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STATUTORY INSTRUMENTS

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**1995 No. 269**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Treasury and  
Minister for the Civil Service) Order 1995**

<i>Made</i>	- - - -	<i>8th February 1995</i>
<i>Laid before Parliament</i>		<i>20th February 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

At the Court at Buckingham Palace, the 8th day of February 1995

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Citation, interpretation and commencement**

1.—(1) This Order may be cited as the Transfer of Functions (Treasury and Minister for the Civil Service) Order 1995.

(2) In this Order—

“allowance” includes an allowance in kind;

“instrument” (without prejudice to the generality of that expression) includes in particular Royal Warrants, Orders in Council, Orders by Her Majesty, orders, rules, regulations, schemes, minutes, agreements and other documents; and

“the Minister” means the Minister for the Civil Service.

(3) This Order shall come into force on 1st April 1995.

**Transfer of certain civil service functions from Treasury to Minister**

2.—(1) There are hereby transferred to the Minister the functions of the Treasury with respect to—

(a) the number and grading of posts in the civil service of the State (“the service”);

- (b) the classification of persons employed in the service;
- (c) the recruitment and appointment of persons to situations in the service;
- (d) the remuneration, expenses and allowances of persons employed in the service;
- (e) holidays, hours of work, part-time working and other working arrangements in the service;
- (f) retirement and redundancy of persons employed in the service and the reinstatement and re-employment of persons in the service;
- (g) re-deployment of staff between departments; and
- (h) so far as not transferred by the preceding sub-paragraphs, the terms and conditions of service of persons employed in the service;

and any reference in this paragraph to persons employed in the service includes a reference to a person holding an office if, by virtue of that office, he is regarded as a member of the service.

(2) There are hereby transferred to the Minister the functions of the Treasury under paragraph 6 of Schedule 1 to the Forestry Act 1967(2).

#### **Transfer of miscellaneous functions from Treasury to Minister**

3. There are hereby transferred to the Minister the functions of the Treasury under or by virtue of the provisions specified in the Schedule to this Order.

#### **Concurrent exercise of certain civil service functions by Treasury**

4.—(1) In this article and article 6 below—

“the relevant civil service functions” means the functions transferred by article 2 above; and

“the transitional period” means the period of one year beginning with the commencement of this Order.

(2) For the transitional period the relevant civil service functions of the Minister shall be exercisable concurrently with the Treasury; and at the end of that period those functions shall cease to be exercisable concurrently by the Treasury.

(3) In paragraphs (2) to (4) of article 5 below, any reference to the Minister shall, so far as necessary for the purposes of or in consequence of this article, be taken for the transitional period to include a reference to the Treasury.

#### **Supplementary provisions in relation to functions transferred**

5.—(1) There are hereby transferred to the Minister all rights and liabilities to which, immediately before the commencement of this Order, the Treasury was entitled or subject in connection with any functions transferred by this Order.

(2) Any enactment or instrument passed or made before the commencement of this Order shall have effect, so far as necessary for the purposes of or in consequence of the transfers effected by this Order, as if any reference to the Treasury or an officer of the Treasury (including any reference which is to be construed as such a reference) were a reference to the Minister or an officer of the Minister, as the case may be.

(3) This Order shall not affect the validity of anything done by or in relation to the Treasury before its commencement; and anything (including legal proceedings) which at the commencement of this Order is in process of being done by or in relation to the Treasury may, if it relates to any of the functions, rights and liabilities transferred by this Order, be continued by or in relation to the Minister.

(4) Any approval, authorisation, consent, delegation, direction or appointment given or made or other thing whatever done by the Treasury for the purposes of any of the functions transferred by this Order shall, if in force at the commencement of this Order, continue in force and have effect as if similarly given, made or done by the Minister.

#### **Supplementary provisions in relation to relevant civil service functions**

6.—(1) Any instrument made in the transitional period shall have effect, so far as necessary in consequence of the relevant civil service functions ceasing to be exercisable concurrently by the Treasury, as if any reference to the Treasury or an officer of the Treasury were a reference to the Minister or an officer of the Minister, as the case may be.

(2) Anything which at the end of the transitional period is in process of being done by or in relation to the Treasury may, if it relates to any of the relevant civil service functions, be continued by or in relation to the Minister.

(3) Any approval, authorisation, consent, delegation, direction or appointment given or made or other thing whatever done by the Treasury in the transitional period for the purposes of any of the relevant civil service functions shall, if in force at the end of the transitional period, continue in force and have effect as if similarly given, made or done by the Minister.

*N. H. Nicholls*  
Clerk of the Privy Council

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

Article 3.

### PROVISIONS REFERRED TO IN ARTICLE 3

1. Paragraph 1 of Schedule 1 to the Crown Estate Act 1961 (c. 55).
2. Paragraphs 2, 9 and 10, and the first sub-paragraph of paragraph 12, of Schedule 1 to the Forestry Act 1967 (c. 10).
3. Schedule 1 to the Parliamentary Commissioner Act 1967 (c. 13) (as substituted by paragraph 2 of Part II of Schedule 4 to the Judicial Pensions and Retirement Act 1993 (c. 8)).
4. Schedule 1A to the Parliamentary Commissioner Act (Northern Ireland) 1969 (1969 c. 10 (N.I.)).
5. Schedule 1A to the Commissioner for Complaints Act (Northern Ireland) 1969 (1969 c. 25 (N.I.)).
6. Sections 1 to 3 and 6 of the Superannuation Act 1972 (c. 11).
7. Section 13 of the Superannuation Act 1972 (as substituted by paragraph 1 of Part I of Schedule 4 to the Judicial Pensions and Retirement Act 1993).
8. Section 27 of the Parliamentary and other Pensions Act 1972 (c. 48).
9. Paragraphs 1 to 3 of Schedule 1 to the Fair Trading Act 1973 (c. 41).
10. Paragraph 16 of Schedule 2 to the Health and Safety at Work etc. Act 1974 (c. 37).
11. Section 2 of the European Parliament (Pay and Pensions) Act 1979 (c. 50).
12. Paragraphs 1 to 3 of Schedule 1 to the Telecommunications Act 1984 (c. 12).
13. Paragraphs 1 to 3 of Schedule 1 to the Gas Act 1986 (c. 44).
14. Paragraphs 5 and 6 of Schedule 1 to the Building Societies Act 1986 (c. 53).
15. Sections 2 and 3 of the Parliamentary and other Pensions Act 1987 (c. 45).
16. Article 4A of the Audit (Northern Ireland) Order 1987 (S.I.1987/460 (N.I.5)).
17. Paragraph 1 of Schedule 1 to the Electricity Act 1989 (c. 29).
18. Paragraph 1 of Schedule 1 to the Water Industry Act 1991 (c. 56).
19. Paragraph 3 of Schedule 1 to the Education (Schools) Act 1992 (c. 38).
20. Paragraphs 4 and 5 of Schedule 1 to the Friendly Societies Act 1992 (c. 40).
21. Section 250 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52).
22. Paragraph 2 of Schedule 2 to the National Lottery etc. Act 1993 (c. 39).
23. Paragraph 1 of Schedule 1 to the Railways Act 1993 (c. 43).
24. Paragraphs 2 and 9 of Schedule 1 to the Health Service Commissioners Act 1993 (c. 46).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order transfers to the Minister for the Civil Service (the Minister) some of the functions of the Treasury.

Article 2(1) transfers to the Minister the following functions of the Treasury relating to the civil service—

- (a) the number and grading of posts (article 2(1)(a));
- (b) the classification of persons employed (article 2(1)(b));
- (c) recruitment and appointment (article 2(1)(c));
- (d) remuneration, expenses and allowances (article 2(1)(d));
- (e) holidays, hours of work, part-time working and other working arrangements (article 2(1)(e));
- (f) retirement and redundancy and reinstatement and re-employment (article 2(1)(f));
- (g) re-deployment of staff between departments (article 2(1)(g));
- (h) other terms and conditions of service (article 2(1)(h)).

Article 2(2) transfers to the Minister the functions of the Treasury under the Forestry Act 1967 relating to the number and remuneration of staff appointed by the Forestry Commissioners.

Article 3 transfers to the Minister the functions of the Treasury under or by virtue of the provisions specified in the Schedule. In particular, it provides for the transfer of functions in relation to the pensions of—

- (a) the Forestry Commissioners and their staff;
- (b) the Parliamentary Commissioner for Administration;
- (c) the Northern Ireland Parliamentary Commissioner for Administration;
- (d) the Northern Ireland Commissioner for Complaints;
- (e) civil servants and other persons covered by the Principal Civil Service Pension Scheme;
- (f) the Comptroller and Auditor General;
- (g) dependants of Prime Ministers and Speakers;
- (h) MPs and Ministers;
- (i) the Comptroller and Auditor General for Northern Ireland;
- (j) the Health Service Commissioners.

Article 3 also provides for the transfer of functions in relation to allowances for MEPs and in relation to the remuneration, other terms and conditions, pensions or compensation for loss of office (as the case may be) of various persons appointed by statute whose staff are civil servants.

Article 4 provides for the functions transferred by article 2 to be exercisable concurrently by the Minister and the Treasury for one year from 1st April 1995.

Consequential and supplementary provisions are contained in articles 5 and 6.