

## 1976 No. 229

## MINISTERS OF THE CROWN

**The Transfer of Functions (Treasury and Lord Chancellor)  
Order 1976***Made* - - - - 18th February 1976*Laid before Parliament* 25th February 1976*Coming into Operation* 1st April 1976

At the Court at Buckingham Palace, the 18th day of February 1976

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975 (a), 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 (Treasury and Lord Chancellor) Order 1976.

(2) The Interpretation Act 1889(b) 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 April 1976.

*Transfer of functions from Treasury to Lord Chancellor*

2. There are hereby transferred to the Lord Chancellor the functions conferred on the Treasury by the following enactments, namely:—

(a) sections 29 and 30 of the Criminal Law Act 1826(c) (repayment of sums paid out by sheriff by way of reward or compensation);

(b) sections 23 to 26, 28, 31 and 33 of the Fines Act 1833(d) (receipt of fines etc. and accounts, and power to stay process); and

(c) sections 21 and 22 of the Sheriffs Act 1887(e) (allowance or repayment of sums claimed by sheriff, and audit of his accounts).

*Supplemental and consequential*

3.—(1) This Order shall not affect the validity of anything done by or in relation to the Treasury before the coming into operation of this Order, and

(a) 1975 c. 26.                      (b) 1889 c. 63.  
(c) 1826 c. 64.                      (d) 1833 c. 99.                      (e) 1887 c. 55

anything which at the coming into operation of this Order is in process of being done by or in relation to the Treasury may be continued by or in relation to the Lord Chancellor.

(2) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by the Treasury for the purposes of any functions transferred by this Order shall, if in force at the coming into operation of this Order, have effect as if given, imposed or made by the Lord Chancellor, in so far as that is required for continuing its effect after the coming into operation of this Order.

4. In consequence of the transfer of functions effected by Article 2 above—

(a) in the enactments specified in that Article for “the Treasury”, wherever those words occur, there shall be substituted “the Lord Chancellor”;

(b) in section 33 of the Fines Act 1833(a) for “they are” there shall be substituted “he is”;

(c) in section 23 of the Queen’s Remembrancer Act 1859(b) for “the Treasury” there shall be substituted “the Lord Chancellor”;

(d) in the Sheriffs Act 1887(c)—

(i) in section 21(1), for “they may” there shall be substituted “he may”, and

(ii) in section 22(3), for “require” and “them” there shall be respectively substituted “requires” and “him”.

*N. E. Leigh*

#### EXPLANATORY NOTE

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

This Order transfers to the Lord Chancellor those remaining functions of the Treasury which are concerned with receipts and payments by sheriffs in England and Wales and the related administration of the collection of certain fines and forfeited recognizances.

(a) 1833 c. 99. (b) 1859 c. 21 (22 & 23 Vict.). (c) 1887 c. 55.

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