



STATUTORY INSTRUMENTS.

**S.I. No. 688 of 2022**

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SPECIALIST COMMUNITY-BASED DISABILITY SERVICES  
(TRANSFER OF DEPARTMENTAL ADMINISTRATION AND  
MINISTERIAL FUNCTIONS) ORDER 2022

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SPECIALIST COMMUNITY-BASED DISABILITY SERVICES  
(TRANSFER OF DEPARTMENTAL ADMINISTRATION AND  
MINISTERIAL FUNCTIONS) ORDER 2022

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 Specialist Community-Based Disability Services (Transfer of Departmental Administration and Ministerial Functions) Order 2022.

(2) This Order comes into operation on 1 March 2023.

2. In this Order, “relevant function” means –

- (a) any function transferred by Article 4 of this Order, and
- (b) any function transferred to the Minister for Children, Equality, Disability, Integration and Youth by –
  - (i) the Health Act 2004 (No. 42 of 2004),
  - (ii) the Disability Act 2005 (No. 14 of 2005),
  - (iii) the Health Act 2007 (No. 23 of 2007),

in so far only as the function consists of, or is connected with, specialist community-based disability services, within the meaning of the Health Act 2004, or any such other function otherwise assigned to that Minister by any of those Acts.

3. (1) The administration and business in connection with the exercise, performance or execution of any relevant function are transferred to the Department of Children, Equality, Disability, Integration and Youth.

(2) References to the Department of Health contained in any Act or any instrument made under such Act 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 Children, Equality, Disability, Integration and Youth.

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

- (a) by or under the enactment specified in Part 1 of the Schedule,
- (b) by or under the provisions of the enactments specified in Part 2 of the Schedule, and
- (c) under the instrument specified Part 3 of the Schedule,

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 16th December, 2022.*

are transferred to the Minister for Children, Equality, Disability, Integration and Youth.

(2) References to the Minister for Health contained in any Act or instrument made under such Act, and relating to any relevant function shall, on and after the commencement of this Order, be construed as references to the Minister for Children, Equality, Disability, Integration and Youth.

5. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Health is a party and the proceedings have reference to any relevant function of the Minister for Children, Equality, Disability, Integration and Youth, the name of the Minister for Children, Equality, Disability, Integration and Youth shall, in so far as the proceedings relate to any relevant function, be substituted in the proceedings for that of the Minister for Health 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 Health may, in so far as it relates to any relevant function of the Minister for Children, Equality, Disability, Integration and Youth, be carried on or completed on or after such commencement by the Minister for Children, Equality, Disability, Integration and Youth.

7. Every document (including any certificate or licence) granted or made in the exercise of a relevant function, 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 Children, Equality, Disability, Integration and Youth.

8. References to the Minister for Health contained in the memorandum and articles of association of any company and relating to any relevant function shall, on and after the commencement of this Order, be construed as references to the Minister for Children, Equality, Disability, Integration and Youth.

9. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Health in connection with any relevant function, are transferred on the commencement to the Minister for Children, Equality, Disability, Integration and Youth and, accordingly, without any further conveyance, transfer or assignment –

- (a) that property, both real and personal, vests in the Minister for Children, Equality, Disability, Integration and Youth,
- (b) those rights are rights of the Minister for Children, Equality, Disability, Integration and Youth, and
- (c) those liabilities are liabilities of the Minister for Children, Equality, Disability, Integration and Youth.

(2) All moneys, stocks, shares and securities transferred to the Minister for Children, Equality, Disability, Integration and Youth by this Article which, on the commencement of this Order, are standing in the name of the Minister for Health shall, on the request of the Minister for Children, Equality, Disability, Integration and Youth, be transferred into the name of the Minister for Children, Equality, Disability, Integration and Youth.

SCHEDULE

*Article 4*

Part 1

Education for Persons with Special Educational Needs Act 2004 (No. 30 of 2004)

Part 2

Part 2 of the Disability Act 2005

Sections 67C and 67D of the Health Act 1970 (No. 1 of 1970)

Part 3

Commission of Investigation (Certain matters relative to a disability service in the South East and related matters) Order 2017 (S.I. No. 96 of 2017)



GIVEN under my Official Seal,  
13 December, 2022.

MICHEÁL MARTIN,  
Taoiseach.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN,  
CILL MHAIGHNEANN,  
BAILE ÁTHA CLIATH 8,  
D08 XAO6

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