



STATUTORY INSTRUMENTS.

S.I. No. 488 of 2011.



CHILD CARE (TRANSFER OF DEPARTMENTAL ADMINISTRATION
AND MINISTERIAL FUNCTIONS) ORDER 2011

(Prn. A11/1777)

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CHILD CARE (TRANSFER OF DEPARTMENTAL ADMINISTRATION
AND MINISTERIAL FUNCTIONS) ORDER 2011

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 Child Care (Transfer of Departmental Administration and Ministerial Functions) Order 2011.

(2) This Order comes into operation on 1 October 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 Children and Youth Affairs.

(2) References to the Department of Health 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 Children and Youth Affairs.

3. (1) The functions vested in the Minister for Health by or under the Child Care Acts 1991 to 2011 are transferred to the Minister for Children and Youth Affairs.

(2) References to the Minister for Health 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 Children and Youth Affairs.

4. 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 functions transferred by this Order to the Minister for Children and Youth Affairs, the name of the Minister for Children and Youth Affairs 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 Health 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 Health may, in so far as it relates to functions transferred by this Order to the Minister for Children and Youth Affairs, be carried on or completed on or after such commencement by the Minister for Children and Youth Affairs.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 30th September, 2011.*

6. 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 from such commencement as if it had been granted or made by the Minister for Children and Youth Affairs.

7. References to the Minister for Health 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 Children and Youth Affairs.

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

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

(2) All moneys, stocks, shares and securities transferred to the Minister for Children and Youth Affairs 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 and Youth Affairs, be transferred into the name of the Minister for Children and Youth Affairs.



GIVEN under the Official Seal of the Government,
27 September 2011.

ENDA KENNY,
Taoiseach.

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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