



STATUTORY INSTRUMENTS.

**S.I. No. 195 of 2011**

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INLAND WATERWAYS AND WATERWAYS IRELAND (TRANSFER  
OF DEPARTMENTAL ADMINISTRATION AND MINISTERIAL  
FUNCTIONS) ORDER 2011

**(Prn. A11/0642)**

INLAND WATERWAYS AND WATERWAYS IRELAND (TRANSFER  
OF DEPARTMENTAL ADMINISTRATION AND MINISTERIAL  
FUNCTIONS) ORDER 2011

The Government, in exercise of the powers conferred on it 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 Inland Waterways and Waterways Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2011.

(2) This order comes into operation on 1 May 2011.

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 Tourism, Culture and Sport.

(2) References to the Department of Community, Equality and Gaeltacht Affairs contained in any Act or any instrument made thereunder 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 Tourism, Culture and Sport.

3. (1) The functions vested in the Minister for Community, Equality and Gaeltacht Affairs by or under the Acts specified in Part 1 of the Schedule and the provisions of the Acts specified in Part 2 of the Schedule in so far as they relate to—

(a) inland waterways,

(b) Waterways Ireland,

(c) supporting and promoting North/South co-operation in relation to inland waterways,

are transferred to the Minister for Tourism, Culture and Sport.

(2) References to the Minister for Community, Equality and Gaeltacht Affairs contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Tourism, Culture and Sport.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 26th April, 2011.*

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for Community, Equality and Gaeltacht Affairs is a party and the proceedings have reference to functions transferred by this Order to the Minister for Tourism, Culture and Sport, the name of the Minister for Tourism, Culture and Sport 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 Community, Equality and Gaeltacht Affairs 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 Community, Equality and Gaeltacht Affairs may, in so far as it relates to functions transferred by this Order to the Minister for Tourism, Culture and Sport, be carried on or completed on or after such commencement by the Minister for Tourism, Culture and Sport.

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 Tourism, Culture and Sport.

7. References to the Minister for Community, Equality and Gaeltacht Affairs 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 Tourism, Culture and Sport.

8. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for Community, Equality and Gaeltacht Affairs, in connection with the functions transferred by this Order are transferred to the Minister for Tourism, Culture and Sport and, accordingly, without any further conveyance, transfer or assignment, on such commencement—

- (a) that property, real and personal, vests in the Minister for Tourism, Culture and Sport,
- (b) those rights shall be enjoyed by the Minister for Tourism, Culture and Sport, and
- (c) those liabilities are liabilities of the Minister for Tourism, Culture and Sport.

(2) All moneys, stocks, shares and securities transferred to the Minister for Tourism, Culture and Sport by this Article which, on the commencement of this Order, are standing in the name of the Minister for Community, Equality and Gaeltacht Affairs shall, on the request of the Minister for Tourism, Culture and Sport, be transferred into the name of the Minister for Tourism, Culture and Sport.

SCHEDULE

*PART 1*

Canals Acts 1986 and 2005

Shannon Navigation Acts 1990 and 2005

*PART 2*

Section 2 (1)(f) (in so far as it relates to the functions transferred by this Order) of the Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007 (No. 32 of 2007)

Part II (and Part VIII insofar as it relates to Part II) of the British-Irish Agreement Act 1999 (No. 1 of 1999)

Sections 2, 3 and 5 (insofar as it relates to the functions transferred by this Order) of the Minister for Arts, Heritage, Gaeltacht and the Islands (Powers and Functions) Act 1998 (No. 7 of 1998)

Sections 7 and 8 (in so far as they relate to inland waterways) of, and paragraph 9 (in so far as it relates to inland waterways) of the Schedule to, the Heritage Act 1995 (No. 4 of 1995)

Section 15A(b) of the Roads Act 1993 (No. 14 of 1993)



GIVEN under the Official Seal of the Government,  
19 April 2011.

ENDA KENNY,  
Taoiseach.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
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nó trí aon díoltóir leabhar.

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