



STATUTORY INSTRUMENTS.

**S.I. No. 393 of 2016**



CLIMATE ACTION AND ENVIRONMENT (TRANSFER OF  
DEPARTMENTAL ADMINISTRATION AND MINISTERIAL  
FUNCTIONS) ORDER 2016

CLIMATE ACTION AND ENVIRONMENT (TRANSFER OF  
DEPARTMENTAL ADMINISTRATION AND MINISTERIAL  
FUNCTIONS) ORDER 2016

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 Climate Action and Environment (Transfer of Departmental Administration and Ministerial Functions) Order 2016.

(2) This Order comes into operation on 22 July 2016.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Communications, Energy and Natural Resources.

(2) References to the Department of the Environment, Community and Local Government 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 Communications, Energy and Natural Resources.

3. (1) The functions conferred on the Minister for the Environment, Community and Local Government by or under any of the provisions of—

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Communications, Energy and Natural Resources.

(2) References to the Minister for the Environment, Community and Local Government contained in any Act or instrument made under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Communications, Energy and Natural Resources.

4. Where, immediately before the commencement of this Order, any legal proceedings are pending to which the Minister for the Environment, Community and Local Government is a party and the proceedings have reference to functions transferred by this Order to the Minister for Communications, Energy and Natural Resources, the name of the Minister for Communications, Energy and

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 26th July, 2016.*

Natural Resources 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 the Environment, Community and Local Government or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution.

5. Anything commenced but not completed before the commencement of this Order by or under the authority of the Minister for the Environment, Community and Local Government may, in so far as it relates to a function transferred by this Order to the Minister for Communications, Energy and Natural Resources, be carried on and completed from such commencement by the Minister for Communications, Energy and Natural Resources.

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 Communications, Energy and Natural Resources.

7. References to the Minister for the Environment, Community and Local Government 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 Communications, Energy and Natural Resources.

8. (1) All property, rights and liabilities held, enjoyed or incurred before the commencement of this Order by the Minister for the Environment, Community and Local Government in connection with the functions transferred by this Order are transferred to the Minister for Communications, Energy and Natural Resources and, accordingly, without any further conveyance, transfer or assignment, on such commencement—

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

(2) All moneys, stocks, shares and securities transferred to the Minister for Communications, Energy and Natural Resources by this Article, which, on the commencement of this Order, are standing in the name of the Minister for the Environment, Community and Local Government shall on the request of the Minister for Communications, Energy and Natural Resources be transferred into the name of the Minister for Communications, Energy and Natural Resources.

Schedule 1

*Article 3(1)(a)*

Enactments, functions by or under which are transferred from the Minister for the Environment, Community and Local Government to the Minister for Communications, Energy and Natural Resources.

Air Pollution Act 1987 (No. 6 of 1987)

Carbon Fund Act 2007 (No. 12 of 2007)

Subsections (5)(b) and (6)(a) of section 5 of the Chemicals Act 2008 (No. 13 of 2008)

Climate Action and Low Carbon Development Act 2015 (No. 46 of 2015)

Section 6(1)(g) of the Dumping at Sea Act 1996 (No. 14 of 1996)

Environmental Protection Agency Act 1992 (No. 7 of 1992) (other than sections 73, 99F and 99G of that Act and sections 6 and 7 of that Act insofar as those sections relate to the making of regulations or orders, as the case may be, under sections 73, 99F or 99G)

Subsections (1)(p) and (2) of section 5 of the Forestry Act 2014 (No. 31 of 2014)

Section 142 of the Legal Services Regulation Act 2015 (No. 65 of 2015)

Litter Pollution Act 1997 (No. 12 of 1997)

Nuclear Test Ban Act 2008 (No. 16 of 2008)

Waste Management Act 1996 (No. 10 of 1996)

Section 14 of the Waste Management (Amendment) Act 2001 (No. 36 of 2001)

## Schedule 2

*Article 3(1)(b)*

Regulations, functions under which are transferred from the Minister for the Environment, Community and Local Government to the Minister for Communications, Energy and Natural Resources

Air Quality Standards Regulations 2011 (S.I. No. 180 of 2011)

Fluorinated Greenhouse Gas Regulations 2011 (S.I. No. 279 of 2011)

Persistent Organic Pollutants Regulations 2010 (S.I. No. 235 of 2010)

Waste Management (Licensing) Regulations 2004 (S.I. No. 395 of 2004)

Waste Management (Registration of Sewage Sludge Facility) Regulations 2010 (S.I. No. 32 of 2010)

Waste Management (Shipments of Waste) Regulations 2007 (S.I. No. 419 of 2007)

European Communities (Access to Information on the Environment) Regulations 2007 (S.I. No. 133 of 2007)

European Communities (Control of Emissions of Gaseous and Particulate Pollutants from Non-Road Mobile Machinery) Regulations 2007 (S.I. No. 147 of 2007)

European Communities (End-of-Life Vehicles) Regulations 2014 (S.I. No. 281 of 2014)

European Communities (Environmental Liability) Regulations 2008 (S.I. No. 547 of 2008)

European Communities Act 1972 (Environmental Specifications for Petrol, Diesel Fuels and Gas Oils for use by non-road mobile machinery, including inland waterway vessels, agricultural and forestry tractors, and recreational craft) Regulations 2011 (S.I. No. 155 of 2011)

European Communities (Greenhouse Gas Emissions Trading) (Aviation) Regulations 2010 (S.I. No. 261 of 2010)

European Communities (Greenhouse Gas Emissions Trading) Regulations 2012 (S.I. No. 490 of 2012)

European Communities (National Emission Ceilings) Regulations, 2004 (S.I. No. 10 of 2004)

European Communities (Packaging) Regulations 2014 (S.I. No. 282 of 2014)

European Communities (Waste Directive) Regulations 2011 (S.I. No. 126 of 2011)

European Union (Batteries and Accumulators) Regulations 2014 (S.I. No. 283 of 2014)

European Union (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) (No.2) Regulations 2012 (S.I. 457 of 2012)

European Union (Installations and Activities Using Organic Solvents) Regulations (S.I. No. 565 of 2012)

European Union (Large Combustion Plants) Regulations 2012 (S.I. No. 566 of 2012)

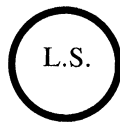
European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012 (S.I. No. 564 of 2012)

European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2012 (S.I. No. 513 of 2012)

European Union (Stage II Petrol Vapour Recovery during Refuelling of Motor Vehicles at Service Stations) Regulations 2011 (S.I. No. 687 of 2011)

European Union (Sulphur Content of Heavy Fuel Oil and Gas Oil) Regulations 2014 (S.I. No. 273 of 2014)

European Union (Waste Electrical and Electronic Equipment) Regulations 2014 (S.I. No. 149 of 2014)



GIVEN under the Official Seal of the Government,  
19 July 2016.

ENDA KENNY,  
Taoiseach.

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