



STATUTORY INSTRUMENTS.

S.I. No. 372 of 2020



BROADCASTING (TRANSFER OF DEPARTMENTAL
ADMINISTRATION AND MINISTERIAL FUNCTIONS) ORDER 2020

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BROADCASTING (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 Broadcasting (Transfer of Departmental Administration and Ministerial Functions) Order 2020.

(2) This Order comes into operation on 23 September 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 Culture, Heritage and the Gaeltacht.

(2) References to the Department of Communications, Climate Action and Environment contained in any Act or any instrument made under an Act and relating to the administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Culture, Heritage and the Gaeltacht.

3. (1) The functions vested in the Minister for Communications, Climate Action and Environment -

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

(b) under the instruments specified in Part 2 of the Schedule,

are transferred to the Minister for Culture, Heritage and the Gaeltacht.

(2) References to the Minister for Communications, Climate Action and Environment contained in any Act or instrument made under an Act and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Culture, Heritage and the Gaeltacht.

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Communications, Climate Action and Environment is a party and the proceedings have reference to functions transferred by this Order to the Minister for Culture, Heritage and the Gaeltacht, the name of the Minister for Culture, Heritage and the Gaeltacht 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 Communications, Climate Action and Environment or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 29th September, 2020.*

5. Anything commenced before the commencement of this Order by or under the authority of the Minister for Communications, Climate Action and Environment may, in so far as it relates to a function transferred by this Order to the Minister for Culture, Heritage and the Gaeltacht, be carried on or completed from such commencement by the Minister for Culture, Heritage and the Gaeltacht.

6. Every document (including any certificate or licence) granted or made in the exercise 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 from such commencement as if it had been granted or made by the Minister for Culture, Heritage and the Gaeltacht.

7. References to the Minister for Communications, Climate Action and Environment 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 references to the Minister for Culture, Heritage and the Gaeltacht.

8. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Communications, Climate Action and Environment in connection with the functions transferred by this Order are transferred on the commencement to the Minister for Culture, Heritage and the Gaeltacht and, accordingly, without any further conveyance, transfer or assignment -

- (a) that property, both real and personal, vests in the Minister for Culture, Heritage and the Gaeltacht,
- (b) those rights are rights of the Minister for Culture, Heritage and the Gaeltacht,
- (c) those liabilities are liabilities of the Minister for Culture, Heritage and the Gaeltacht.

(2) All moneys, stocks, shares and securities transferred to the Minister for Culture, Heritage and the Gaeltacht by this Article, which, on the commencement of this Order, are standing in the name of the Minister for Communications, Climate Action and Environment shall on the request of the Minister for Culture, Heritage and the Gaeltacht be transferred into the name of the Minister for Culture, Heritage and the Gaeltacht.

SCHEDULE

Part 1

Article 3(1)(a)

Acts, functions by or under which are transferred from the Minister for Communications, Climate Action and Environment to the Minister for Culture, Heritage and the Gaeltacht

Broadcasting Act 2009 (No. 18 of 2009), other than section 184

Section 17(2) and (3) and Part 3A of the Competition Act 2002 (No. 14 of 2002)

Part 2

Article 3(1)(b)

Instruments, functions under which are transferred from the Minister for Communications, Climate Action and Environment to the Minister for Culture, Heritage and the Gaeltacht

European Communities (Audiovisual Media Services) Regulations 2010 (S.I. No. 258 of 2010) (as amended by the European Communities (Audiovisual Media Services) (Amendment) Regulations 2012 (S.I. No. 247 of 2012))

Television Licences Regulations 2007 (S.I. No. 851 of 2007)



GIVEN under the Official Seal of the Government,
22 September, 2020.

MICHEÁL MARTIN,
Taoiseach.

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PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2,
D02 DR67.

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