



STATUTORY INSTRUMENTS.

S.I. No. 339 of 2020



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

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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 2020.

(2) This Order comes into operation on 9 September 2020.

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 Housing, Planning and Local Government.

(2) References to the Department of Culture, Heritage and the Gaeltacht 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 Housing, Planning and Local Government.

3. (1) The functions vested in the Minister for Culture, Heritage and the Gaeltacht by or under the Acts specified in Part 1 of the Schedule and the provisions of the Acts specified in Part 2 of the Schedule are transferred to the Minister for Housing, Planning and Local Government.

(2) References to the Minister for Culture, Heritage and the Gaeltacht contained in any Act or instrument made thereunder and relating to any functions transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Minister for Housing, Planning and Local Government.

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Culture, Heritage and the Gaeltacht is a party and the proceedings have reference to functions transferred by this Order to the Minister for Housing, Planning and Local Government, the name of the Minister for Housing, Planning and Local Government 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 Culture, Heritage and the Gaeltacht 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 Culture, Heritage and the Gaeltacht may,

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 11th September, 2020.

in so far as it relates a function transferred by this Order to the Minister for Housing, Planning and Local Government, be carried on or completed from such commencement by the Minister for Housing, Planning and Local Government.

6. 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 Housing, Planning and Local Government.

7. References to the Minister for Culture, Heritage and the Gaeltacht 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 Housing, Planning and Local Government.

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

- (a) that property, both real and personal, vests in the Minister for Housing, Planning and Local Government,
- (b) those rights are rights of the Minister for Housing, Planning and Local Government, and
- (c) those liabilities are liabilities of the Minister for Housing, Planning and Local Government.

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

SCHEDULE

Article 3

Part 1

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

National Monuments Act 1930 (No. 2 of 1930) (other than section 23(7))

Bourn Vincent Memorial Park Act 1932 (No. 31 of 1932)

Whale Fisheries Act 1937 (No. 4 of 1937)

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

Holycross Abbey (County Tipperary) Act 1969 (No. 7 of 1969)

Wildlife Act 1976 (No. 39 of 1976) (other than section 59 in so far as it relates to foreshore which is the property of the State)

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

National Monuments (Amendment) Act 1994 (No. 17 of 1994) (other than sections 3, 5(5), 6(2) and 10(1))

Heritage Act 1995 (No. 4 of 1995)

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

Wildlife (Amendment) Act 2000 (No. 38 of 2000) (other than sections 16 to 18)

Heritage Fund Act 2001 (No. 44 of 2001)

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

Part 2

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

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

Section 482 of the Taxes Consolidation Act 1997 (No. 39 of 1997)

Section 5 (in so far as it relates to the functions transferred by this Order) 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)



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

MICHEÁL MARTIN,
Taoiseach.

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

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