

## STATUTORY INSTRUMENTS

### S.I. No. 691 of 2003

#### FORESTRY (TRANSFER OF DEPARTMENTAL ADMINISTRATION AND MINISTERIAL FUNCTIONS) ORDER 2003

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 Forestry (Transfer of Departmental Administration and Ministerial Functions) Order 2003.  
(2) This order comes into operation on the 01 January 2004.
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 Agriculture and Food.  
(2) References to the Department of Communications, Marine and Natural Resources contained in any Act or any 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 Agriculture and Food.
4. (1) The functions vested in the Minister for Communications, Marine and Natural Resources by or under the Forestry Act 1946 (No. 13 of 1946) and the Forestry Act 1988 (No. 26 of 1988) are transferred to the Minister for Agriculture and Food.  
(2) References to the Minister for Communications, Marine and Natural Resources 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 Agriculture and Food.
5. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Communications, Marine and Natural Resources is a party and the proceedings have reference to functions transferred by this Order to the Minister for Agriculture and Food, the name of the Minister for Agriculture and Food shall, in so far as the proceedings relate to the function transferred by this Order, be substituted in the proceedings for that of the Minister for Communications, Marine and Natural Resources 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 Communications, Marine and Natural Resources may, in so far as it relates to functions transferred by this Order to the Minister for Agriculture and Food, be carried on or completed on or after such commencement by the Minister for Agriculture and Food.
7. Each 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 Agriculture and Food.
8. References to the Minister for Communications, Marine and Natural Resources 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 Agriculture and Food.

9. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Communications, Marine and Natural Resources in connection with the functions transferred by this Order shall be and are transferred to the Minister for Agriculture and Food 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 Agriculture and Food,

(b) the said rights shall, as on and from such commencement, be enjoyed by the Minister for Agriculture and Food, and

(c) the said liabilities shall, as on and from such commencement, be the liabilities of the Minister for Agriculture and Food.

(2) All moneys, stocks, shares and securities transferred to the Minister for Agriculture and Food by this Article which, such commencement, are standing in the name of the Minister for Communications, Marine and Natural Resources shall on the request of the Minister for Agriculture and Food be transferred into the name of the Minister for Agriculture and Food.

GIVEN UNDER THE OFFICIAL SEAL OF THE GOVERNMENT

This 16th day of December 2003

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 Agriculture and Food, with effect from the date of this Order, Departmental Administration and Ministerial functions in relation to the Forest Service