



STATUTORY INSTRUMENTS.

S.I. No. 357 of 2017



COMMUNITY DEVELOPMENT (TRANSFER OF DEPARTMENTAL
ADMINISTRATION AND MINISTERIAL FUNCTIONS) ORDER 2017

COMMUNITY DEVELOPMENT (TRANSFER OF DEPARTMENTAL ADMINISTRATION AND MINISTERIAL FUNCTIONS) ORDER 2017

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 Community Development (Transfer of Departmental Administration and Ministerial Functions) Order 2017.

(2) This Order comes into operation on 27 July 2017.

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 Rural and Community Development.

(2) References to the Department of Housing, Planning, Community 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, from the commencement of this Order, be construed as references to the Department of Rural and Community Development.

3. (1) The functions vested in the Minister for Housing, Planning, Community and Local Government—

(a) by or under—

(i) the Acts specified in Part 1 of the Schedule,

(ii) the instruments specified in Part 2 of the Schedule,

and

(b) in relation to—

(i) any programmes, schemes and funds arising from the performance of the functions transferred by this Order, including the programmes, schemes and funds specified in Part 3 of the Schedule,

(ii) Pobal, and

(iii) Irish Water Safety

are transferred to the Minister for Rural and Community Development.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 4th August, 2017.

(2) References to the Minister for Housing, Planning, Community and Local Government contained in any Act or instrument made under such 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 Rural and Community Development.

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Housing, Planning, Community and Local Government is a party and the proceedings have reference to functions transferred by this Order to the Minister for Rural and Community Development, the name of the Minister for Rural and Community Development 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 Housing, Planning, Community 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 Housing, Planning, Community and Local Government may, in so far as it relates to functions transferred by this Order to the Minister for Rural and Community Development, be carried on or completed on or after such commencement by the Minister for Rural and Community Development.

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 Rural and Community Development.

7. References to the Minister for Housing, Planning, Community and Local Government 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 Rural and Community Development.

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

- (a) that property, both real and personal, vests in the Minister for Rural and Community Development,
- (b) those rights shall be enjoyed by the Minister for Rural and Community Development, and
- (c) those liabilities are liabilities of the Minister for Rural and Community Development.

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

SCHEDULE

PART 1

Section 162 of the Public Health (Ireland) Act 1878

Part VI (as amended by section 4(2) of, and Second Schedule to, the Local Government Act 1994 (No. 8 of 1994)) of the Local Government (Sanitary Services) Act 1948 (No. 3 of 1948)

Section 42A (inserted by section 7 of the Copyright and Related Rights Act 2007 (No. 39 of 2007)) of the Copyright and Related Rights Act 2000 (No. 28 of 2000)

Sections 49A and 128A to 128F (inserted by section 36 of the Local Government Reform Act 2014), and section 4 in so far as it relates to regulations made under section 128E or to regulations made for the purposes of enabling section 128E to have full effect, of the Local Government Act 2001

Sections 66A to 66H (inserted by section 44 of the Local Government Reform Act 2014 (No. 1 of 2014)) of the Local Government Act 2001 (No. 37 of 2001)

Sections 77 (amended by section 5 of, and Part 1 of Schedule 1 to, the Local Government Reform Act 2014), 78 and 80 of the Local Government Act 2001

Section 127 (inserted by section 46 of the Local Government Reform Act 2014) of the Local Government Act 2001

Section 2 (in so far as it relates to the functions referred to in paragraphs (a), (b) and (f) (in so far as it relates to paragraphs (a) and (b)) of subsection (1) of that section) of the Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007 (No. 32 of 2007)

Control of Dogs Acts 1986 to 2014

PART 2

Rules and Regulations for the Regulation of Burial Grounds, &c, Dated 6th July, 1888

Irish Water Safety (Establishment) Order 2006 (S.I. No. 389 of 2006)

The Local Community Development Committee (section 128E) Regulations 2014 (S.I. No. 234 of 2014)

The Local Community Development Committee (section 128E) (Amendment) (No.1) Regulations 2014 (S.I. No. 314 of 2014)

PART 3

PEACE IV Programme (EU Programme for Peace and Reconciliation 2014-2020, Northern Ireland and the Border Region of Ireland)

Revitalising Areas by Planning, Investment and Development Programme
(RAPID)

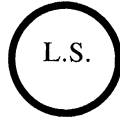
Social Inclusion and Community Activation Programme (SICAP)

Community Facilities Scheme

Funding Scheme for Community and Voluntary Pillar

Scheme to Support National Organisations

Seniors Alert Scheme



GIVEN under the Official Seal of the Government,
26 July 2017.

LEO VARADKAR,
Taoiseach.

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