
STATUTORY INSTRUMENTS

1999 No. 3143

MINISTERS OF THE CROWN

The Transfer of Functions (Road Traffic) Order 1999

Made - - - - 24th November 1999
Laid before Parliament 6th December 1999
Coming into force - - 27th December 1999

At the Court at Buckingham Palace, the 24th day of November 1999

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, commencement and interpretation

1.—(1) This Order may be cited as the Transfer of Functions (Road Traffic) Order 1999.

(2) This Order shall come into force on 27th December 1999.

(3) In this Order—

“the transferor” means, in relation to anything transferred by this Order, the Minister or Ministers from whom it is transferred;

“the transferee” means, in relation to anything transferred by this Order, the Minister to whom it is transferred;

“the 1984 Act” means the Road Traffic Regulation Act 1984⁽²⁾; and

“the 1988 Act” means the Road Traffic Act 1988⁽³⁾.

(1) 1975 c. 26.
(2) 1984 c. 27.
(3) 1988 c. 52.

Transfer of functions

2.—(1) The functions under sections 64(4), 65(5) and 81(2) of the 1984 Act which are exercisable jointly by the Secretaries of State charged with general responsibility under that Act in relation to England, Wales and Scotland respectively are hereby transferred to the Secretary of State.

(2) Any function under section 36(5)(6) of the 1988 Act of the Secretary of State for the Environment, Transport and the Regions, the Secretary of State for Scotland or the Secretary of State for Wales is hereby transferred to the Secretary of State.

Supplemental and consequential

3. All property, rights and liabilities to which the transferor is entitled or subject at the coming into force of this Order in connection with any function transferred by this Order are hereby transferred to the Secretary of State for the Environment, Transport and the Regions.

4.—(1) This Order shall not affect the validity of anything done (or having effect as if done) by or in relation to the transferor before the coming into force of this Order.

(2) Anything (including any legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the transferor may, so far as it relates to anything transferred by this Order, be continued by or in relation to the transferee.

(3) Anything done (or having effect as if done) by or in relation to the transferor for the purposes of or in connection with anything transferred by this Order shall, if in force at the coming into force of this Order, have effect as if done by or in relation to the transferee in so far as that is required for continuing its effect after the coming into force of this Order,

(4) Any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of any transfer effected by this Order, as if any references (including references which are to be construed as such references) to the transferor or his department or officers were references to the transferee or his department or officers, as the context may require.

(5) In this article “instrument”, without prejudice to the generality of that expression, includes in particular Orders in Council, judgements, decrees, orders, rules, regulations, schemes, contracts and other agreements memoranda and articles of association, warrants, certificates and other documents.

A.K. Galloway
Clerk of the Privy Council

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- (4) Section 64 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 3, paragraph 25, the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 93, and the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 47. Amendments were made relating to the exercise of the powers under section 64 by S.I. 1999/672 and
- (5) Section 65 was amended by the Roads (Scotland) Act 1984, Schedule 9, paragraph 93, the Local Government and Housing Act 1989 (c. 42), section 153, the New Roads and Street Works Act 1991, Schedule 8, paragraph 48 and the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 29. Amendments were made relating to the exercise of the powers under section 65 by S.I. 1999/672 and
- (6) Section 36 was amended by S.I. 1997/2971, article 6. Amendments were made relating to the exercise of the powers under section 36(5) by S.I. 1999/672 and 1750

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the transfer of certain functions under the Road Traffic Regulation Act 1984 (“the 1984 Act”) and the Road Traffic Act 1988 (“the 1988 Act”).

The functions under sections 64, 65 and 81(2) of the 1984 Act so far as they are exercisable jointly by the Secretaries of State charged with general responsibility under that Act in relation to England, Wales and Scotland, are transferred to the Secretary of State (article 2(1)). Those functions relate to the specifying by regulations of objects or devices as traffic signs, giving general directions as to the placing of traffic signs and making an order to increase or reduce the speed limit on restricted roads.

The functions of the Secretary of State for the Environment, Transport and the Regions, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly under section 36(5) of the 1988 Act are transferred to the Secretary of State (article 2(2)). Those functions relate to specifying by regulations any traffic sign for certain purposes of the Road Traffic Offenders Act 1988.

The Order also makes provision for the transfer of any property, rights and liabilities relevant to the functions and makes other supplemental and consequential provisions (articles 3 and 4).