



STATUTORY INSTRUMENTS.

**S.I. No. 480 of 2011**

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FINANCE (TRANSFER OF DEPARTMENTAL ADMINISTRATION  
AND MINISTERIAL FUNCTIONS) (NO. 2) ORDER 2011

**(Prn. A11/1754)**

FINANCE (TRANSFER OF DEPARTMENTAL ADMINISTRATION  
AND MINISTERIAL FUNCTIONS) (NO. 2) ORDER 2011

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 Finance (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 2011.

(2) This Order comes into operation on 20 September 2011.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or any instrument made thereunder and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under—

(a) the provisions of the enactments specified in the Schedule, and

(b) Article 23(1) and (3) of the Drug Treatment Centre Board (Establishment) Order 1988 (S.I. No. 76 of 1988),

are transferred to the Minister for Public Expenditure and Reform.

4. References to the Minister for Finance contained in any Act or instrument made under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

5. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Finance is a party and the proceedings have reference to functions transferred by this Order, the name of the Minister for Public Expenditure and Reform shall be substituted for the name of the Minister for Finance in those proceedings and the proceedings shall not abate by reason of such substitution.

6. Anything commenced but not completed before the commencement of this Order by or under the authority of the Minister for Finance may, in so far as it

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 27th September, 2011.*

relates to functions transferred by this Order, be carried on or completed by the Minister for Public Expenditure and Reform.

7. Every document (including any certificate or licence) granted or made in the performance of a function transferred by this Order shall, if and in so far as it was operative immediately before the commencement of this Order, have effect from such commencement as if it had been granted or made by the Minister for Public Expenditure and Reform.

8. A reference to the Minister for Finance contained in the memorandum and articles of association of any company and relating to any function transferred by this Order shall, from the commencement of this Order, be construed as a reference to the Minister for Public Expenditure and Reform.

9. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Finance in connection with the functions transferred by this Order and the Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011) are transferred to the Minister for Public Expenditure and Reform and, accordingly, without any further conveyance, transfer or assignment, on such commencement—

- (a) that property, real and personal, vests in the Minister for Public Expenditure and Reform,
- (b) those rights shall be enjoyed by the Minister for Public Expenditure and Reform, and
- (c) those liabilities are liabilities of the Minister for Public Expenditure and Reform.

(2) All moneys, stocks, shares and securities transferred to the Minister for Public Expenditure and Reform by this Article which, on the commencement of this Order, are standing in the name of the Minister for Finance shall, on the request of the Minister for Public Expenditure and Reform, be transferred into the name of the Minister for Public Expenditure and Reform.

## SCHEDULE

## ENACTMENTS

Number and Year (1)	Short Title (2)	Provision (3)
No. 5 of 1952	Foyle Fisheries Act 1952	Sections 78(3) and (4), 80(2) and Schedule 3A, paragraphs 1(3), 2(1) and 3(2) and (3)
No. 14 of 1959	Fisheries (Consolidation) Act 1959	Sections 7(1) and (3), 16(1), 45(2), 49(3)(b), (4)(a), (8), (10) and (12), 50(2) and (4), 62(2), 68(1)(b), 74(2), (5) and (6), 116(2)(b)(iii)(IV), 314(3) and (4), 317(2) and 319(1)(a)(iii)
No. 23 of 1990	Health (Nursing Homes) Act 1990	Section 7H(1)
No. 7 of 1992	Environmental Protection Agency Act 1992	Sections 93(1) and 94(3)
No. 2 of 1994	Criminal Justice (Public Order) Act 1994	Section 23A(8)(b)
No. 6 of 1996	Trade Marks Act 1996	Section 82(1) and (3)
No. 16 of 1997	Bail Act 1997	Section 6D
No. 34 of 1997	Hepatitis C Compensation Tribunal Act 1997	Section 7A(9)
No. 1 of 1998	Referendum Act 1998	Sections 2(13), 3(3), 4 and 13
No. 1 of 1999	British-Irish Agreement Act 1999	Sections 42(1) and (2), 43, 44, 45(1) and Annex 2, Part 2, paragraph 10.2, Part 3, paragraph 3.3, Part 4, paragraphs 2.3, 2.6 and 2.7 and 5, Part 5, paragraph 2.5, Part 6, paragraph 9.3, Part 7, paragraphs 1.1, 2.1, 2.3, 3.2 and 3.3
No. 24 of 2001	Children Act 2001	Sections 257G(7) and 257H(3)
No. 6 of 2002	Public Health (Tobacco) Act 2002	Section 26(1)
No. 26 of 2002	British-Irish Agreement (Amendment) Act 2002	Section 2(2)(d)
No. 8 of 2004	Finance Act 2004	Section 91
No. 12 of 2004	Private Security Services Act 2004	Section 19 and Schedule 1, paragraph 4(2)
No. 42 of 2004	Health Act 2004	Section 5A
No. 14 of 2006	Road Safety Authority Act 2006	Section 27(1)
No. 7 of 2007	National Oil Reserves Agency Act 2007	Sections 44(1)(a), 44B(3)(b)(ii), 44D(4)(b)(i), 44J(5)(a) and (7)(b)(i) and 44T(1)
No. 8 of 2010	Fines Act 2010	Section 20(2)
No. 10 of 2010	Inland Fisheries Act 2010	Sections 7(3)(j), 18(8), 22(3), 30(2), 45, 60(1), 63(1), 64(1), 65(2), 68(1) and (2), 73(6)(a), 82(2) and Schedule 5, paragraph 9(a)
No. 23 of 2011	Civil Law (Miscellaneous Provisions) Act 2011	Section 46(1)



GIVEN under the Official Seal of the Government,  
20 September 2011.

ENDA KENNY,  
Taoiseach.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
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