
 STATUTORY INSTRUMENTS

1967 No. 486

MINISTERS OF THE CROWN

The Transfer of Functions (Miscellaneous) Order 1967

<i>Made</i> - - - -	23rd March 1967
<i>Laid before Parliament</i>	31st March 1967
<i>Coming into Operation</i>	1st April 1967

At the Court at Windsor Castle, the 23rd day of March 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946(a) and section 4 of the Ministers of the Crown Act 1964(b), 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 (Miscellaneous) Order 1967.

(2) The Interpretation Act 1889(c) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) In this Order “instrument”, without prejudice to the generality of that expression, includes in particular an Order in Council, judgment, scheme, decree, order, rule, regulation, byelaw, award, covenant, agreement, certificate and any other document, and “Wales” includes Monmouthshire.

(4) Any reference in this Order to any enactment or instrument is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment or instrument.

(5) This Order shall come into operation on 1st April 1967.

Transfer of miscellaneous functions

2.—(1) The following functions are hereby transferred to the Secretary of State for Commonwealth Affairs, that is to say—

- (a) the functions exercisable by the Secretary of State for Education and Science under the Commonwealth Institute Act 1958(d), other than the function of acting as a trustee in pursuance of section 2(1) of that Act;
- (b) the functions exercisable by the Secretary of State for the Colonies of acting as a trustee in pursuance of the said section 2(1) and of appointing a trustee in pursuance of the Schedule to the Imperial War Museum Act 1955(e); and

(a) 1946 c. 31.

(b) 1964 c. 98.

(c) 1889 c. 63.

(d) 1958 c. 16.

(e) 1955 c. 14.

(c) the functions of the Secretary of State for the Colonies under the instruments mentioned in paragraphs 1 and 2 of Schedule 1 to this Order.

(2) The functions of the Secretary of State for the Colonies under the instruments mentioned in paragraphs 3, 4 and 5 of Schedule 1 to this Order and the functions of the Secretary for Technical Co-operation under the Royal Charter dated 1st April 1924 incorporating the London School of Hygiene and Tropical Medicine are hereby transferred to the Minister of Overseas Development.

(3) Subject to paragraph (4) of this Article, the functions exercisable by the Minister of Housing and Local Government under section 2 (except subsection (3)) and sections 3 and 4 of the National Parks and Access to the Countryside Act 1949(a) (which relate to the National Parks Commission) are hereby transferred to the Secretary of State and the Minister of Housing and Local Government acting jointly.

(4) The functions under the said section 3 of giving directions which do not relate to Wales and notice of such directions are hereby excepted from the functions transferred by paragraph (3) of this Article; and the functions under that section of giving directions relating to Wales only and notice of such directions are hereby transferred to the Secretary of State.

(5) The functions with respect to areas of special control exercisable by the Minister of Housing and Local Government in pursuance of subsections (3) and (4) of section 34 of the Town and Country Planning Act 1962(b) (which relates to the control of advertisements), in the application of those subsections to Wales, are hereby transferred to the Secretary of State; and the reference to the Minister in subsection (5) of that section shall be construed accordingly.

(6) The functions exercisable under any enactment mentioned in the first column of Schedule 2 to this Order by the Minister mentioned in relation to that enactment in the second column of that Schedule are hereby transferred to the Minister mentioned in relation to that enactment in the third column of that Schedule.

Transfer of functions relating to district audit

3.—(1) The functions of the Secretary of State under sections 220 to 223 of the Local Government Act 1933(c), so far as those sections apply to Wales, are hereby transferred to the Minister of Housing and Local Government.

(2) The function of the Minister of Housing and Local Government of giving directions in special cases under section 223 of the said Act of 1933 is hereby transferred—

(a) in so far as the function is exercisable in respect of a Welsh authority, to the Secretary of State; and

(b) in so far as it is exercisable in respect of an Anglo-Welsh authority, to the Secretary of State and the said Minister acting jointly, and this paragraph shall come into force immediately after paragraph (1) of this Article.

(3) The functions of the Secretary of State and the Minister of Housing and Local Government under sections 227, 228, 234(2) and 236 of the said Act of 1933, so far as those functions relate to Anglo-Welsh authorities, are hereby transferred to the Secretary of State and the said Minister acting jointly.

(4) The functions of the Secretary of State and the Minister of Housing and Local Government under section 229(1) of the said Act of 1933, so far as those functions relate to Anglo-Welsh authorities, shall be exercisable by those Ministers concurrently; and accordingly any reference to those Ministers in sections 229(2) and (3), 230, 231(2), 233(3) and 234(1) of that Act shall, subject to paragraph (5) of this Article, be construed, in relation to Anglo-Welsh authorities, as a reference to such one of those Ministers as the appellant selects for the purposes of the said section 229(1).

(5) The functions of the Secretary of State and the Minister of Housing and Local Government under section 230 of the said Act of 1933, so far as those functions relate to Anglo-Welsh authorities and to an applicant who does not appeal under section 229 of that Act, shall be exercisable by those Ministers concurrently; and accordingly any reference to those Ministers in sections 231(2), 233(3) and 234(1) of that Act shall be construed, in relation to such authorities and such an applicant, as a reference to such one of those Ministers as the applicant selects for the purposes of the said section 230.

(6) In this Article "Anglo-Welsh authority" means a body a part but not the whole of whose area is in Wales, and "Welsh authority" means a body the whole of whose area is in Wales.

(7) In paragraph 2(3) of Part II of Schedule 1 to the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965(a) the words from "or to the exercise" onwards are hereby repealed.

Amendment of S.I. 1965 No. 319

4. The Secretary of State for Wales and Minister of Land and Natural Resources Order 1965 shall have effect as if in subsection (4) of the section substituted for section 1 of the Water Resources Act 1963(b) by sub-paragraph (2) of paragraph 2 of Schedule 3, the words "121(6) (so far as relates to local authorities)" were omitted, and as if for sub-paragraph (23) of the said paragraph 2 there were substituted the following sub-paragraph—

"(23) In section 106(1), for "Ministers" there shall be substituted "Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food acting jointly", and in section 106(4), for the words from "the Ministers" onwards there shall be substituted "the Minister of Transport shall be included among the Ministers mentioned in subsection (1) of this section."

Supplemental

5.—(1) Any enactment or instrument passed or made before the coming into operation of this Order shall be construed, so far as may be necessary for the purpose or in consequence of the foregoing provisions of this Order, as if for any reference to, or to the department or an officer of, a Minister from whom any functions are transferred by this Order (including any reference which is to be construed as such a reference) there were substituted a reference to, or to the department or an officer of, the Minister to whom the functions are transferred.

(2) Without prejudice to the generality of paragraph (1) of this Article, in the Schedule to the Imperial War Museum Act 1955(c) for the figure "1" in the entry relating to the Secretary of State for Commonwealth Affairs there shall

(a) S.I. 1965/319 (1965, I, p. 785).

(b) 1963 c. 38.

(c) 1955 c. 14.

be substituted the figure "2"; and the entry relating to the Secretary of State for the Colonies in that Schedule and the words "the Secretary of State for the Colonies" in section 2(1) of the Commonwealth Institute Act 1958(a) are hereby repealed.

(3) This Order shall not affect the validity of anything done by or in relation to any Minister before the coming into operation of this Order; and anything which, at the time of the coming into operation of this Order, is in process of being done by or in relation to any Minister (including in particular any legal proceedings pending to which he is a party) may, if it relates to any functions transferred by this Order, be continued by or in relation to the Minister to whom the functions are transferred.

(4) Any appointment, approval, declaration, determination, direction or notice made or given or other thing done by any Minister for the purposes of any functions transferred by this Order shall, if in force at the coming into operation of this Order, continue in force and have effect as if similarly made, given or done by the Minister to whom the functions are transferred.

W. G. Agnew

Article 2(1)(2)

SCHEDULE 1

INSTRUMENTS CONFERRING FUNCTIONS TRANSFERRED FROM
COLONIAL SECRETARY

1. The Royal Charter dated 8th July 1907 incorporating the Imperial College of Science and Technology.

2. Two trust instruments, dated 8th October 1931 and 5th April 1947 respectively, relating to the education of children of certain officials and executed by the late Sir Charles Vyner Brooke and other persons.

3. The Royal Charter dated 29th August 1939 incorporating the Imperial Cancer Research Fund.

4. The Royal Charter dated 31st March 1947 incorporating the British Post-Graduate Medical Federation.

5. A trust instrument dated 31st August 1949 relating to the dependants of certain officers of the former Government of Palestine and executed by the late Arthur Creech Jones and other persons.

Article 2(6)

SCHEDULE 2

TRANSFERS OF MISCELLANEOUS FUNCTIONS

	(1) <i>Enactment</i>	(2) <i>Minister from whom functions transferred</i>	(3) <i>Minister to whom functions transferred</i>
1933 c. 12.	1. Section 96(5) of the Children and Young Persons Act 1933 (authorisation of compulsory purchase of land).	Minister of Health	Secretary of State

(1)	(2)	(3)
<i>Enactment</i>	<i>Minister from whom functions transferred</i>	<i>Minister to whom functions transferred</i>
1933 c. 51. 2. Section 159(1) of the Local Government Act 1933 (authorisation of compulsory purchase of land) in its application to the functions of a county council under—	Minister of Housing and Local Government	Secretary of State
1826 c. 63. 1837 c. 24. 1847 c. 28. (a) the County Buildings Act 1826, the County Buildings Act 1837, the County Buildings Act 1847 and the Judges' Lodgings Act 1839 (provision of assize courts and judges lodgings);		
1839 c. 69. (b) sections 77 and 80 of the Children and Young Persons Act 1933 (provision of remand homes and approved schools);		
1948 c. 43. (c) sections 15 and 19 of the Children Act 1948 (provision of homes and hostels);		
1949 c. 101. (d) section 25 of the Justices of the Peace Act 1949 (accommodation for or connected with magistrates' courts);		
1964 c. 42. (e) section 29 of the Administration of Justice Act 1964 (accommodation for or connected with quarter sessions).		
1946 c. 49. 3. Paragraph 18 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (power to make regulations for the purposes of that Schedule).	Minister of Health	Minister of Housing and Local Government
1947 c. 41. 4. Section 3(5) of the Fire Services Act 1947 (authorisation of compulsory purchase of land).	Minister of Housing and Local Government	Secretary of State
5. Section 56 of the Children Act 1948 (authorisation of compulsory purchase of land).	Minister of Housing and Local Government	Secretary of State
1959 c. 25. 6. Section 221 of the Highways Act 1959 (authorisation of compulsory purchase of land).	Minister of Housing and Local Government	Minister of Transport
1961 c. 34. 7. Section 118(9) of the Factories Act 1961 (power to make rules with respect to the furnishing to factory doctors by education authorities of medical histories of young persons).	Minister of Housing and Local Government	Minister of Health
8. Section 178 of the Factories Act 1961 (power to make regulations as to the form and content of a requisition for a birth certificate required for the purposes of that Act).	Minister of Housing and Local Government	Minister of Health
1962 c. 37. 9. Part III of Schedule 4 to the Building Societies Act 1962 (approval, in connection with advances, of bodies issuing certificates in respect of buildings which conform to certain standards).	Minister of Health	Minister of Housing and Local Government

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order in Council provides for the transfer of a number of minor and incidental functions and makes minor amendments as follows:—

Article 2(1) provides for the transfer to the Secretary of State for Commonwealth Affairs of all the functions of the Secretary of State for Education and Science under the Commonwealth Institute Act 1958, except that of trustee, and the functions of the Secretary of State for the Colonies under that Act, under the Imperial War Museum Act 1955, and under the instruments specified in paragraphs 1 and 2 of Schedule 1 to the Order.

Article 2(2) provides for the transfer to the Minister of Overseas Development of the functions of the Secretary of State for the Colonies under the instruments specified in paragraphs 3, 4 and 5 of Schedule 1 to the Order and the functions of the Secretary for Technical Co-operation in respect of the London School of Hygiene and Tropical Medicine.

Article 2(3) provides for the transfer to the Secretary of State and the Minister of Housing and Local Government acting jointly of the functions of the Minister of Housing and Local Government in respect of the constitution of the National Parks Commission, the giving of directions to the Commission and the Commission's Annual Report except that, by virtue of Article 2(4), directions relating to Wales and Monmouthshire will be given solely by the Secretary of State and those in respect of England excluding Monmouthshire will be given solely by the Minister of Housing and Local Government.

Article 2(5) provides for areas of special control for the purposes of regulations relating to the display of advertisements to be defined by the Secretary of State in relation to Wales and Monmouthshire.

Article 2(6) provides for the transfer of functions under miscellaneous enactments specified in Schedule 2 to the Order.

Article 3 provides for the Minister of Housing and Local Government to be solely responsible for the assignment of audit districts and the appointment of district auditors. Audit functions relating to authorities with responsibilities both in England and in Wales or Monmouthshire will be exercisable by the Secretary of State and the Minister of Housing and Local Government acting jointly except in respect of audit appeals where the functions will be exercisable concurrently.

Article 4 makes two minor amendments to the Secretary of State and Minister of Land and Natural Resources Order 1965.