



STATUTORY INSTRUMENTS.

**S.I. No. 291 of 2023**



FURTHER AND HIGHER EDUCATION, RESEARCH, INNOVATION  
AND SCIENCE (TRANSFER OF DEPARTMENTAL ADMINISTRATION  
AND MINISTERIAL FUNCTIONS) ORDER 2023

S.I. No. 291 of 2023

FURTHER AND HIGHER EDUCATION, RESEARCH, INNOVATION  
AND SCIENCE (TRANSFER OF DEPARTMENTAL ADMINISTRATION  
AND MINISTERIAL FUNCTIONS) ORDER 2023

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 Further and Higher Education, Research, Innovation and Science (Transfer of Departmental Administration and Ministerial Functions) Order 2023.

(2) This Order comes into operation on 1 June 2023.

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 Further and Higher Education, Research, Innovation and Science.

(2) References to the Department of Education contained in any Act or any instrument made under such Act 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 Further and Higher Education, Research, Innovation and Science.

3. (1) The functions vested in the Minister for Education –

(a) by or under the provisions of an Act specified in column (1) of the Schedule, to the extent specified in column (2) of the Schedule opposite the mention of the Act so specified, and

(b) under Article 18(5), paragraphs (1) and (2) of Article 19 and Article 21 of the Dublin Dental Hospital Establishment Order 1963 (S.I. No. 129 of 1963),

are transferred to the Minister for Further and Higher Education, Research, Innovation and Science.

(2) References to the Minister for Education contained in any Act or instrument made under such Act and relating to any functions transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Minister for Further and Higher Education, Research, Innovation and Science.

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Education is a party and the proceedings have reference to functions transferred by this Order to the

Minister for Further and Higher Education, Research, Innovation and Science, the name of the Minister for Further and Higher Education, Research, Innovation and Science shall, in so far as the proceedings relate to any functions transferred by this Order, be substituted in the proceedings for that of the Minister for Education or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution.

5. Anything commenced before the commencement of this Order by or under the authority of the Minister for Education may, in so far as it relates to a function transferred by this Order to the Minister for Further and Higher Education, Research, Innovation and Science, be carried on or completed on or after such commencement by the Minister for Further and Higher Education, Research, Innovation and Science.

6. Every document (including any certificate or licence) granted or made in the performance of a function transferred by this Order shall, if and insofar 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 Further and Higher Education, Research, Innovation and Science.

7. References to the Minister for Education contained in the constitution 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 Further and Higher Education, Research, Innovation and Science.

8. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Education in connection with the functions transferred by this Order are transferred to the Minister for Further and Higher Education, Research, Innovation and Science and, accordingly, without any further conveyance, transfer or assignment, on such commencement –

- (a) that property, both real and personal, vests in the Minister for Further and Higher Education, Research, Innovation and Science,
- (b) those rights shall be enjoyed by the Minister for Further and Higher Education, Research, Innovation and Science, and
- (c) those liabilities are liabilities of the Minister for Further and Higher Education, Research, Innovation and Science.

(2) All moneys, stocks, shares and securities transferred to the Minister for Further and Higher Education, Research, Innovation and Science by this Article which, on the commencement of this Order, are standing in the name of the Minister for Education shall, on the request of the Minister for Further and Higher Education, Research, Innovation and Science be transferred into the name of the Minister for Further and Higher Education, Research, Innovation and Science.

## SCHEDULE

Short Title of Act and Number (1)	Provision (2)
Dentists Act 1985 (No. 9 of 1985)	Section 9 (1) (e).
Veterinary Practice Act 2005 (No. 22 of 2005)	Section 16 (1) (d).
Health and Social Care Professionals Act 2005 (No. 27 of 2005)	Section 9 (3) (b) (iii); section 28 (1) (b) (iii); section 28A (1) (b) (iii); subsections (8) and (9) of section 48; section 49 (2).
Medical Practitioners Act 2007 (No. 25 of 2007)	Section 17 (1) (i); paragraphs (a) and (j) of section 88 (2).
Nurses and Midwives Act 2011 (No. 41 of 2011)	Paragraphs (a) and (e) of section 22 (1); paragraphs (a) and (j) of section 85 (2).



GIVEN under the Official Seal of the Government,  
30 May, 2023.

LEO VARADKAR,  
Taoiseach.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN,  
CILL MHAIGHNEANN,  
BAILE ÁTHA CLIATH 8,  
D08 XAO6

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