



STATUTORY INSTRUMENTS.

S.I. No. 89 of 2023



STANDARDS IN PUBLIC OFFICE (TRANSFER OF DEPARTMENTAL
ADMINISTRATION AND MINISTERIAL FUNCTIONS) ORDER 2023

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ADMINISTRATION AND MINISTERIAL FUNCTIONS) ORDER 2023

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 Standards in Public Office (Transfer of Departmental Administration and Ministerial Functions) Order 2023.

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

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 Finance.

(2) References to the Department of Public Expenditure, National Development Plan Delivery and Reform contained in any Act or any instrument made under an Act and relating to the administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Finance.

3. (1) The functions vested in the Minister for Public Expenditure, National Development Plan Delivery and Reform by or under the provisions of an Act specified in column (1) of the Schedule are transferred to the Minister for Finance to the extent specified in column (2) of the Schedule opposite the mention of the Act so specified.

(2) References to the Minister for Public Expenditure, National Development Plan Delivery and Reform contained in any Act or instrument made under an Act and relating to any functions transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Minister for Finance.

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Public Expenditure, National Development Plan Delivery and Reform is a party and the proceedings have reference to functions transferred by this Order to the Minister for Finance, the name of the Minister for Finance 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 Expenditure, National Development Plan Delivery and Reform or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 3rd March, 2023.*

5. Anything commenced before the commencement of this Order by or under the authority of the Minister for Public Expenditure, National Development Plan Delivery and Reform may, in so far as it relates to a function transferred by this Order to the Minister for Finance, be carried on or completed from such commencement by the Minister for Finance.

6. Every document (including any certificate or licence) granted or made in the exercise of a function transferred by this Order, if and in so far as it was operative immediately before the commencement of this Order, has effect from such commencement as if it had been granted or made by the Minister for Finance.

7. References to the Minister for Public Expenditure, National Development Plan Delivery and Reform 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 Finance.

8. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Public Expenditure, National Development Plan Delivery and Reform in connection with the functions transferred by this Order are transferred on the commencement to the Minister for Finance and, accordingly, without any further conveyance, transfer or assignment –

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

(2) All moneys, stocks, shares and securities transferred to the Minister for Finance by this Article, which, on the commencement of this Order, are standing in the name of the Minister for Public Expenditure, National Development Plan Delivery and Reform shall, on the request of the Minister for Finance, be transferred into the name of the Minister for Finance.

SCHEDULE

Short Title of Act and Number (1)	Provision (2)
Ministerial and Parliamentary Offices Act 1938 (No. 38 of 1938)	Subsection (10) of section 10; subsection (1) of section 10A; subsections (1), (5) (6) and (9) of section 10D; section 10E; subsections (4), (5) and (7) of section 10G; paragraph (1) of the definition of “expenses arising from parliamentary activities, including research” in subsection (1), and subsections (2) and (3) of section 10H.
Ethics in Public Office Act 1995 (No. 22 of 1995)	The whole Act, other than the following provisions: (a) section 3 (in so far as it relates to the performance of any function that is not transferred by this Order); (b) section 4 (in so far as it relates to the sanctioning by the Minister for Public Expenditure, National Development Plan Delivery and Reform of certain expenses incurred in the administration of that Act); (c) subsection (2D), paragraph (c) of subsection (2H) and subsections (12) and (13) of section 21.
Electoral Act 1997 (No. 25 of 1997)	Subsections (4) and (5) of section 19; subsection (3) of section 20; paragraphs (d) and (e) of subsection (1) of section 21; paragraph (d) of subsection (1) and subsection (2) of section 21A; subsection (3) of section 23;

	<p>paragraph (b) of subsection (7) of section 24;</p> <p>section 40;</p> <p>subsection (3) of section 47;</p> <p>paragraph (c) of subsection (3), subsection (4) and paragraph (a) of subsection (6) of section 88.</p>
Standards in Public Office Act 2001 (No. 31 of 2001)	The whole Act, other than section 9.
Local Government Act 2001 (No. 37 of 2001)	Paragraph (a) of subsection (1) of section 169.
Regulation of Lobbying Act 2015 (No. 5 of 2015)	The whole Act (other than section 3 of that Act in so far as it relates to the sanctioning by the Minister for Public Expenditure, National Development Plan Delivery and Reform of certain expenses incurred in the administration of that Act).



GIVEN under the Official Seal of the Government,
28 February, 2023.

LEO VARADKAR,
Taoiseach.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
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