
 STATUTORY INSTRUMENTS

1987 No. 2039

MINISTERS OF THE CROWN

**The Transfer of Functions (Minister for the Civil Service
and Treasury) Order 1987**

<i>Made - - - -</i>	<i>26th November 1987</i>
<i>Laid before Parliament</i>	<i>4th December 1987</i>
<i>Coming into force</i>	<i>25th December 1987</i>

At the Court at Buckingham Palace, the 26th day of November 1987

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 (Minister for the Civil Service and Treasury) Order 1987.

(2) In this Order—

“instrument” (without prejudice to the generality of that expression) includes in particular Royal Warrants, Orders in Council, Orders by Her Majesty, orders, rules, regulations, minutes, agreements and other documents;

“the Minister” means the Minister for the Civil Service.

(3) This Order shall come into force on 25th December 1987.

Transfer of functions from Minister to Treasury

2.—(1) There are hereby transferred to the Treasury the functions of the Minister with respect to—

- (a) recruitment policy for the civil service of the State;
- (b) retirement and redundancy of persons employed in the service and the reinstatement and re-employment of persons in the service;
- (c) the classification of persons employed in the service;
- (d) holidays, part-time working and other working arrangements in the service;
- (e) re-deployment of staff between departments; and
- (f) the location of government offices.

(2) Paragraph (1)(a) above shall not be construed as transferring to the Treasury the functions of the Minister under articles 1 to 3 of the Civil Service Order in Council 1982 (certificates of qualification) or his functions under article 4(a)(i) of that Order relating to the selection and manner of appointment of persons to the situations there mentioned

and their qualifications in respect of matters other than age, education and professional attainment.

(3) Paragraph (1)(e) above shall not be construed as relating to the making of senior appointments.

Transfer of functions from Treasury to Minister

3. There are hereby transferred to the Minister the functions of the Treasury under section 2 of the Chequers Estate Act 1958(a) (Exchequer grants to administrative trustees).

Supplementary provisions

4.—(1) In Schedule 2 to the Parliamentary Commissioner Act 1967(b) as substituted by section 1(2) of the Parliamentary and Health Service Commissioners Act 1987(c) (departments and authorities subject to investigation)—

- (a) the entry “the Management and Personnel Office” shall be omitted;
- (b) there shall be inserted in the appropriate place the entry “Office of the Minister for the Civil Service”; and *sch 20AP*
- (c) in Note 6 (scope of the references to the Management and Personnel Office and the Treasury) for “Management and Personnel Office”, wherever occurring, there shall be substituted “Office of the Minister for the Civil Service”.

(2) In section 22(4) of the Attachment of Earnings Act 1971(d) as amended by article 3(2) of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981(e) (documentary evidence of Minister’s determination of certain questions) for “Management and Personnel Office” there shall be substituted “Office of the said Minister”.

(3) In section 2 of the Chequers Estate Act 1958 for “Treasury”, where it first occurs, there shall be substituted “Minister for the Civil Service” and where it subsequently occurs there shall be substituted “the Minister”.

(4) Subject to any express repeal or amendment made by this Order, any enactment or instrument passed or made before the commencement of this Order shall have effect so far as necessary for the purpose or in consequence of the transfers effected by article 2 of this Order, as if any reference to the Minister or the Management and Personnel Office or an officer of the Minister (including any reference which is to be construed as such a reference) were a reference to the Treasury or an officer of the Treasury, as the case may be.

(5) There are hereby transferred to the Treasury all rights and liabilities to which immediately before the commencement of this Order the Minister was entitled or subject in connection with any functions transferred by article 2 of this Order.

5.—(1) This Order shall not affect the validity of anything done by or in relation to the Minister or the Treasury 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 or the Treasury may, if it relates to any of the functions transferred by this Order from one of them to the other, be continued by or in relation to the other.

(2) Any approval, consent, direction or appointment given or made or other thing whatever done by the Minister or the Treasury for the purposes of any of the functions transferred by this Order from one of them to the other shall, if in force at the commencement of this Order, continue in force and have effect as if similarly given, made or done by the other.

G. I. de Deney
Clerk of the Privy Council

(a) 1958 c.60.
(d) 1971 c.32.

(b) 1967 c.13.
(e) S.I. 1981/1670.

(c) 1987 c.39.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council transfers to the Treasury some of the functions of the Minister for the Civil Service. It also transfers to the Minister the functions of the Treasury relating to Exchequer grants under the Chequers Estate Act 1958.

Article 2(1) transfers to the Treasury the functions of the Minister with respect to—

- (a) recruitment policy for the civil service of the State (article 2(1)(a));
- (b) retirement and redundancy of persons employed in the service and the reinstatement and re-employment of persons in the service (article 2(1)(b));
- (c) the classification of persons employed in the service (article 2(1)(c));
- (d) holidays, part-time working and other working arrangements in the service (article 2(1)(d));
- (e) re-deployment of staff between departments (article 2(1)(e)); and
- (f) the location of government offices (article 2(1)(f)).

The functions transferred to the Treasury include certain functions under the Civil Service Order in Council 1982. Those specified in article 2(2) however remain with the Minister as do those in article 2(3) concerning the making of senior appointments.

Article 3 transfers to the Minister the functions of the Treasury under section 2 of the Chequers Estate Act 1958 (relating to Exchequer grants to the administrative trustees).

The functions not transferred to the Treasury will continue to be exercised by the Minister for the Civil Service but, as a consequence of the changes brought about by this Order, the name of her Department is being changed from the Management and Personnel Office to the Office of the Minister for the Civil Service. Article 4(1) and (2) substitutes the new name in the Parliamentary Commissioner Act 1967 and the Attachment of Earnings Act 1971.

Article 4(3) amends section 2 of the Chequers Estate Act 1958 so as to reflect the transfer of functions effected by the Order.

Other consequential or supplementary provisions are contained in article 4(4) and (5) and article 5.