



STATUTORY INSTRUMENTS.

S.I. No. 438 of 2020

EMPLOYMENT AFFAIRS AND EMPLOYMENT LAW (TRANSFER OF
DEPARTMENTAL ADMINISTRATION AND MINISTERIAL
FUNCTIONS) ORDER 2020

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EMPLOYMENT AFFAIRS AND EMPLOYMENT LAW (TRANSFER OF
DEPARTMENTAL ADMINISTRATION AND MINISTERIAL
FUNCTIONS) ORDER 2020

The Government, in exercise of the powers conferred on them by section 6(1) of the Ministers and Secretaries (Amendment) Act 1939 (No. 36 of 1939), hereby order as follows:

1. (1) This Order may be cited as the Employment Affairs and Employment Law (Transfer of Departmental Administration and Ministerial Functions) Order 2020.

(2) This Order comes into operation on 14 October 2020.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Business, Enterprise and Innovation.

(2) References to the Department of Employment Affairs and Social Protection contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Business, Enterprise and Innovation.

3. (1) The functions vested in the Minister for Employment Affairs and Social Protection-

(a) by or under the Acts specified in Part 1 of the Schedule and the provisions of the Acts specified in Part 2 of the Schedule, and

(b) under the Regulations specified in Part 3 of the Schedule,

are transferred to the Minister for Business, Enterprise and Innovation.

(2) References to the Minister for Employment Affairs and Social Protection contained in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Business, Enterprise and Innovation.

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Employment Affairs and Social Protection is a party and the proceedings have reference to functions transferred by this Order to the Minister for Business, Enterprise and Innovation, the name of the Minister for Business, Enterprise and Innovation shall, in so far as the proceedings relate to any function transferred by this Order, be substituted in the proceedings for that of the Minister for Employment Affairs and Social

Protection or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution or addition.

5. Anything commenced before the commencement of this Order by or under the authority of the Minister for Employment Affairs and Social Protection may, in so far as it relates to the functions transferred by this Order to the Minister for Business, Enterprise and Innovation, be carried on or completed on or after such commencement by the Minister for Business, Enterprise and Innovation.

6. Every document (including any certificate or licence) granted or made in the performance of a function transferred by this Order, if and in so far as it was operative immediately before the commencement of this Order, has effect on and after such commencement as if it had been granted or made by the Minister for Business, Enterprise and Innovation.

7. References to the Minister for Employment Affairs and Social Protection contained in the memorandum and articles of association of any company and relating to any function transferred by this Order shall, on and after the commencement of this Order, be construed as references to the Minister for Business, Enterprise and Innovation.

8. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Employment Affairs and Social Protection in connection with the functions transferred by this Order are transferred to the Minister for Business, Enterprise and Innovation and, accordingly, without any further conveyance, transfer or assignment on such commencement -

- (a) that property, real and personal, shall vest in the Minister for Business, Enterprise and Innovation,
- (b) those rights shall be enjoyed by the Minister for Business, Enterprise and Innovation,
- (c) those liabilities shall be the liabilities of the Minister for Business, Enterprise and Innovation.

(2) All moneys, stocks, shares and securities transferred to the Minister for Business, Enterprise and Innovation by this Article which, on the commencement of this Order, are standing in the name of the Minister for Employment Affairs and Social Protection shall on the request of the Minister for Business, Enterprise and Innovation be transferred into the name of the Minister for Business, Enterprise and Innovation.

SCHEDULE
PART 1
ACTS OF THE OIREACHTAS

Minimum Notice and Terms of Employment Acts 1973 to 2005
Protection of Employment Acts 1977 to 2014
Protection of Employees (Employers' Insolvency) Acts 1984 to 2019
Payment of Wages Act 1991 (No. 25 of 1991)
Terms of Employment (Information) Acts 1994 to 2014
Organisation of Working Time Act 1997 (No. 20 of 1997)
National Minimum Wage Act 2000 (No. 5 of 2000)
Protection of Employees (Part-Time Work) Act 2001 (No. 45 of 2001)
Protection of Employees (Fixed-Term Work) Act 2003 (No. 29 of 2003)
Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007 (No. 27 of 2007)
Protection of Employees (Temporary Agency Work) Act 2012 (No. 13 of 2012)

PART 2
PROVISIONS OF ACTS OF THE OIREACHTAS

Redundancy Payments Act 1967 (No. 21 of 1967)
sections 15 to 17 of the Redundancy Payments Act 1971 (No. 20 of 1971)
Unfair Dismissals Acts 1977 to 2015
Section 20 of the Workplace Relations Act 2015 (No. 16 of 2015) in so far as it relates to codes of practice in relation to employment enactments (within the meaning of that Act) specified in this Schedule

PART 3
STATUTORY INSTRUMENT

European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003)



GIVEN under the Official Seal of the Government,
13 October, 2020.

MICHEÁL MARTIN,
Taoiseach.

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