



Defence (Transfer of Functions) Act 1964

1964 CHAPTER 15

3 Consequential and transitional.

- (1) Her Majesty may by Order in Council make further provision for incidental, consequential and transitional matters arising out of the making of the arrangements described in section 1(1) above or out of the transfers effected by this Act, including provision for adapting thereto or (in so far as they are no longer required) repealing the provisions of any enactment or legislative instrument, and including also provision for savings of a transitional nature in relation to the operation of this Act.

Any provision made under the powers of this subsection may be varied or revoked by a further Order in Council, and any Order in Council containing any provision so made shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (2) Subject to any provision made under the powers of subsection (1) above or made otherwise than under this Act, any enactment or instrument shall have effect, so far as may be necessary for or in consequence of the transfers effected by this Act or any transfer of functions under the said arrangements, as if references to any of the existing service authorities (including any reference which is to be construed as such a reference) were references to the Secretary of State or, as regards functions of the Defence Council, to the Defence Council, and as if references to the Admiralty department, the War Office or the Air Ministry or to officers of those departments (including any reference which is to be construed as such a reference) were references to the Ministry of Defence or to officers of that department, as the case may be.
- (3) This Act shall not invalidate anything done before the appointed day; and, subject to any provision made under the powers of subsection (1) above, anything which at that day is in process of being done by or in relation to any of the existing service authorities (including in particular any legal proceeding to which any of them is a party) may be continued by or in relation to the Secretary of State or, if it relates to functions of the Defence Council, by or in relation to the Defence Council.
- (4) Subject to any provision made under the powers of subsection (1) above, any order, regulation, rule, direction, authority, appointment, authentication, approval or other instrument or act effective at the appointed day as that of any of the existing service

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authorities shall continue to have effect as that of the Secretary of State or the Defence Council, as the case may require.

- (5) Where at the appointed day any existing service authority is in process of acquiring land in the United Kingdom or rights in or over such land, and the acquisition is by virtue of this section completed by the Secretary of State for Defence, section 2(4) above shall apply as if the land or rights had been vested in the Secretary of State for Defence by subsection (2) of that section.
- (6) In this section, except in so far as the context otherwise requires,—
- (a) “existing service authority” means the Minister of Defence, the Admiralty, the Secretary of State for War or for Air or the Army or Air Council; and
 - (b) “instrument” (without prejudice to the generality of that expression) includes in addition to legislative instruments and instruments of any description mentioned in subsection (4) above, judgements, decrees, awards, contracts and other documents.

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