

1971 No. 719

## MINISTERS OF THE CROWN

## The Ministry of Aviation Supply (Dissolution) Order 1971

*Laid before Parliament in draft*

Made - - - - 30th April 1971

Coming into Operation 1st May 1971

At the Court at Windsor Castle, the 30th day of April 1971

Present,

The Queen's Most Excellent Majesty in Council

Whereas copies of the draft of this Order have been laid before Parliament in pursuance of section 3 of the Ministers of the Crown (Transfer of Functions) Act 1946(a), and each House has presented an Address to Her Majesty praying that the Order be made:

Now, therefore, Her Majesty, in pursuance of section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946 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 Ministry of Aviation Supply (Dissolution) Order 1971.

(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) This Order shall come into operation on 1st May 1971.

*Dissolution of Ministry, and transfer of functions and property*

2.—(1) The Ministry of Aviation Supply is hereby dissolved, and all functions of the Minister of Aviation Supply are hereby transferred to the Secretary of State (or, if exercisable by the Minister and a Secretary of State concurrently, shall cease to be exercisable by the Minister).

(2) There are hereby transferred to the Secretary of State for Defence all property, rights and liabilities to which the Minister of Aviation Supply is entitled or subject immediately before the coming into operation of this Order, except any property outside the United Kingdom which is not capable of transfer by this Order and rights and liabilities of the Minister in relation to any such property; and the person from time to time holding office as Secretary of State for Defence shall by virtue of that office be Minister of Aviation Supply so long as any property, rights or liabilities remain vested in that Minister.

(a) 1946 c. 31.

(b) 1964 c. 98.

(c) 1889 c. 63.

*Consequential and supplemental*

3.—(1) In the Ministers of the Crown Act 1964, paragraphs 5, 6 and 7 of Schedule 1 (which provide for the incorporation of the Minister and evidence of his acts) shall continue to apply to the Minister of Aviation Supply with the omission of any reference to a secretary of his Ministry, but the remaining paragraphs of the Schedule shall cease to apply to him; and in the following provisions there shall be omitted the words mentioned (which refer to the Minister or Ministry of Aviation Supply by the former title)—

- (a) in the House of Commons Disqualification Act 1957(a), as amended, in Schedule 2, the words “Minister of Technology” and “Parliamentary Secretary to the Ministry of Technology”, and the corresponding words in Parts I and II of the Schedule to the Ministers of the Crown Act 1964 (whereby the words were inserted in the earlier Act);
- (b) in the Ministerial Salaries Consolidation Act 1965(b), in Schedule 1, the words “Minister of Technology . . . 8,500” and the words “Ministry of Technology . . . 3,750”;
- (c) in the Parliamentary Commissioner Act 1967(c), in Schedule 2, the words “Ministry of Technology”.

(2) The Schedule to this Order shall have effect to adapt the provisions there mentioned to those of this Order.

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Minister of Aviation Supply before the coming into operation of this Order; and anything which at the coming into operation of this Order is in process of being done by or in relation to that Minister may be continued by or in relation to the Secretary of State for Defence or the Secretary of State for Trade and Industry.

(2) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by the Minister of Aviation Supply, or having effect as if so given, imposed or made shall, if in force at the coming into operation of this Order, have effect as if given, imposed or made by a Secretary of State, in so far as that is required for continuing its effect after the coming into operation of this Order.

(3) Subject to any specific provision made by this Order, any enactment, instrument or contract passed or made before the coming into operation of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the transfers effected by this Order, as if any reference to the Minister of Aviation Supply or to his department or an officer of his (including any reference which is to be construed as such a reference) were or included a reference to the Secretary of State or to his department or an officer of his, as the context may require.

*W. G. Agnew.*

## SCHEDULE

## CONSEQUENTIAL ADAPTATIONS OF ACTS AND ORDERS

1.—(1) In the Ministry of Supply Act 1939(a) references to the Minister in section 2(2) and (3) (which relate to land powers) shall not include the Secretary of State for Defence.

(2) Neither any Order in Council made under section 2(2) or (3) of the Ministry of Supply Act 1939 nor paragraph 8 of Schedule 1 to the Emergency Laws (Miscellaneous Provisions) Act 1953(b) shall by virtue of this Order have effect in relation to the Secretary of State; but anything done (or having effect as if done) by or in relation to the Minister of Aviation Supply under or in connection with any powers exercisable by him by virtue of such an Order in Council or of that paragraph shall have effect as if done by or in relation to the Secretary of State for Defence under or in connection with his corresponding powers.

2. In the Statistics of Trade Act 1947(c) for section 17(3) there shall be substituted:—

“(3) For the purposes of this Act each of the following Ministers and authorities shall be a competent authority, that is to say, the Treasury, a Secretary of State, the Board of Trade and the Minister of Agriculture, Fisheries and Food.”

3. In the Industrial Organisation and Development Act 1947(d), in section 1(2) (authorities having powers under section 1) for the words from “the Minister of Supply” to “Fuel and Power” there shall be substituted the words “or the Secretary of State”.

4.—(1) In the Patents Act 1949(e), in section 18 (secrecy of certain inventions), for the words “a competent authority” “the competent authority” and “that authority” there shall be substituted the words “the Secretary of State” throughout subsections (1) to (6); and subsection (7) shall be omitted.

(2) In the Defence Contracts Act 1958(f), in section 6(1), in the definition of “competent authority” there shall be omitted any words following the words “a Secretary of State”, and in the definition of “defence materials” there shall be substituted for paragraph (c):—

“(c) articles required by the Secretary of State for Defence for the production of any such articles as aforesaid.”

5. In the Land Powers (Defence) Act 1958(g)—

(a) in section 7 there shall be omitted the words “one of the following Ministers, that is to say”, and the words “or the Minister of Supply”;

(b) in section 8(1)(a) there shall be omitted the words “or the Minister of Supply”;

(c) in section 10(1) for the words “a Minister to whom this section applies”, and in section 11(1) for the words “a Minister to whom the last foregoing section applies”, there shall be substituted the words “a Secretary of State”, and section 10(8) shall be omitted;

(e) in Schedule 3 in paragraph 1(a) there shall be omitted the words “or the Minister of Supply”.

6. In the Shipping Contracts and Commercial Documents Act 1964(h), in section 2(1) for the words “any Minister of the Crown authorised to act under this section” there shall be substituted the words “a Secretary of State”; and section 2(2) shall be omitted.

7. In the Science and Technology Act 1965(i), in section 5(1) there shall be omitted the words “and the Minister of Technology” and for the words “the Minister” in paragraph (b) there shall be substituted the words “the Secretary of State for Trade and Industry and the Secretary of State for Defence”.

(a) 1939 c. 38.

(d) 1947 c. 40.

(g) 1958 c. 30.

(b) 1953 c. 47.

(e) 1949 c. 87.

(h) 1964 c. 87.

(c) 1947 c. 39.

(f) 1958 c. 38.

(i) 1965 c. 4.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order provides for the dissolution of the Ministry of Aviation Supply and the transfer to the Secretary of State of all functions of the Minister other than those already exercised concurrently with a Secretary of State. These cease to be exercised by the Minister. All property, rights and liabilities except any property outside the United Kingdom which is not capable of transfer by the Order are transferred to the Secretary of State for Defence who by virtue of that office shall hold the office of Minister of Aviation Supply so long as any property remains vested in that Minister.