



STATUTORY INSTRUMENTS.

S.I. No. 436 of 2020



DISABILITY, EQUALITY, HUMAN RIGHTS, INTEGRATION AND
RECEPTION (TRANSFER OF DEPARTMENTAL ADMINISTRATION
AND MINISTERIAL FUNCTIONS) ORDER 2020

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DISABILITY, EQUALITY, HUMAN RIGHTS, INTEGRATION AND
RECEPTION (TRANSFER OF DEPARTMENTAL ADMINISTRATION
AND MINISTERIAL FUNCTIONS) ORDER 2020

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 Disability, Equality, Human Rights, Integration and Reception (Transfer of Departmental Administration and Ministerial Functions) Order 2020.

(2) This Order comes into operation on 14 October 2020.

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 Justice and Equality contained in any Act or instrument made under such Act and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after 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 Justice and Equality -

- (a) by or under the enactments specified in Schedule 1, and
- (b) under the provisions of the statutory instrument specified in Schedule 2,

are transferred to the Minister for Children and Youth Affairs.

(2) The functions vested in the Minister for Justice and Equality in relation to -

- (a) the co-ordination of Government policy in relation to Traveller and Roma rights in Irish society,
- (b) the co-ordination of Government policy in relation to gender equality, and the development, implementation and monitoring of policies and positive action measures on gender equality,
- (c) the co-ordination of Government policy in relation to the promotion of, and support for, equal participation in society of people with disabilities and in relation to the implementation of the United Nations Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006,
- (d) the co-ordination of Government policy in relation to combatting discrimination and the promotion of equality within society,

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 16th October, 2020.*

- (e) the promotion of equal opportunities, fundamental rights and greater availability of family-friendly workplace practices,
- (f) the co-ordination of Government policy in relation to integration in Irish society of ethnic minorities, migrants and persons of migrant origin,
- (g) the monitoring of the implementation by the State of its international obligations in relation to human rights and the co-ordination of the State's reporting to international bodies in compliance with such obligations,
- (h) the management of the resettlement in the State of refugees admitted as part of the United Nations Resettlement Programme,
- (i) the International Protection Accommodation Services (IPAS) which offers accommodation and related services to persons seeking international protection in the State,
- (j) the International Protection Procurement Services (IPPS) and the procurement of accommodation to house persons seeking international protection in the State,
- (k) the giving of permission to enter and remain in the State for resettlement or for temporary protection (other than the function of giving such permission as part of the Irish Refugee Protection Programme Humanitarian Admission Programme), referred to in section 59(1) of the International Protection Act 2015 (No. 66 of 2015),
- (l) the entering in a register referred to in section 59(1) of the International Protection Act 2015 (No. 66 of 2015) of the names of persons to whom permission to enter and remain in the State for resettlement or for temporary protection, is given, and the maintenance of such a register, and
- (m) the administration of the Magdalen Restorative Justice ex-gratia scheme, including the addendum to the terms of that Scheme,

are transferred to the Minister for Children and Youth Affairs.

(3) References to the Minister for Justice and Equality contained in any Act or instrument made under such Act, and relating to any functions transferred by this Article shall, on and after 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 Justice and Equality 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 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 Children and Youth Affairs, be carried on or completed on or after such commencement by the Minister for Children and Youth Affairs.

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

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, on and after 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 Justice and Equality in connection with the functions transferred by this Order, are transferred on the commencement to the Minister for Children and Youth Affairs and, accordingly, without any further conveyance, transfer or assignment -

- (a) that property, both real and personal, vests in the Minister for Children and Youth Affairs,
- (b) those rights are rights of 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 Justice and Equality 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.

SCHEDULE 1

Article 3(1)(a)

**Enactments, functions by or under which are transferred from the
Minister for Justice and Equality to the Minister for Children and Youth
Affairs**

Adoptive Leave Acts 1995 and 2005

Assisted Decision-Making (Capacity) Act 2015 (No. 64 of 2015)

Carer's Leave Act 2001 (No. 19 of 2001)

Disability Act 2005 (No. 14 of 2005)

Employment Equality Acts 1998 to 2015, other than section 27(2) and section 37(4) (inserted by Part 2 of the Equality Act 2004 (No. 24 of 2004)) of the Employment Equality Act 1998 (No. 21 of 1998)

Equal Status Acts 2000 to 2018, other than section 14(1)(aa)(ii) (inserted by Part 3 of the Equality Act 2004 (No. 24 of 2004)) of the Equal Status Act 2000 (No. 8 of 2000)

European Convention on Human Rights Act 2003 (No. 20 of 2003)

Section 59(3) of the International Protection Act 2015 (No. 66 of 2015)

Irish Human Rights and Equality Commission Act 2014 (No. 25 of 2014)

Irish Sign Language Act 2017 (No. 40 of 2017)

Maternity Protection Acts 1994 and 2004

National Disability Authority Act 1999 (No. 14 of 1999)

Parental Leave Acts 1998 to 2019

Parent's Leave and Benefit Act 2019 (No. 35 of 2019)

Paternity Leave and Benefit Act 2016 (No. 11 of 2016)

Redress for Women Resident in Certain Institutions Act 2015 (No. 8 of 2015)

SCHEDULE 2

Article 3(1)(b)

**Statutory Instrument, functions under which are transferred from the
Minister for Justice and Equality to the Minister for Children and Youth
Affairs**

Regulation –

- (a) 3, 4, 5, 6, 7, 8, 20 (insofar as it relates to an application under paragraph (1) of that Regulation for a review of a decision referred to in subparagraph (a), (b), (c) or (d) of that paragraph), 25 and 27 (insofar as it relates to Regulation 6(1)(a)), and
- (b) 24, insofar as it relates to the functions under the provisions referred to in paragraph (a) transferred by this Order,

of the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018).



GIVEN under the Official Seal of the Government,
13 October, 2020.

MICHEÁL MARTIN,
Taoiseach.

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