IONSTRAIMÍ REACHTÚLA.

I.R. Uimh. 641 de 2017

AN tORDÚ CULTÚIR, OIDHREACHTA AGUS GAELTACHTA (FEIDHMEANNA AIRE A THARMLIGEAN), 2017

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Ar iarraidh a fháil ón Aire Cultúir, Oidhreachta agus Gaeltachta (arna oiriúnú leis an Ordú Ealaíon, Oidhreachta, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta (Ainm na Roinne agus Teideal an Aire a Athrú), 2017 (I.R. Uimh. 350 de 2017), agus i bhfeidhmiú na gcumhachtaí a thugtar dóibh le halt 2(1) den Acht Airí agus Rúnaithe (Leasú) (Uimh. 2), 1977 (Uimh. 28 de 1977), ordaíonn an Rialtas leis seo mar a leanas:

1. An tOrdú Cultúir, Oidhreachta agus Gaeltachta (Feidhmeanna Aire a Tharmligean), 2017 is teideal don Ordú seo.

2. Déantar cumhachtaí agus dualgais an Aire Cultúir, Oidhreachta agus Gaeltachta a thugtar di—

(*a*) le hAchtanna an Oireachtais nó leis na reachtanna a bhí i bhfeidhm i Saorstát Éireann díreach roimh an dáta a tháinig an Bunreacht i ngníomh agus a lean i bhfeidhm de bhua Airteagal 50 den Bhunreacht, nó fúthu, ar Achtanna nó reachtanna iad a shonraítear i gCuid 1 den Sceideal,

(*b*) le forálacha na nAchtanna den Oireachtas a shonraítear i gCuid 2 den Sceideal, nó fúthu, agus

(*c*) faoi fhorálacha na Rialachán a shonraítear i gCuid 3 den Sceideal,

a tharmligean chuig Seosamh Mac Aodha, Aire Stáit ag an Roinn Cultúir, Oidhreachta agus Gaeltachta.

Foilsíodh fógra "Iris Oifigiúil" an 18*ú lá de Eanáir,* 2018 *á rá go ndearnadh an Ionstraim Reachtúil seo.*

AN SCEIDEAL

Cuid 1

Achtanna na dTithe (Gaeltacht), 1929 go 2001

An tAcht Airí agus Rúnaithe (Leasú), 1956 (Uimh. 21 de 1956)

Na hAchtanna um Údarás na Gaeltachta, 1979 go 2010

Acht na dTeangacha Oifigiúla, 2003 (Uimh. 32 de 2003)

Achtanna an Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta (Cumhachtaí agus Feidhmeanna), 2003 agus 2007

Acht na Gaeltachta, 2012 (Uimh. 34 de 2012)

Cuid 2

Alt 5 (a mhéid a bhaineann sé leis na feidhmeanna dá dtagraítear san alt sin agus a aistrítear leis an Ordú um an nGaeilge, um an nGaeltacht agus um na hOileáin (Riarachán Roinne agus Feidhmeanna Aire a Aistriú), 2011 (I.R. Uimh. 164 de 2011)) d'Acht an Aire Ealaíon, Oidhreachta, Gaeltachta agus Oileán (Cumhachtaí agus Feidhmeanna), 1998 (Uimh. 7 de 1998)

Cuid VI agus Cuid VIII (a mhéid a bhaineann sí le Cuid VI) den Acht um Chomhaontú na Breataine-na hÉireann, 1999 (Uimh. 1 de 1999)

Alt 2 (a mhéid a bhaineann sé leis na feidhmeanna dá dtagraítear i mír (*e*), mír (*f*) (a mhéid a bhaineann an mhír sin le mír (*e*)) agus mír (*g*) d'fho-alt (1) den alt sin) den Acht um Ghnóthaí Pobail, Tuaithe agus Gaeltachta (Forálacha Ilghnéitheacha), 2007 (Uimh. 32 de 2007)

Alt 33(3)(*c*) den Acht um Pleanáil agus Forbairt, 2000 (Uimh. 30 de 2000)

Cuid 3

Airteagail 28(1)(*o*), 82(3)(*o*), 121(1)(*o*), 179(2)(*p*) agus 295(1)(*q*)(i) de na Rialacháin um Pleanáil agus Forbairt, 2001 go 2017

L.S.

ARNA THABHAIRT faoi Shéala Oifigiúil an Rialtais,
19 Nollaig 2017.

LEO VARADKAR,
Taoiseach

NÓTA MÍNIÚCHÁIN

(Ní cuid den Ionstraim an nóta seo ná ní ceart a mheas gur míniú dlíthiúil uirthi é.)

Déantar foráil san Acht Airí agus Rúnaithe (Leasú) (Uimh. 2), 1977, inter alia, le cumhachtaí agus dualgais a tharmligean ó Airí go hAirí Stáit ar mhodh Ordaithe Rialtais. Déantar Orduithe den sórt sin de ghnáth nuair atáthar ag súil go gcomhlíonfaidh Aire Stáit feidhmeanna reachtúla thar ceann Aire. Ba chóir a thabhairt faoi deara go bhfuil gach cumhacht nó dualgas tarmligthe go fóill á dílsiú nó á dhílsiú in Aire an Rialtais i gcomhthráth leis an Aire Stáit agus féadfaidh ceachtar acu iad a fheidhmiú nó a chomhlíonadh. Déantar foráil san Ordú seo do tharmligean na bhfeidhmeanna a bhaineann leis an nGaeilge, leis an nGaeltacht agus leis na hOileáin ón Aire Cultúir, Oidhreachta agus Gaeltachta chuig an Aire Stáit le freagracht as an nGaeilge, an Ghaeltacht agus na hOileáin.

STATUTORY INSTRUMENTS.

S.I. No. 641 of 2017

CULTURE, HERITAGE AND THE GAELTACHT (DELEGATION OF MINISTERIAL FUNCTIONS) ORDER 2017

S.I. No. 641 of 2017

CULTURE, HERITAGE AND THE GAELTACHT (DELEGATION OF MINISTERIAL FUNCTIONS) ORDER 2017

The Government, on the request of the Minister for Culture, Heritage and the Gaeltacht (as adapted by the Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 350 of 2017)), and in exercise of the powers conferred on them by section 2(1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977 (No. 28 of 1977), hereby order as follows:

1. This Order may be cited as the Culture, Heritage and the Gaeltacht (Delegation of Ministerial Functions) Order 2017.

2. The powers and duties of the Minister for Culture, Heritage and the Gaeltacht conferred on her—

(*a*) by or under the Acts of the Oireachtas or statutes which were in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and which continued in force by virtue of Article 50 of the Constitution specified in Part 1 of the Schedule,

(*b*) by or under the provisions of the Acts of the Oireachtas specified in Part 2 of the Schedule, and

(*c*) under the provisions of the Regulations specified in Part 3 of the Schedule,

are delegated to Joe McHugh, Minister of State at the Department of Culture, Heritage and the Gaeltacht.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 19*th January*, 2018.

SCHEDULE

Part 1

Housing (Gaeltacht) Acts 1929 to 2001

Ministers and Secretaries (Amendment) Act 1956 (No. 21 of 1956)

Údarás na Gaeltachta Acts 1979 to 2010

Official Languages Act 2003 (No. 32 of 2003)

Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Acts 2003 and 2007

Gaeltacht Act 2012 (No. 34 of 2012)

Part 2

Section 5 (in so far as it relates to the functions referred to in that section transferred by the Irish Language, Gaeltacht and the Islands (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 164 of 2011)) of the Minister for Arts, Heritage, Gaeltacht and the Islands (Powers and Functions) Act 1998 (No. 7 of 1998)

Part VI and Part VIII (in so far as it relates to Part VI) of the British-Irish Agreement Act 1999 (No. 1 of 1999)

Section 2 (in so far as it relates to the functions referred to in paragraph (*e*), paragraph (*f*) (in so far as that paragraph relates to paragraph (*e*)) and paragraph (*g*) of subsection (1) of that section) of the Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007 (No. 32 of 2007)

Section 33(3)(*c*) of the Planning and Development Act 2000 (No. 30 of 2000)

Part 3

Articles 28(1)(o), 82(3)(o), 121(1)(o), 179(2)(p) and 295(1)(q)(i) of the Planning and Development Regulations 2001 to 2017

L.S.

GIVEN under the Official Seal of the Government,
19 December 2017.

LEO VARADKAR,
Taoiseach.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The Ministers and Secretaries (Amendment) (No.2) Act, 1977, provides, inter alia, for the delegation of powers and duties from Ministers to Ministers of State by way of a Government Order. Such Orders are normally made where a Minister of State is expected to carry out statutory functions on behalf of a Minister. It should be noted that every power or duty delegated continues to be vested in the Minister of the Government concurrently with the Minister of State and may be exercised or performed by either. This Order provides for the delegation of functions relating to the Irish Language, Gaeltacht and Islands by the Minister for Culture, Heritage and the Gaeltacht to Minister of State with responsibility for Gaeilge, Gaeltacht and the Islands.

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