



Government Circular No. 140/90  
G.O. Ref. No. 920.2 (7)

**THE GOVERNMENT DEPARTMENTS ACT 1987**

**THE TRANSFER OF FUNCTIONS (CHILD CARE) ORDER 1990**

This Order, a copy of which is attached, was made by the Governor in Council on 2nd March, 1990, was approved by Tynwald on 20th March, 1990, and came into operation immediately after the coming into operation of the Education (Functions)(Amendment) Order 1990 on the 1st April, 1990.

This Order transfers from the Department of Education the child care functions (except those relating to employment) of children and school attendance to the Department of Health and Social Security.

In addition, the function of the Department of Home Affairs relating to the inspection of children's homes is transferred to the Department of Health and Social Security.

*for* Government Secretary

Government Office,  
Isle of Man.

April, 1990.

Price: 70p

## THE GOVERNMENT DEPARTMENTS ACT 1987

## THE TRANSFER OF FUNCTIONS (CHILD CARE) ORDER 1990

In exercise of the powers conferred on the Governor in Council by paragraphs 1, 3, 4 and 5 of Schedule 2 to the Government Departments Act 1987(a), and of all other enabling powers, the following Order is hereby made:-

*Citation and commencement*

1. This Order may be cited as the Transfer of Functions (Child Care) Order 1990 and, subject to paragraph 4(4) of Schedule 2 to the Government Departments Act 1987, shall come into operation immediately after the coming into operation of the Education (Functions) (Amendment) Order 1990(b) on the 1st April 1990.

*Transfer of child care functions*

2. (1) The functions of the Department of Education under the enactments specified in Part I of Schedule 1 are transferred to the Department of Health and Social Security.

(2) The functions of the Department of Home Affairs under the enactment specified in Part II of Schedule 1 are transferred to the Department of Health and Social Security.

*Consequential amendments etc.*

3. (1) The enactments specified in Schedule 2 are amended in accordance with that Schedule.

(2) The enactments specified in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

*Modification of court orders etc.*

4. (1) Where immediately before the coming into operation of this order any rights and powers of a person in relation to a child were vested in the Department of Education by virtue of a resolution under section 83 of the Children and Young Persons Act 1966(c), those rights and powers shall vest in the Department of Health and Social Security.

(2) Subject to paragraph (3), an order of any court by virtue of which any child was, immediately before the coming into operation of this Order, in the care or under the supervision of the Department of Education shall have effect as if it placed the child in the care or under the supervision, as the case may be, of the Department of Health and Social Security.

(3) Paragraph (2) does not apply to an order under section 57(1) of the said Act of 1966 (supervision of non-attenders at school).

(4) An order of any court by virtue of which any person was, immediately before the coming into operation of this Order, required to make payments by way of contributions to the Department of Education in respect of a child shall have effect as if it required such payments to be made to the Department of Health and Social Security.

(5) In this article "child" has the same meaning as in Part VI of the said Act of 1966.

*Transfer of property*

5. Paragraph 5(2) (transfer of property) of Schedule 2 to the Government Departments Act 1987 does not apply so as to vest any real property in the Department of Health and Social Security by virtue of this Order.

ENACTMENTS CONFERRING CHILD CARE FUNCTIONS

PART I

FUNCTIONS OF DEPARTMENT OF EDUCATION

1. The Children and Young Persons Acts 1966 to 1974, except -
  - (a) Part II of the Children and Young Persons Act 1966 and Part II of the Children and Young Persons Act 1969(d) (employment of children and young persons);
  - (b) section 8(4) of the said Act of 1966 (school attendance).
2. The Matrimonial Proceedings (Magistrates' Courts) Act 1962(e) section 2(1)(e) and (f).
3. The Family Law Reform (Isle of Man) Act 1971(f) section 7(2).
4. The Mental Health Act 1974(g) section 8(1).
5. The Judicature (Matrimonial Causes) Act 1976(h) sections 43 and 44.
6. The Domestic Proceedings Act 1983(i) sections 9, 10 and 40 (including sections 9 and 10 as applied by section 38).
7. The Adoption Act 1984(j) Schedule 1.

PART II

FUNCTIONS OF DEPARTMENT OF HOME AFFAIRS

8. The Children and Young Persons Act 1966 section 81.

---

(d) XXI p.44 (e) XIX p.674 (f) 1971 c.26 (g) 1974 c.34 (h) 1976 c.14  
(i) 1983 c.13 (j) 1984 c.14

AMENDMENT OF ENACTMENTS

*The Matrimonial Proceedings (Magistrates' Courts) Act 1962*

1. (1) In section 2, 3 and 10, for "Authority" (wherever occurring) substitute "Department".
- (2) In section 28(1), for the definition of "Authority" substitute -  
"Department" means the Department of Health and Social Security;".

*The Affiliation Proceedings Act 1966(k)*

2. In section 6A(3), for "Board of Education" substitute "Department of Health and Social Security", and for "Board" substitute "Department".

*The Children and Young Persons Act 1966*

3. (1) In Parts I, III, IV and VI and sections 102, 111, 113 and 115, for "Authority" and "Isle of Man Board of Education" (wherever occurring) substitute "Department".
- (2) In section 81(1) and (2), for "Department of Home Affairs" substitute "Department".
- (3) In section 94(1), for "Department of Education" substitute "Department".
- (4) In section 118(1), after the definition of "compulsory school age" insert -  
"Department" means the Department of Health and Social Security;".

*The Children and Young Persons Act 1969*

4. (1) In section 1(1), for "Isle of Man Board of Education (hereinafter in this Act called "the Board of Education")" substitute "Department".
- (2) In Part I and sections 39, 42, 43, 44, 49, 50 and 51, for "Board of Education" substitute "Department".
- (3) In section 38, for "Department of Education" substitute "Department".

*The Children and Young Persons Act 1971(1)*

5. (1) In sections 2 and 3, for "Board" substitute "Department".
- (2) In section 6, for the definition of "Board" substitute -

""Department" means the Department of Health and Social Security;".

*The Family Law Reform (Isle of Man) Act 1971*

6. (1) In section 7(1), for the definition of "Board" substitute -  
""Department" means the Department of Health and Social Security;".  
(2) In section 7(2) to (10), for "Board" substitute "Department".

*The Mental Health Act 1974*

7. In sections 8(1) and (3) and 9(1), for "Board of Education" substitute "Department".

*The Judicature (Matrimonial Causes) Act 1976*

8. (1) In section 43(1), for "Isle of Man Board of Education (hereinafter in this Part of this Act referred to as "the Board")" substitute "Department of Health and Social Security (in this section and section 44 referred to as "the Department")".

(2) In sections 43 and 44, for "Board" (wherever occurring) substitute "Department".

*The Domestic Proceedings Act 1983*

9. (1) In Parts I and II and section 71, and in the definition of "child of the family in section 90(1), for "Board of Education" and "Board" (wherever occurring) substitute "Department".

(2) In section 90(1), for the definition of "Board" substitute -  
""the Department" means the Department of Health and Social Security;".

*The Adoption Act 1984*

10. In Schedule 1, for "Board of Education" and "Board" (wherever occurring) substitute "Department".

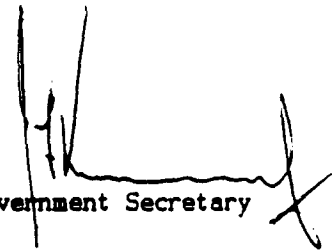
*The Child Custody Act 1987(k)*

11. In section 20(1)(b), paragraph 3(1)(a) of Schedule 1 and entry 1 of Schedule 4, for "Education" substitute "Health and Social Security".

## ENACTMENTS REPEALED

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
1974 c.34	The Mental Health Act 1974.	Section 8(2). Section 10.
1983 c.13	The Domestic Proceedings Act 1983.	In section 66, the words "the Board of Education". In section 90(1), the definition of "the Board of Education".
1984 c.14	The Adoption Act 1984.	In section 58(1), the definition of "the Board of Education".

MADE this 2nd day of March 1990

  
Government Secretary