



STATUTORY INSTRUMENTS.

S.I. No. 192 of 2011



HERITAGE (TRANSFER OF DEPARTMENTAL ADMINISTRATION
AND MINISTERIAL FUNCTIONS) ORDER 2011

(Prn. A11/0639)

HERITAGE (TRANSFER OF DEPARTMENTAL ADMINISTRATION
AND MINISTERIAL FUNCTIONS) 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 Heritage (Transfer of Departmental Administration and Ministerial Functions) Order 2011.

(2) This Order comes into operation on 1 May 2011.

2. (1) The administration and business in connection with the exercise, performance or execution of any powers, duties and functions transferred by this Order are transferred to the Department of Tourism, Culture and Sport.

(2) References to the Department of the Environment, Heritage and Local Government 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 Tourism, Culture and Sport.

3. (1) The powers, duties and functions vested in the Minister for the Environment, Heritage and Local Government—

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

(b) under the Regulations mentioned in Part 2 of the Schedule, and

(c) to make a recommendation to which section 12(3)(b)(iii) of the Planning and Development Act 2000 (No. 30 of 2000) applies, and to make observations to which section 12(3)(b)(iv) of that Act applies,

are transferred to the Minister for Tourism, Culture and Sport.

(2) References to the Minister for the Environment, Heritage and Local Government contained in any Act or instrument made under such Act and relating to any powers, duties and functions transferred by this Order shall, on and after the commencement of this Order, be construed as references to the Minister for Tourism, Culture and Sport.

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for the Environment, Heritage and Local Government is a party and the proceedings have reference to powers, duties and functions transferred by this Order to the Minister for Tourism, Sport

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 26th April, 2011.*

and Culture, the name of the Minister for Tourism, Culture and Sport 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 the Environment, Heritage and Local Government 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 the Environment, Heritage and Local Government may, in so far as it relates to powers, duties and functions transferred by this Order to the Minister for Tourism, Culture and Sport, be carried on or completed on or after such commencement by the Minister for Tourism, Culture and Sport.

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 on and after such commencement as if it had been granted or made by the Minister for Tourism, Culture and Sport.

7. References to the Minister for the Environment, Heritage and Local Government 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 Tourism, Culture and Sport.

8. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for the Environment, Heritage and Local Government in connection with the powers, duties and functions transferred by this Order are transferred on the commencement to the Minister for Tourism, Culture and Sport and, accordingly, without any further conveyance, transfer or assignment—

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

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

SCHEDULE

Part 1

Enactments, powers, duties and functions by or under which are transferred from the Minister for the Environment, Heritage and Local Government to the Minister for Tourism, Culture and Sport.

Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act 1999 (No. 19 of 1999);

Heritage Act 1995 (No. 4 of 1995);

Section 5 of the Minister for Arts, Heritage, Gaeltacht and the Islands (Powers and Functions) Act 1998 (No.7 of 1998);

Sections 20(1)(c) and 28 of the Prisons Act 2007 (No. 10 of 2007);

Section 51(3)(b) of the Roads Act 1993 (No. 14 of 1993);

Sections 482 and 1003A of the Taxes Consolidation Act 1997 (No. 39 of 1997);

Whale Fisheries Act 1937 (No.4 of 1937);

Section 2(2) of the Ministers and Secretaries (Amendment) Act 1928 (No. 6 of 1928) in so far as it relates to the Royal Botanic Gardens;

Holy Cross Abbey (County Tipperary) Act 1969 (No. 7 of 1969);

Irish Church Act 1869 (32 & 33 Vict. c.42);

Section 14 of the Irish Land Act 1903 (3 Edw. 7. c.37);

National Monuments Act 1930 (No. 2 of 1930);

National Monuments (Amendment) Act 1954 (No. 37 of 1954);

National Monuments (Amendment) Act 1987 (No.17 of 1987);

National Monuments (Amendment) Act 1994 (No. 17 of 1994);

National Monuments (Amendment) Act 2004 (No. 22 of 2004);

Wildlife Act 1976 (No. 39 of 1976);

Wildlife (Amendment) Act 2000 (No. 38 of 2000);

Sections 51(2) (in so far as it relates to being consulted under that subsection), 52(1) (in so far as it relates to the issuing of guidelines), 52(2), 53, 55, 80 and 260 of the Planning and Development Act 2000 (No. 30 of 2000).

Part 2

Regulations, powers, duties and functions under which are transferred from the Minister for the Environment, Heritage and Local Government to the Minister for Tourism, Culture and Sport.

European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010 (S.I. No. 293 of 2010);

European Communities (Birds and Natural Habitats) (Restrictions of Use of Poison Bait) Regulations 2010 (S.I. No. 481 of 2010);

European Communities (Licensing and Inspection of Zoos) Regulations 2003 (S.I. No. 440 of 2003);

European Communities (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997) (other than Regulations 27(7), 27(9), 27(10), 27(11), 28(1), 28(3), 28(4), 28(5), 30(1), 30(3), 30(4), 30(5) and 32(8));

European Communities (Wildlife Act 1976) (Amendment) Regulations 1986 (S.I. No. 254 of 1986);

Regulations 13A(4)(a)(ii), 28(1)(c), 28(1)(n), 55(a), 82(3)(c), 82(3)(n), 88(2), 121(1)(c), 121(1)(n), 179(2)(g), 179(2)(j) and 213(1)(a) of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001);

European Communities (Conservation of Wild Birds) (Loop Head SPA 004119) Regulations 2004 (S.I. No. 902 of 2004);

European Communities (Conservation of Wild Birds (Slyne Head Islands SPA 004123)) Regulations 2004 (S.I. No. 906 of 2004);

European Communities (Conservation of Wild Birds (Magharee Islands SPA 004125)) Regulations 2004 (S.I. No. 907 of 2004);

European Communities (Conservation of Wild Birds (Aughris Head SPA 004133)) Regulations 2004 (S.I. No. 910 of 2004);

European Communities (Conservation of Wild Birds (Carrowmore Lake SPA 004052)) Regulations 2005 (S.I. No. 713 of 2005);

European Communities (Conservation of Wild Birds (Illanmaster SPA 004074)) Regulations 2005 (S.I. No. 714 of 2005);

European Communities (Conservation of Wild Birds (Owenduff/Nephin Complex SPA 004098)) Regulations 2005 (S.I. No. 715 of 2005);

European Communities (Conservation of Wild Birds (Stags of Broad Haven SPA 004072)) Regulations 2005 (S.I. No. 716 of 2005);

European Communities (Conservation of Wild Birds (Termoncarragh Lake and Annagh Machair SPA 004093)) Regulations 2007 (S.I. No. 46 of 2007);

- European Communities (Conservation of Wild Birds (Inishglora and Inishkeeragh SPA 004084)) Regulations 2007 (S.I. No. 47 of 2007);
- European Communities (Conservation of Wild Birds (Bills Rocks SPA 004177)) Regulations 2007 (S.I. No. 48 of 2007);
- European Communities (Conservation of Wild Birds) (The Murrough (Part Of) Special Protection Area 004186) Regulations 2009 (S.I. No. 439 of 2009);
- European Communities (Conservation of Wild Birds (Ardboline Island and Horse Island Special Protection Area 004135)) Regulations 2010 (S.I. No. 57 of 2010);
- European Communities (Conservation of Wild Birds (Ballyallia Lough Special Protection Area 004041)) Regulations 2010 (S.I. No. 58 of 2010);
- European Communities (Conservation of Wild Birds (Ballycotton Bay Special Protection Area 004022)) Regulations 2010 (S.I. No. 59 of 2010);
- European Communities (Conservation of Wild Birds (Clonakilty Bay Special Protection Area 004081)) Regulations 2010 (S.I. No. 60 of 2010);
- European Communities (Conservation of Wild Birds (Cross Lough (Killadoon) Special Protection Area 004212)) Regulations 2010 (S.I. No. 61 of 2010);
- European Communities (Conservation of Wild Birds (Cruagh Island Special Protection Area 004170)) Regulations 2010 (S.I. No. 62 of 2010);
- European Communities (Conservation of Wild Birds (Deenish Island and Scariff Island Special Protection Area 004175)) Regulations 2010 (S.I. No. 63 of 2010);
- European Communities (Conservation of Wild Birds (Duvillaun Islands Special Protection Area 0044111)) Regulations 2010 (S.I. No. 64 of 2010);
- European Communities (Conservation of Wild Birds (Glen Lough Special Protection Area 004045)) Regulations 2010 (S.I. No. 65 of 2010);
- European Communities (Conservation of Wild Birds (Illancrone and Inishkeeragh Special Protection Area 004132)) Regulations 2010 (S.I. No. 66 of 2010);
- European Communities (Conservation of Wild Birds (Illaunonearaun Special Protection Area 004114)) Regulations 2010 (S.I. No. 67 of 2010);
- European Communities (Conservation of Wild Birds (Keeragh Islands Special Protection Area 004118)) Regulations 2010 (S.I. No. 68 of 2010);
- European Communities (Conservation of Wild Birds (Lady's Island Lake Special Protection Area 004009)) Regulations 2010 (S.I. No. 69 of 2010);

- European Communities (Conservation of Wild Birds (Lough Fern Special Protection Area 004060)) Regulations 2010 (S.I. No. 70 of 2010);
- European Communities (Conservation of Wild Birds (Lough Owel Special Protection Area 004047)) Regulations 2010 (S.I. No. 71 of 2010);
- European Communities (Conservation of Wild Birds (Lough Rea Special Protection Area 004134)) Regulations 2010 (S.I. No. 72 of 2010);
- European Communities (Conservation of Wild Birds (Poulaphouca Reservoir Special Protection Area 004063)) Regulations 2010 (S.I. No. 73 of 2010);
- European Communities (Conservation of Wild Birds (Skelligs Special Protection Area 004007)) Regulations 2010 (S.I. No. 74 of 2010);
- European Communities (Conservation of Wild Birds (Sligo/Leitrim Uplands Special Protection Area 004187)) Regulations 2010 (S.I. No. 75 of 2010);
- European Communities (Conservation of Wild Birds (The Bull and the Cow Rocks Special Protection Area 004066)) Regulations 2010 (S.I. No. 76 of 2010);
- European Communities (Conservation of Wild Birds (Greers Isle Special Protection Area 004082)) Regulations 2010 (S.I. No. 105 of 2010);
- European Communities (Conservation of Wild Birds (Inishduff Special Protection Area 004115)) Regulations 2010 (S.I. No. 106 of 2010);
- European Communities (Conservation of Wild Birds (Inishtrahull Special Protection Area 004100)) Regulations 2010 (S.I. No. 107 of 2010);
- European Communities (Conservation of Wild Birds (Lough Kinale and Derragh Lough Special Protection Area 004061)) Regulations 2010 (S.I. No. 108 of 2010);
- European Communities (Conservation of Wild Birds (Mid-Clare Coast Special Protection Area 004182)) Regulations 2010 (S.I. No. 109 of 2010);
- European Communities (Conservation of Wild Birds (Old Head of Kinsale Special Protection Area 004021)) Regulations 2010 (S.I. No. 110 of 2010);
- European Communities (Conservation of Wild Birds (Puffin Island Special Protection Area 004003)) Regulations 2010 (S.I. No. 111 of 2010);
- European Communities (Conservation of Wild Birds (Rathlin O'Birne Island Special Protection Area 004120)) Regulations 2010 (S.I. No. 112 of 2010);
- European Communities (Conservation of Wild Birds (Roaninish Special Protection Area 004121)) Regulations 2010 (S.I. No. 113 of 2010);
- European Communities (Conservation of Wild Birds (Sovereign Islands Special Protection Area 004124)) Regulations 2010 (S.I. No. 114 of 2010);

- European Communities (Conservation of Wild Birds (North Bull Island Special Protection Area 004006)) Regulations 2010 (S.I. No. 211 of 2010);
- European Communities (Conservation of Wild Birds (South Dublin and River Tolka Estuary Special Protection Area 004024)) Regulations 2010 (S.I. No. 212 of 2010);
- European Communities (Conservation of Wild Birds (Coole-Garryland Special Protection Area 004107)) Regulations 2010 (S.I. No. 236 of 2010);
- European Communities (Conservation of Wild Birds (Cork Harbour Special Protection Area 004030)) Regulations 2010 (S.I. No. 237 of 2010);
- European Communities (Conservation of Wild Birds (Dalkey Islands Special Protection Area 004172)) Regulations 2010 (S.I. No. 238 of 2010);
- European Communities (Conservation of Wild Birds (Inishkeel Special Protection Area 004116)) Regulations 2010 (S.I. No. 239 of 2010);
- European Communities (Conservation of Wild Birds (Ireland's Eye Special Protection Area 004117)) Regulations 2010 (S.I. No. 240 of 2010);
- European Communities (Conservation of Wild Birds (Iveragh Peninsula Special Protection Area 004154)) Regulations 2010 (S.I. No. 241 of 2010);
- European Communities (Conservation of Wild Birds (Lambay Island Special Protection Area 004069)) Regulations 2010 (S.I. No. 242 of 2010);
- European Communities (Conservation of Wild Birds (Lough Cutra Special Protection Area 004056)) Regulations 2010 (S.I. No. 243 of 2010);
- European Communities (Conservation of Wild Birds (Lough Derg (Donegal) Special Protection Area 004057)) Regulations 2010 (S.I. No. 244 of 2010);
- European Communities (Conservation of Wild Birds (Skerries Islands Special Protection Area 004122)) Regulations 2010 (S.I. No. 245 of 2010);
- European Communities (Conservation of Wild Birds (Seven Heads Special Protection Area 004191)) Regulations 2010 (S.I. No. 268 of 2010);
- European Communities (Conservation of Wild Birds (Cliffs of Moher Special Protection Area 004005)) Regulations 2010 (S.I. No. 269 of 2010);
- European Communities (Conservation of Wild Birds (Lough Iron Special Protection Area 004046)) Regulations 2010 (S.I. No. 270 of 2010);
- European Communities (Conservation of Wild Birds (Rogerstown Estuary Special Protection Area 004015)) Regulations 2010 (S.I. No. 271 of 2010);
- European Communities (Conservation of Wild Birds (Blasket Islands Special Protection Area 004008)) Regulations 2010 (S.I. No. 272 of 2010);

- European Communities (Conservation of Wild Birds (Clare Island Special Protection Area 004136)) Regulations 2010 (S.I. No. 273 of 2010);
- European Communities (Conservation of Wild Birds (Saltee Islands Special Protection Area 004002)) Regulations 2010 (S.I. No. 274 of 2010);
- European Communities (Conservation of Wild Birds (Baldoyle Bay Special Protection Area 004016)) Regulations 2010 (S.I. No. 275 of 2010);
- European Communities (Conservation of Wild Birds (Galley Head to Duneen Point Special Protection Area 004190)) Regulations 2010 (S.I. No. 276 of 2010);
- European Communities (Conservation of Wild Birds (Helvick Head to Ballyquin Special Protection Area 004192)) Regulations 2010 (S.I. No. 277 of 2010);
- European Communities (Conservation of Wild Birds (Ballyteigue Burrow Special Protection Area 004020)) Regulations 2010 (S.I. No. 383 of 2010);
- European Communities (Conservation of Wild Birds (Dovegrove Callows Special Protection Area 004137)) Regulations 2010 (S.I. No. 384 of 2010);
- European Communities (Conservation of Wild Birds (Kerry Head Special Protection Area 004189)) Regulations 2010 (S.I. No. 385 of 2010);
- European Communities (Conservation of Wild Birds (Kilcolman Bog Special Protection Area 004095)) Regulations 2010 (S.I. No. 386 of 2010);
- European Communities (Conservation of Wild Birds (Sheep's Head to Toe Head Special Protection Area 004156)) Regulations 2010 (S.I. No. 387 of 2010);
- European Communities (Conservation of Wild Birds (Sheskinmore Lough Special Protection Area 004090)) Regulations 2010 (S.I. No. 388 of 2010);
- European Communities (Conservation of Wild Birds (West Donegal Coast Special Protection Area 004150)) Regulations 2010 (S.I. No. 389 of 2010);
- European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations 2009 (S.I. No. 296 of 2009);
- Regulations 9(5)(b) of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004);
- Regulations 10(1)(b) (other than the function to send notice under Regulation 10(1)) and 10(1)(c) (other than the function to send notice under Regulation 10(1)) of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 2001 (S.I. No. 538 of 2001);
- Regulation 3(8)(b) (other than the function to send a copy of the plan under that paragraph) of the European Communities (Habitats and Birds) (Sea-Fisheries) Regulations 2009 (S.I. No. 346 of 2009);

Regulation 5(a) of the Waste Management (Planning) Regulations 1997 (S.I. No. 137 of 1997);

Regulation 18(1)(a) of the Waste Management (Licensing) Regulations 2004 (S.I. No. 395 of 2004).



GIVEN under the Official Seal of the Government,
19 April 2011.

ENDA KENNY,
Taoiseach.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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