

1981 No. 239

MINISTERS OF THE CROWN

**The Transfer of Functions (Treasury and Lord Advocate) Order
1981**

<i>Made</i> - - - - -	18th February 1981
<i>Laid before Parliament</i>	26th February 1981
<i>Coming into Operation</i>	1st April 1981

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(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Commencement

1. This Order may be cited as the Transfer of Functions (Treasury and Lord Advocate) Order 1981 and shall come into operation on 1st April 1981.

Transfer of functions from Treasury to Lord Advocate

2. There are hereby transferred to the Lord Advocate, the following functions of the Treasury:—

- (a) all functions, whether under section 1 of the Public Revenue (Scotland) Act 1833(b) or otherwise, which relate to the ascertaining, ordering, issuing, allowing, paying, receiving, or auditing any sum or sums of money in respect of:—
- (i) the salaries of the Lord Advocate and the Solicitor General for Scotland;
 - (ii) the salaries and expenses of the Lord Advocate's Department, the Crown Office and the Procurator Fiscal Service;
 - (iii) the expenses and fees connected with Crown prosecutions in Scotland or with the provision of legal services in Scotland, whether for Government Departments or otherwise; and
- (b) all functions exercised in relation to the receipt and audit of fines and fixed penalties which are collected by the Clerk of the District Court and are payable into the Exchequer or Consolidated Fund.

Amendment and Adaptation of Enactments and Instruments

3. Any enactment or instrument passed or made before the coming into operation of this Order shall have effect, so far as may be necessary for the

(a) 1975 c.26.

(b) 1833 c.13.

purpose or in consequence of the foregoing provision of this Order, as if for any reference to "the Treasury" or "the Queen's and Lord Treasurer's Remembrancer" (including any reference which is to be construed as such a reference) there were substituted a reference to the Lord Advocate.

Supplemental

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Treasury or the Queen's and Lord Treasurer's Remembrancer as officer of the Treasury before the coming into operation of this Order, and anything which, at the time of coming into operation of this Order, is in the process of being done by or in relation to the Treasury or the Queen's and Lord Treasurer's Remembrancer as such officer (including in particular any legal proceedings to which they or he is a party) may, if it relates to any function transferred by this Order, be continued by or in relation to the Lord Advocate.

(2) Any authority, appointment, determination, approval, consent or direction given or made or other thing whatsoever done or having effect as if given made or done, by the Treasury or by the Queen's and Lord Treasurer's Remembrancer 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 given, made or done by the Lord Advocate.

(3) Documents or forms printed for use in connection with any functions transferred by this Order may be used notwithstanding that they contain references to the Treasury or the Queen's and Lord Treasurer's Remembrancer and those references shall be construed as a reference to the Lord Advocate.

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order transfers to the Lord Advocate the following functions of the Treasury which are carried out by its officer, the Queen's and Lord Treasurer's Remembrancer, namely:—

- (a) paying, receiving and auditing any sums of money in respect of the salaries of the Scottish Law Officers of the Crown; the salaries and expenses of the Lord Advocate's Department, the Crown Office, the Procurator Fiscal Service, the expenses and fees connected with Crown prosecutions and the expenditure on legal services for Government Departments and on certain other legal services; and
- (b) the receipt and audit of fines and fixed penalties which are collected by the Clerk of the District Court and are payable into the Exchequer or Consolidated Fund.

The remaining provisions of the Order are consequential.

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