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## STATUTORY INSTRUMENTS

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### 1985 No. 442

#### The Transfer of Functions (Secretary of State and Minister of Agriculture, Fisheries and Food) Order 1985

##### *Consequential and supplementary provisions*

4.—(1) 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 purpose or in consequence of the transfer effected by Article 2 above, as if any reference to the Secretary of State or an officer of his (including any reference which is to be construed as such a reference) were or included a reference to the Agriculture Minister or to an officer of his (as the case may require).

(2) In relation to the exercise by the Agriculture Minister of any functions transferred to him by Article 2 above the provisions of the Coast Protection Act 1949 mentioned below in this Article shall have effect subject to the modifications there mentioned (which remove certain references which have effect as references to the Agriculture Minister).

(3) Section 2(8)(a) of that Act (definition for that section of “the Ministers concerned”) shall have effect with the omission of the words from “and the” to the end.

(4) The provisos to sections 5(4) and 8(4) (which provide for the joint exercise of certain powers of the Minister under that Act in certain circumstances) shall each have effect with the omission of paragraph (a) (but not so as to affect the operation of section 5(7) or section 8(9)).

(5) In Schedule 2 to that Act, paragraph 5 (certain references to the Minister to be construed as references to more than one Minister) shall have effect with the omission of paragraph (a).

5. In paragraph 13 of Schedule 4 to the New Towns Act 1981 the following shall be omitted—

- (a) in sub-paragraph (1), the words from “(in the case of an open space” to “garden allotment”;
- and
- (b) in sub-paragraph (2), the words “or the Minister having jurisdiction to give the certificate” and the words “or that Minister”.

6.—(1) This Order does not affect the validity of anything done by or in relation to the Secretary of State or (as the case may be) the Agriculture Minister before the coming into operation of this Order.

(2) Anything which, at the time of the coming into operation of this Order, is in the process of being done by or in relation to the Secretary of State may, if it relates to any functions transferred by Article 2 above, be continued by or in relation to the Agriculture Minister.

(3) Anything which, at that time, is in the process of being done by or in relation to the Agriculture Minister may, if it relates to any functions transferred by Article 3 above, be continued by or in relation to the Secretary of State.

(4) The preceding provisions of this Article apply in particular in relation to legal proceedings.

7.—(1) Any authority, approval, confirmation, direction, notice or undertaking given, requirement, determination or appointment made or other thing whatsoever done (or having effect as if given, made or done) by the Secretary of State for the purpose of any functions transferred by

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Article 2 above, if in force at the coming into operation of this Order, shall have effect, so far as required for continuing its effect after the coming into operation of this Order, as if given, made or done by the Agriculture Minister.

(2) Any certificate, direction or notice given, determination or appointment made or other thing whatsoever done by the Agriculture Minister for the purpose of any functions transferred by Article 3 above, if in force at the coming into operation of this Order, shall have effect, so far as required for continuing its effect after the coming into operation of this Order, as if given, made or done by the Secretary of State.

**8.** 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—

- (a) the Secretary of State for the Environment, in the case of functions transferred by Article 2 above; or
- (b) the Agriculture Minister, in the case of functions transferred by Article 3 above;

and those references shall be read as references to the Agriculture Minister in cases within paragraph (a) above and to the Secretary of State in cases within paragraph (b) above.