

**Charities (Transfer of Departmental Administration and Ministerial Functions) Order
2017**

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. This Order may be cited as the Charities (Transfer of Departmental Administration and Ministerial Functions) Order 2017.

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 Rural and Community Development.

(2) References to the Department of Justice and Equality contained in any Act or any instrument made under such Act 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 Rural and Community Development.

3. (1) The functions vested in the Minister for Justice and Equality by or under -
 - (a) the Educational Endowments (Ireland) Act 1885 (48 & 49 Vict. c. 78),

- (b) the Charities Acts 1961 and 1973,
- (c) the Street and House to House Collections Act 1962 (No. 13 of 1962),
- (d) the Charities Act 2009 (No. 6 of 2009), and
- (e) section 2 (in so far as it relates to the functions referred to in paragraphs (a) and (f) (in so far as it relates to paragraph (a)) of subsection (1) of that section) of the Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007 (No. 32 of 2007),

are transferred to the Minister for Rural and Community Development.

(2) References to the Minister for Justice and Equality in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Rural and Community Development.

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

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 Rural and Community Development.

7. References to the Minister for Justice and Equality 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 Rural and Community Development.

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

(a) that property, real and personal, vests in the Minister for Rural and Community Development,

(b) those rights shall be enjoyed by the Minister for Rural and Community Development, and

(c) those liabilities are liabilities of the Minister for Rural and Community Development.

(2) All moneys, stocks, shares and securities transferred to the Minister for Rural and Community Development by this Article which, on the commencement of this Order, are standing in the name of the Minister for Justice and Equality shall, on the request of the

Minister for Rural and Community Development, be transferred into the name of the Minister for Rural and Community Development.

GIVEN under the Official
Seal of the Government,

26TH JULY 2017

