



# Defence (Transfer of Functions) Act 1964

## 1964 CHAPTER 15

### **1 Transfer to, and discharge by, Secretary of State and Defence Council of certain statutory functions.**

- (1) If Her Majesty is pleased to make arrangements—
- (a) for one of Her principal Secretaries of State to be charged with general responsibility for defence; and
  - (b) for the establishment of a Defence Council having powers of command and administration over Her Majesty's armed forces, and of an Admiralty Board, an Army Board and an Air Force Board to be charged (under the Defence Council) with the administration of matters relating to the naval, military and air forces respectively;

then on such day as Her Majesty may by Order in Council appoint for those arrangements to take effect (in this Act referred to as "the appointed day") the statutory functions below mentioned shall be transferred to a Secretary of State or to the Defence Council as provided by this section.

- (2) There shall be transferred to a Secretary of State the functions conferred by any enactment on the Minister of Defence, or on the Secretary of State for War or for Air (however styled), or on the Admiralty, except such functions of the Admiralty as are by subsection (3) below transferred to the Defence Council.
- (3) There shall be transferred to the Defence Council the functions conferred by any enactment on the Army Council or on the Air Council, and the functions conferred on the Admiralty—
- (a) by any enactment by which similar functions are conferred on the Army Council or on the Air Council; <sup>F1</sup>...
  - <sup>F1</sup>(b) .....
  - (c) ..... <sup>F2</sup>

<sup>F3</sup>(4) .....

- (5) The functions of the Defence Council under any enactment (including any function <sup>F4</sup>... of a judicial nature) may, subject to any directions of the Defence Council, be discharged by the Admiralty Board, the Army Board or the Air Force Board; and for

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*Changes to legislation: There are currently no known outstanding effects for the Defence (Transfer of Functions) Act 1964, Section 1. (See end of Document for details)*

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the purposes of any enactment (including any other provision of this Act) anything done by or in relation to any of those Boards in or in connection with the discharge of any such functions of the Defence Council shall be of the same effect as if done by or in relation to the Defence Council.

This subsection shall apply to functions conferred by enactments passed after this Act, except in so far as its application is expressly or impliedly excluded.

- (6) A certificate purporting to be given under the hand of the secretary (or person acting as secretary) to the Defence Council that any person was at a time specified in the certificate a member of the Defence Council, the Admiralty Board, the Army Board or the Air Force Board shall be evidence of the fact certified.
- (7) Subsections (2), (3) and (5) above shall have effect in relation to any order, regulation, rule or other instrument having effect under any enactment as they have effect in relation to an enactment, except that Her Majesty may by Order in Council direct that any functions which are conferred by such an instrument on the Admiralty and would apart from the order be transferred to the Secretary of State shall be transferred to the Defence Council.
- (8) ..... F5

#### Textual Amendments

- F1** S. 1(3)(b) and preceding word repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F2** S. 1(3)(c) and the preceding “or” repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. XI](#)
- F3** S. 1(4) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F4** Words in s. 1(5) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F5** S. 1(8) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

#### Modifications etc. (not altering text)

- C1** S. 1(5) repealed so far as it relates to functions of the Defence Council under [Naval Discipline Act 1957 \(c. 53\)](#), [ss. 70-72](#) by [Armed Forces Act 1971 \(c. 33\)](#), [s. 51](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Defence (Transfer of Functions) Act 1964, Section 1.