



Ministers of the Crown Act 1975

CHAPTER 26

ARRANGEMENT OF SECTIONS

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ELIZABETH II



Ministers of the Crown Act 1975

1975 CHAPTER 26

An Act to consolidate the enactments relating to the redistribution of functions between Ministers of the Crown, the alteration of the style and title of such Ministers and certain other provisions about such Ministers. [8th May 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Her Majesty may by Order in Council—

- (a) provide for the transfer to any Minister of the Crown of any functions previously exercisable by another Minister of the Crown ;
- (b) provide for the dissolution of the government department in the charge of any Minister of the Crown and the transfer to or distribution among such other Minister or Ministers of the Crown as may be specified in the Order of any functions previously exercisable by the Minister in charge of that department ;
- (c) direct that functions of any Minister of the Crown shall be exercisable concurrently with another Minister of the Crown, or shall cease to be so exercisable.

Power by Order in Council to transfer functions of Ministers.

(2) An Order in Council under this section may contain such incidental, consequential and supplemental provisions as

may be necessary or expedient for the purpose of giving full effect to the Order, including provisions—

- (a) for the transfer of any property, rights and liabilities held, enjoyed or incurred by any Minister of the Crown in connection with any functions transferred or distributed ;
- (b) for the carrying on and completion by or under the authority of the Minister to whom any functions are transferred of anything commenced by or under the authority of a Minister of the Crown before the date when the Order takes effect ;
- (c) for such adaptations of the enactments relating to any functions transferred as may be necessary to enable them to be exercised by the Minister to whom they are transferred and his officers ;
- (d) for making in the enactments regulating the number of offices in respect of which salaries may be paid or in section 2 of, and Schedule 2 to, the House of Commons Disqualification Act 1975 (which regulate the number of office holders who may be elected, and sit and vote, as members of the House of Commons), such modifications as may be expedient by reason of any transfer of functions or dissolution of a Department effected by the Order ;
- (e) for the substitution of the Minister to whom functions are transferred for any other Minister of the Crown in any instrument, contract, or legal proceedings made or commenced before the date when the Order takes effect.

1975 c. 24.

(3) No modifications shall be made by virtue of paragraph (d) of subsection (2) above, in any of the enactments mentioned in that paragraph, so as to increase the amount of any salary which may be paid, or the aggregate number of persons to whom salaries may be paid, under those enactments or the aggregate number of persons capable thereunder of sitting and voting as Members of the House of Commons.

(4) Where by any Order made under this section provision is made for the transfer of functions in respect of which any Minister may sue or be sued by virtue of any enactment, the Order shall make any provision which may be required for enabling the Minister to whom those functions are transferred to sue or be sued in like manner.

(5) A certificate issued by a Minister of the Crown that any property vested in any other Minister immediately before an Order under this section takes effect has been transferred by virtue of the Order to the Minister issuing the certificate shall be conclusive evidence of the transfer.

2.—(1) Her Majesty may in connection with any change in the departments of the office of Secretary of State, or any change in the functions of a Secretary of State, by Order in Council make such incidental, consequential and supplemental provisions as may be necessary or expedient in connection with the change, including provisions—

- (a) for making a Secretary of State a corporation sole,
- (b) for the transfer of any property, rights or liabilities to or from a Secretary of State,
- (c) for any adaptations of enactments relating to a Secretary of State, or to the department of a Secretary of State,
- (d) for the substitution of one Secretary of State, or department of a Secretary of State, for another in any instrument, contract or legal proceedings made or commenced before the date when the Order takes effect.

(2) A certificate issued by a Minister of the Crown that any property vested in any other Minister immediately before an Order under this section takes effect has been transferred by virtue of the Order to the Minister issuing the certificate shall be conclusive evidence of the transfer.

(3) This section applies only to changes after 27th June 1974, and to the creation (in that year) of the Departments of Energy, Industry, Trade, and Prices and Consumer Protection.

3.—(1) This section applies where any enactment (including an order under this Act) provides that a named Secretary of State and his successors shall be a corporation sole, and applies whether or not the office of corporation sole is for the time being vacant.

Transfer of property etc. by or to Secretary of State.

(2) Anything done by or in relation to any other Secretary of State for the named Secretary of State as a corporation sole shall have effect as if done by or in relation to the named Secretary of State.

(3) Without prejudice to the preceding provisions of this section, any deed, contract or other instrument to be executed by or on behalf of the named Secretary of State as a corporation sole shall be valid if under the corporate seal of that Secretary of State authenticated by the signature of any other Secretary of State, or of a Secretary to any department of a Secretary of State, or of a person authorised by any Secretary of State to act in that behalf.

Change of
title of
Ministers.

4. If Her Majesty is pleased by Order in Council to direct that any change shall be made in the style and title of a Minister of the Crown, the Order may contain provisions substituting the new style and title—

- (a) in the enactments (including those mentioned in section 1(2)(d) above) relating to the Minister ;
- (b) in any instrument, contract, or legal proceedings made or commenced before the date when the Order takes effect.

Supplementary
provisions as
to Orders.

5.—(1) No Order in Council which provides for the dissolution of a government department shall be made under this Act unless, after copies of the draft thereof have been laid before Parliament, each House presents an Address to Her Majesty praying that the Order be made.

(2) An Order in Council under this Act, not being an Order made in pursuance of such an Address as aforesaid, shall be laid before Parliament and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any Order under this Act may be varied or revoked by a subsequent Order thereunder made in the like manner and subject to the like conditions, so however that the variation or revocation of an Order providing for the dissolution of a government department shall not affect the dissolution thereof.

(4) No provision in any Act passed before 6th March 1946 shall be construed as limiting the powers conferred by this Act.

(5) Nothing in this Act shall prejudice any power exercisable by virtue of the prerogative of the Crown in relation to the functions of Ministers of the Crown.

(6) Any reference in the foregoing provisions of this Act to a Minister of the Crown shall include a reference to Ministers acting jointly.

Provisions
applying
to certain
Ministers
and their
departments.
1975 c. 27.
1964 c. 98.

6.—(1) The provisions of Schedule 1 to this Act shall apply to any Minister eligible for a salary under head 2 of Part II of Schedule 1 to the Ministerial and other Salaries Act 1975.

(2) The provisions of Schedule 1 to this Act (which re-enacts Schedule 1 to the Ministers of the Crown Act 1964) shall apply to the Secretary of State for Social Services, the Minister for the Civil Service and the Minister of Aviation Supply, and (where appropriate) to their departments, as the corresponding provisions of Schedule 1 to the said Act of 1964 applied immediately before the passing of this Act.

7.—(1) In this section “the Minister” means the Minister of Overseas Development. Functions of Minister of Overseas Development.

(2) The functions of the Secretary of State (under the enactments mentioned in Part I of Schedule 2 to this Act) which were transferred to the Minister by section 3(3) of the Ministers of the Crown Act 1974 shall continue to be exercisable by the Minister. 1974 c. 21.

(3) The functions of the Secretary of State (under the enactments mentioned in Part II of Schedule 2 to this Act) which, by virtue of section 3(4) of the said Act of 1974, are exercisable concurrently with the Minister shall continue to be so exercisable; and any reference to the Secretary of State in those enactments, and any such reference in any other enactment or instrument so far as it relates to those functions, shall continue to be construed as a reference to the Secretary of State or the Minister.

(4) This section is without prejudice to the power under this Act to transfer any other functions to the Minister.

8.—(1) In this Act—

“functions” includes powers and duties;

“Minister of the Crown” means the holder of an office in Her Majesty’s Government in the United Kingdom, and includes the Treasury, the Board of Trade and the Defence Council.

Interpretation,
consequential
amendment
and repeals.

(2) For the purpose of this Act any functions in respect of which a direction is given in an Order in Council made under section 1(1)(c) above shall be treated as functions transferred; and any reference in this Act to the transfer of functions shall be construed accordingly.

(3) In section 6(5) of the Decimal Currency Act 1967 (which defines “Minister of the Crown” by reference to the Ministers of the Crown (Transfer of Functions) Act 1946) for the words “(Transfer of Functions) Act 1946” there shall be substituted the words “Act 1975”. 1967 c. 47.

(4) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of the Schedule.

9.—(1) This Act may be cited as the Ministers of the Crown Act 1975. Short title
and extent.

(2) This Act extends to Northern Ireland.

SCHEDULES**SCHEDULE 1**

Section 6.

**PROVISIONS APPLYING TO CERTAIN MINISTERS AND
THEIR DEPARTMENTS**

1868 c. 72.

1. The Minister shall take the oath of allegiance, and the official oath, and the Promissory Oaths Act 1868 shall have effect as if the name of the Minister were included in Part I of the Schedule to that Act.

2. The Minister may appoint such secretaries, officers and servants as he may with the consent of the Minister for the Civil Service determine.

3. There shall be paid to the secretaries (other than any Parliamentary Secretary), officers and servants appointed by the Minister such salaries or remuneration as the Minister for the Civil Service may determine.

4. The expenses of the Minister, including any salaries or remuneration payable under paragraph 3 of this Schedule, shall be defrayed out of money provided by Parliament.

5. The Minister shall for all purposes be a corporation sole, and shall have an official seal, which shall be authenticated by the signature of the Minister or of a secretary to the Ministry or of any person authorised by the Minister to act in that behalf.

6. The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and to be sealed with the seal of the Minister authenticated in the manner provided by paragraph 5 of this Schedule or to be signed or executed by a secretary to the Ministry or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

7. A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

1868 c. 37.

8. The Documentary Evidence Act 1868 shall apply to the Minister as if his name were included in the first column of the Schedule to that Act, and as if he or a secretary to the Ministry or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Minister.

SCHEDULE 2

Section 7.

FUNCTIONS OF MINISTER OF OVERSEAS DEVELOPMENT

PART I

ENACTMENTS CONFERRING FUNCTIONS
EXERCISABLE BY MINISTER ALONE

- 12, 13 & 14 Geo. 6. c. 4. The Judges Pensions (India and Burma) Act 1948.
- 12, 13 & 14 Geo. 6. c. 50. The Colonial Loans Act 1949: section 1, subsection (2) and so much of subsection (3) as empowers the Secretary of State to grant approval as mentioned in paragraph (b) of that subsection.
- 6 & 7 Eliz. 2. c. 14. The Overseas Service Act 1958, except the provisions mentioned in Part II of this Schedule.
- 7 & 8 Eliz. 2. c. 23. The Overseas Resources Development Act 1959.
- 7 & 8 Eliz. 2. c. 71. The Colonial Development and Welfare Act 1959, except the following in so far as they confer functions on the Secretary of State, namely—
- (a) in section 2, so much of subsection (1) as relates to the approval of development programmes and so much of subsection (3) as relates to provision for the matters referred to in paragraphs (a) and (b) of that subsection;
- (b) section 5.
- 8 Eliz. 2. c. 6. The Commonwealth Scholarships Act 1959.
- 8 & 9 Eliz. 2. c. 40. The Commonwealth Teachers Act 1960.
- 9 Eliz. 2. c. 1. The Indus Basin Development Fund Act 1960.
- 1963 c. 40. The Commonwealth Development Act 1963: section 2(3).
- 1965 c. 38. The Overseas Development and Service Act 1965: section 2.
- 1966 c. 21. The Overseas Aid Act 1966.
- 1968 c. 57. The Overseas Aid Act 1968.
- 1969 c. 36. The Overseas Resources Development Act 1969.
- 1971 c. 56. The Pensions (Increase) Act 1971: sections 10, 11, 11A and 12.
- 1972 c. 40. The Overseas Investment and Export Guarantees Act 1972: section 3.
- 1973 c. 21. The Overseas Pensions Act 1973.

PART II

ENACTMENTS CONFERRING FUNCTIONS EXERCISABLE
CONCURRENTLY WITH THE SECRETARY OF STATE

- 6 & 7 Eliz. 2. c. 14. The Overseas Service Act 1958: so much of section 1 as empowers the Secretary of State to make appointments, and the proviso to section 5(2).

Section 8(4).

SCHEDULE 3

REPEALS

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6.	Ministers of the Crown (Transfer of Functions) Act 1946.	The whole Act so far as unrepealed.
1964 c. 98.	Ministers of the Crown Act 1964.	The whole Act, so far as unrepealed.
5 & 6 Eliz. 2. c. 20.	House of Commons Dis- qualification Act 1957.	Section 2(3).
1974 c. 21.	Ministers of the Crown Act 1974.	The whole Act, so far as unrepealed.

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