

S.I. No. 303/2002 — Meteorological Services, Radiological Protection and Nuclear Safety (Transfer of Departmental Administration and Ministerial Functions) Order 2002

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 Meteorological Services, Radiological Protection and Nuclear Safety (Transfer of Departmental Administration and Ministerial Functions) Order 2002.

(2) This Order comes into operation on 18 June 2002.

2. In this Order “functions” includes powers and duties.

3. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are transferred to the Department of the Environment and Local Government.

(2) References to the Department of Public Enterprise contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of the Environment and Local Government.

4. (1) The functions vested in the Minister for Public Enterprise -

(a) in relation to meteorological services, nuclear safety and matters connected therewith, and

(b) the Radiological Protection Acts 1991 to 2002,

are transferred to the Minister for the Environment and Local Government.

(2) References to the Minister for Public Enterprise contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for the Environment and Local Government.

5. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Public Enterprise is a party and the proceedings have reference to functions transferred by this Order to the Minister for the Environment and Local Government, the name of the Minister for the Environment 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 Public Enterprise or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such

substitution.

6. Anything commenced before the commencement of this Order by or under the authority of the Minister for Public Enterprise may, in so far as it relates to functions transferred by this Order to the Minister for the Environment and Local Government, be carried on or completed on or after such commencement by the Minister for the Environment and Local Government.

7. Every document (including any certificate or licence) granted or made in the exercise 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 on and after such commencement as if it had been granted or made by the Minister for the Environment and Local Government.

8. References to the Minister for Public Enterprise 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 the Environment and Local Government.

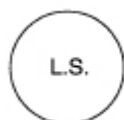
9. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Public Enterprise, in connection with the functions transferred by this Order shall be and are transferred to the Minister for the Environment and Local Government and, accordingly, without any further conveyance transfer or assignment -

- (a) the said property, real and personal, shall, on such commencement, vest in the Minister for the Environment and Local Government,
- (b) the said rights shall, as on and from such commencement, be enjoyed by the Minister for the Environment and Local Government,
- (c) the said liabilities shall, as on and from such commencement, be the liabilities of the Minister for the Environment and Local Government.

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

GIVEN under the Official Seal of the Government,

18 June 2002.



Bertie Ahern T.D.

Taoiseach

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order transfers to the Minister for the Environment and Local Government and to the Department of the Environment and Local Government, respectively, with effect from the date of this Order, the Departmental Administration and Ministerial functions in relation to the Meteorological service, nuclear safety issues, including policy on Sellafield and the Radiological Protection Institute of Ireland.

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