department of Finance and Personnel

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(1) [S.I. 1999/283 \(N.I. 1\)](#)  
(2) [S.I. 1988/595 \(N.I. 3\)](#)

(2) Paragraph (1) does not apply to any function of the Department of Enterprise, Trade and Investment exercisable under or for the purposes of Articles 2(3), 5(1), 6(8) and 7(6) of the Order of 1988.

#### **Consequential amendments**

4. In consequence of Article 3, in Article 2(2) of the Order of 1988 (interpretation) for the definition of “the Department” substitute—

““the Department” means the Department of Finance and Personnel;”.

#### **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 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 date 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 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**

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 transferee.

Dated this 28th day of February 2011.

*Peter D Robinson*  
First Minister  
*Martin McGuinness*  
Deputy First Minister

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order transfers functions of the Department of Enterprise, Trade and Investment under the Statistics of Trade and Employment (Northern Ireland) Order 1988 to the Department of Finance and Personnel.