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STATUTORY INSTRUMENTS

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**1981 No. 238**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Transport) Order 1981**

<i>Made</i>	- - - -	<i>18th February 1981</i>
<i>Laid before Parliament</i>		<i>25th February 1981</i>
<i>Coming into Operation</i>		<i>26th February 1981</i>

At the Court at Buckingham Palace, the 18th day of February 1981

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975, 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 (Transport) Order 1981.

(2) The functions transferred by this Order to the Secretary of State for Transport include functions exercisable by the Minister of Transport jointly with another Minister or other Ministers; and so far as this Order provides for the transfer of functions so exercisable it shall be construed as providing for their exercise jointly by the Secretary of State for Transport and the other Minister or Ministers.

(3) This Order comes into operation on 26th February 1981

**Transfer of functions and property**

2.—(1) There are hereby transferred to the Secretary of State for Transport—

(a) all functions of the Minister of Transport which, immediately before the coming into operation of the Minister of Transport Order 1979, were, by virtue of Article 2 of the Secretary of State for Transport Order 1976, exercisable by that Secretary of State; and

(b) the functions under the enactments listed in the Schedule, so far as exercisable jointly by the Minister of Transport and the Secretary of State.

(2) All other functions of the Minister of Transport are hereby transferred to the Secretary of State.

(3) There are hereby transferred to the Secretary of State for Transport all property, rights and liabilities to which the Minister of Transport is entitled or subject at the coming into operation of this Order.

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## Supplemental

3.—(1) In section 329(5) of the Highways Act 1980 for the words “by the Minister of Transport and not by the Secretary of State” there are substituted the words “by the Secretary of State for Transport”.

(2) This Order does not affect the validity of anything done by or in relation to the Minister of Transport before its commencement; and anything which at the commencement of this Order is in process of being done by or in relation to the Minister of Transport (including in particular any legal proceedings to which he is a party) may be continued by or in relation to the Secretary of State for Transport.

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

(4) Any enactment, instrument or contract passed or made before the commencement of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the transfer of functions, property, rights or liabilities effected by this Order, as if any reference to the Minister of Transport 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, as the case may require, the Secretary of State for Transport or an officer of his.

(5) Documents or forms printed or duplicated for use in connection with any functions transferred by this Order may be so used notwithstanding that they contain references to the Minister of Transport, and those references shall be construed as references to the Secretary of State; and similarly with references to an officer of the Minister of Transport.

*N. E. Leigh*  
Clerk of the Privy Council

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## SCHEDULE

### ENACTMENTS CONFERRING FUNCTIONS TRANSFERRED BY ARTICLE 2(1)(b)

The Development of Rural Wales Act 1976, Schedule 3.

The Local Government, Planning and Land Act 1980, Sections 84(5) and 85(1).

The Highways Act 1980, Sections 258 and 300(2) and Schedule 1, paragraphs 7, 8, 14, 15, 18, 19 and 21.

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## EXPLANATORY NOTE

This Order transfers those functions previously exercised by the Minister of Transport which are specified in Article 2(1) to the Secretary of State for Transport and all other functions previously exercised by that Minister to the Secretary of State.