



AN BILLE AIRÍ AGUS RÚNAITHE (LEASÚ), 1983
MINISTERS AND SECRETARIES (AMENDMENT) BILL, 1983

Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. The Department of Communications.
3. Transfer of functions of Minister for Posts and Telegraphs and abolition of office.
4. Transfer of administration and business of Department of Posts and Telegraphs.
5. Transfer of functions of Minister for Transport and abolition of office.
6. Transfer of administration and business of Department of Transport.
7. Preservation of certain continuing contracts and adaptation of certain references to Minister for Posts and Telegraphs and Minister for Transport in certain documents.
8. Saving for statutory instruments made by, and acts done by, Minister for Posts and Telegraphs and Minister for Transport.
9. Transfer of certain property and liabilities of Minister for Posts and Telegraphs and Minister for Transport.
10. Continuance of certain licences etc., granted by Minister for Posts and Telegraphs and Minister for Transport.
11. Pending legal proceedings.
12. Completion of certain matters commenced by Minister for Posts and Telegraphs and Minister for Transport.
13. Application of public moneys granted for financial year 1984 for salaries and expenses of offices of Minister for Posts and Telegraphs and Minister for Transport.
14. Repeals.
15. Short title, construction and collective citation.

ACTS REFERRED TO

Documentary Evidence Act, 1925	1925, No. 24
Exchequer and Audit Departments Act, 1866	1866, c. 39
Exchequer and Audit Departments Act, 1921	1921, c. 52
Interpretation Act, 1937	1937, No. 38
Ministers and Secretaries Act, 1924	1924, No. 16
Ministers and Secretaries (Amendment) Act, 1959	1959, No. 17
Ministers and Secretaries Acts, 1924 to 1980	
Postal and Telecommunications Services Act, 1983	1983, No. 24



AN BILLE AIRÍ AGUS RÚNAITHE (LEASÚ), 1983
MINISTERS AND SECRETARIES (AMENDMENT) BILL, 1983

BILL

entitled

- 5 AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A
DEPARTMENT OF COMMUNICATIONS, TO TRANSFER
THE FUNCTIONS OF THE MINISTER FOR POSTS AND
TELEGRAPHS AND OF THE MINISTER FOR TRANS-
10 PORT TO THE MINISTER FOR COMMUNICATIONS, TO
ABOLISH THE OFFICES OF MINISTER FOR POSTS AND
TELEGRAPHS AND MINISTER FOR TRANSPORT, TO
PROVIDE FOR CERTAIN OTHER MATTERS CON-
NECTED WITH THE MATTERS AFORESAID AND FOR
15 THOSE PURPOSES TO AMEND AND EXTEND THE MIN-
ISTERS AND SECRETARIES ACTS, 1924 TO 1980.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

20 “the appointed day” means the day immediately after the vesting day
(within the meaning of the Postal and Telecommunications Services
Act, 1983);

“functions” includes powers and duties and a reference to the per-
formance of functions includes, as respects powers and duties, a
reference to the exercise of powers and the carrying out of duties;

25 “statutory instrument” has the meaning assigned to it by the Inter-
pretation Act, 1937.

2.—(1) On the appointed day a Department of State to be styled
and known as An Roinn Cumarsáide or (in the English language) the
Department of Communications shall stand established.

The Department of
Communications.

30 (2) The member of the Government who is in charge of the
Department of Communications shall be styled and known as an
tAire Cumarsáide or (in the English language) the Minister for
Communications.

35 (3) The Ministers and Secretaries Acts, 1924 to 1980, and the
Documentary Evidence Act, 1925, shall apply to the Department of
Communications and the member of the Government who is in charge
thereof as if that Department had been established by section 1 of the
Ministers and Secretaries Act, 1924.

Transfer of functions of Minister for Posts and Telegraphs and abolition of office.

3.—(1) On the appointed day—

- (a) the functions vested immediately before the appointed day in the Minister for Posts and Telegraphs shall, by virtue of this section, be transferred to the Minister for Communications, and

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- (b) the office of Minister for Posts and Telegraphs and the Department of Posts and Telegraphs shall, by virtue of this section, be abolished.

(2) (a) References to the Minister for Posts and Telegraphs contained immediately before the appointed day—

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- (i) in any statute passed before the appointed day (other than such reference in the Postal and Telecommunications Services Act, 1983, in relation to adaptations (whether alone or with other adaptations or amendments) of references to the Minister for Posts and Telegraphs or in relation to anything done, or existing, before the vesting day (within the meaning of that Act)), or

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- (ii) in any statutory instrument made before the appointed day (other than a statutory instrument referred to in section 9 (2), 72, 74 (4) or 92 or subsection (2) or (4) of section 103 of that Act),

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shall, on and after the appointed day, be construed as references to the Minister for Communications.

- (b) The Minister for Communications may make regulations for the purpose of enabling *paragraph (a)* of this subsection to have full effect having regard to *subsection (1)* of this section and the Postal and Telecommunications Services Act, 1983.

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- (c) Every regulation made by the Minister for Communications under this subsection shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to anything previously done thereunder.

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Transfer of administration and business of Department of Posts and Telegraphs.

4.—(1) The administration and business in connection with the performance of any functions transferred by *section 3* of this Act shall, on the appointed day, be transferred to the Department of Communications.

(2) References to the Department of Posts and Telegraphs contained immediately before the appointed day in any statute (other than the Postal and Telecommunications Services Act, 1983) or statutory instrument passed or made before the appointed day shall, on and after the appointed day, be construed as references to the Department of Communications.

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Transfer of functions of Minister for Transport and abolition of office.

5.—(1) On the appointed day—

- (a) the functions vested immediately before the appointed day in the Minister for Transport shall, by virtue of this section, be transferred to the Minister for Communications, and

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(b) the office of Minister for Transport and the Department of Transport shall, by virtue of this section, be abolished.

5 (2) References to the Minister for Transport contained immediately before the appointed day in any statute or statutory instrument passed or made before the appointed day shall, on and after the appointed day, be construed as references to the Minister for Communications.

10 6.—(1) The administration and business in connection with the performance of any functions transferred by *section 5* of this Act shall, on the appointed day, be transferred to the Department of Communications.

Transfer of
administration and
business of
Department of
Transport.

15 (2) References to the Department of Transport contained immediately before the appointed day in any statute or statutory instrument passed or made before the appointed day shall, on and after the appointed day, be construed as references to the Department of Communications.

20 7.—(1) (a) Every bond, guarantee or other security of a continuing nature made or given by or on behalf of the Minister for Posts and Telegraphs to any person in the performance of a function transferred by *section 3* of this Act, or by any person to the Minister for Posts and Telegraphs and accepted by or on behalf of the Minister for Posts and Telegraphs in the performance of such a function, and in force immediately before the appointed day, and every contract or agreement in writing made between the Minister for Posts and Telegraphs in the performance of such a function and another person and in force but not fully executed and completed immediately before the appointed day, shall continue in force on and after the appointed day and shall be construed and have effect as if the name of the Minister for Communications were substituted therein for that of the Minister for Posts and Telegraphs and such security, contract or agreement shall be enforceable by or against the Minister for Communications.

Preservation of
certain continuing
contracts and
adaptation of
certain references to
Minister for Posts
and Telegraphs and
Minister for
Transport in certain
documents.

40 (b) Every bond, guarantee or other security of a continuing nature made or given by or on behalf of the Minister for Transport to any person, or by any person to the Minister for Transport, and in force immediately before the appointed day, and every contract or agreement in writing made between the Minister for Transport and another person and in force but not fully executed and completed immediately before the appointed day, shall continue in force on and after the appointed day and shall be construed and have effect as if the name of the Minister for Communications were substituted therein for that of the Minister for Transport and such security, contract or agreement shall be enforceable by or against the Minister for Communications.

55 (2) (a) References to the Minister for Posts and Telegraphs contained immediately before the appointed day in the memorandum and articles of association of any company and relating to a function transferred by *section 3* of this Act shall, on and after the appointed day, be construed as references to the Minister for Communications.

- (b) References to the Minister for Transport contained immediately before the appointed day in the memorandum and articles of association of any company shall, on and after the appointed day, be construed as references to the Minister for Communications. 5

Saving for statutory instruments made by, and acts done by, Minister for Posts and Telegraphs and Minister for Transport.

8.—(1) Nothing in this Act shall affect the validity of any statutory instrument which, before the appointed day, was made by or on behalf of the Minister for Posts and Telegraphs or the Minister for Transport, and every such statutory instrument made by or on behalf of the Minister for Posts and Telegraphs (other than a statutory instrument referred to in section 9(2), 72, 74(4) or 92 or subsection (2) or (4) of section 103 of the Postal and Telecommunications Services Act, 1983) before the appointed day in the performance of a function transferred by section 3 of this Act, and every such statutory instrument made by or on behalf of the Minister for Transport, shall, if and in so far as it was operative immediately before the appointed day, have effect, on and after the appointed day, as if it had been made by or on behalf of the Minister for Communications. 10 15

(2) Nothing in this Act shall affect the validity of any act which, before the appointed day, was done by or on behalf of the Minister for Posts and Telegraphs or the Minister for Transport and every such act done by or on behalf of the Minister for Posts and Telegraphs in the performance of a function transferred by section 3 of this Act, and every such act done by or on behalf of the Minister for Transport, shall, if and in so far as it was operative immediately before the appointed day, have effect, on and after the appointed day, as if it had been done by or on behalf of the Minister for Communications. 20 25

Transfer of certain property and liabilities of Minister for Posts and Telegraphs and Minister for Transport.

9.—(1) All property, rights and liabilities held, enjoyed or incurred immediately before the appointed day by the Minister for Posts and Telegraphs and by the Minister for Transport in connection with the functions transferred by this Act shall be and are hereby transferred to the Minister for Communications and, accordingly, without any further conveyance, transfer or assignment— 30

- (a) the said property, real and personal, shall, on the appointed day, vest in the Minister for Communications, 35
- (b) the said rights shall, as on and from the appointed day, be enjoyed by the Minister for Communications,
- (c) the said liabilities shall, as on and from the appointed day, be the liabilities of the Minister for Communications.

(2) All moneys, stocks, shares and securities transferred to the Minister for Communications by this section which, on the appointed day, are standing in the name of the Minister for Posts and Telegraphs or the Minister for Transport shall, upon the request of the Minister for Communications, be transferred into his name. 40

Continuance of certain licences etc., granted by Minister for Posts and Telegraphs and Minister for Transport.

10.—Every document (including any certificate or licence) granted or made in the exercise of a function transferred by this Act shall, if and in so far as it was operative immediately before the appointed day, have effect on and after the appointed day as if it had been granted or made by the Minister for Communications. 45

Pending legal proceedings.

11.—Where, immediately before the appointed day, any legal proceedings are pending in any court or tribunal and the Minister for 50

Posts and Telegraphs or the Minister for Transport is a party to the proceedings, the name of the Minister for Communications shall be substituted in the proceedings for that of the Minister for Posts and Telegraphs or the Minister for Transport, as the case may be, and the proceedings shall not abate by reason of such substitution.

12.—(1) Anything commenced before the appointed day by or under the authority of the Minister for Posts and Telegraphs may, so far as it relates to functions transferred by section 3 of this Act, be carried on or completed on and after the appointed day by the Minister for Communications.

Completion of certain matters commenced by Minister for Posts and Telegraphs and Minister for Transport.

(2) Anything commenced before the appointed day by or under the authority of the Minister for Transport may be carried on or completed on and after the appointed day by the Minister for Communications.

13.—Notwithstanding the provisions of any Act of the Oireachtas for the appropriation of sums granted for the service of the financial year ending on the 31st day of December, 1984, any moneys granted for the service of that financial year for the salaries and expenses (including the payment of grants, grants-in-aid, subsidies and cost alleviation payments) of the office of the Minister for Posts and Telegraphs or the office of the Minister for Transport or for the services administered by either such office may, on and after the appointed day, be lawfully expended and accounted for, by or under the direction of the Minister for Communications for the purposes for which, but for this Act, the said moneys could lawfully have been expended on or after the appointed day.

Application of public moneys granted for financial year 1984 for salaries and expenses of offices of Minister for Posts and Telegraphs and Minister for Transport.

14.—The following are hereby repealed as on and from the appointed day:

Repeals.

- (a) in the Exchequer and Audit Departments Act, 1866, in section 10, the words “, and the Postmaster General”,
- (b) in the Exchequer and Audit Departments Act, 1921, in section 2 (1), the words “, and Post Office”,
- (c) in the Ministers and Secretaries Act, 1924, paragraph (ix) of section 1 and the Eighth Part of the Schedule, and
- (d) the Ministers and Secretaries (Amendment) Act, 1959.

15.—(1) This Act may be cited as the Ministers and Secretaries (Amendment) Act, 1983.

Short title, construction and collective citation.

(2) This Act shall be construed as one with the Ministers and Secretaries Acts, 1924 to 1980, and those Acts may be cited together as the Ministers and Secretaries Acts, 1924 to 1983.

AN BILLE AIRÍ AGUS RÚNAITHE
(LEASÚ), 1983

MINISTERS AND SECRETARIES
(AMENDMENT) BILL, 1983

BILLE
dá ngairtear

BILL
entitled

Acht do dhéanamh socrú chun Roinn Cumarsáide a bhunú, chun feidhmeanna an Aire Poist agus Telegrafa agus an Aire Iompair a aistriú chun an Aire Cumarsáide, do chealú oifigí an Aire Poist agus Telegrafa agus an Aire Iompair, do dhéanamh socrú i dtaobh nithe áirithe eile a bhaineann leis na nithe réamhráite agus chun na gcríoch sin do leasú agus do leathnú na nAchtanna Airí agus Rúnaithe, 1924 go 1980.

An Act to provide for the establishment of a Department of Communications, to transfer the functions of the Minister for Posts and Telegraphs and of the Minister for Transport to the Minister for Communications, to abolish the offices of Minister for Posts and Telegraphs and Minister for Transport, to provide for certain other matters connected with the matters aforesaid and for those purposes to amend and extend the Ministers and Secretaries Acts, 1924 to 1980.

*Ritheadh ag dhá Theach an Oireachtais,
21 Nollaig, 1983*

*Passed by both Houses of the Oireachtas,
21st December, 1983*

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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