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STATUTORY INSTRUMENTS

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**1997 No. 2971**

The Secretary of State for the Environment,  
Transport and the Regions Order 1997

**Citation and commencement**

1.—(1) This Order may be cited as the Secretary of State for the Environment, Transport and the Regions Order 1997.

(2) This Order shall come into force on 26th January 1998.

**Incorporation of the Secretary of State for the Environment, Transport and the Regions**

2.—(1) The person who at the coming into force of this Order is the Secretary of State for the Environment, Transport and the Regions and any successors to that person shall be, by that name, a corporation sole.

(2) The corporate seal of the Secretary of State for the Environment, Transport and the Regions shall be authenticated by the signature of a Secretary of State, or of a person authorised by a Secretary of State to act in that behalf.

(3) The corporate seal of the Secretary of State for the Environment, Transport and the Regions shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Secretary of State for the Environment, Transport and the Regions and—

- (a) to be sealed with that seal authenticated in the manner provided by paragraph (2) above, or
- (b) to be signed or executed by a person authorised as mentioned in that paragraph,

shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Secretary of State for the Environment, Transport and the Regions that any instrument purporting to be made or issued by him, by the Secretary of State for the Environment or by the Secretary of State for Transport was so made or issued shall be conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(1) shall apply in relation to the Secretary of State for the Environment, Transport and the Regions—

- (a) as if references to orders and regulations included references to any document, and
- (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

**Transfers of functions**

3.—(1) Subject to the following provisions of this article, there are hereby transferred to the Secretary of State for the Environment, Transport and the Regions—

- (a) the functions of the Secretary of State for the Environment,

- (b) the functions of the Secretary of State for Transport, and
  - (c) the functions exercisable by the Secretary of State for the Environment and the Secretary of State for Transport jointly.
- (2) Subject to paragraphs (4) and (5), the functions exercisable by—
- (a) the Secretary of State for the Environment,
  - (b) the Secretary of State for Transport, or
  - (c) the Secretary of State for the Environment and the Secretary of State for Transport,
- jointly with any other Minister (or Ministers) are hereby transferred to the Secretary of State for the Environment, Transport and the Regions so as to be exercisable by him jointly with that Minister (or, as the case may be, those Ministers).
- (3) Subject to paragraphs (4) and (5), the following functions are hereby transferred to the Secretary of State—
- (a) the functions of the Secretary of State for Transport, under section 49(2) of the Goods Vehicle (Licensing of Operators) Act 1995<sup>(2)</sup> (power to specify form of certificate of qualification relating to road transport undertakings in other member States), and
  - (b) the functions exercisable by the Secretary of State for the Environment and the Secretary of State for Transport jointly under the Channel Tunnel Rail Link Act 1996 (“the 1996 Act”)<sup>(3)</sup>.
- (4) The functions under the 1996 Act which are exercisable by the Secretary of State for the Environment and the Secretary of State for Transport jointly with any other Minister (or Ministers) are hereby transferred to the Secretary of State so as to be exercisable by him jointly with that Minister (or, as the case may be, those Ministers).
- (5) The functions under paragraph 2 of Part II of Schedule 15 to the 1996 Act (no removal of apparatus of statutory undertakers except under a certificate of authority issued by the appropriate Ministers), which are exercisable by the Secretary of State for Transport jointly with either the Secretary of State for the Environment or the Secretary of State for Trade and Industry, shall be exercisable—
- (a) in cases relating to apparatus belonging to, or maintained by, electricity or gas undertakers, by the Secretary of State for the Environment, Transport and the Regions jointly with the Secretary of State for Trade and Industry, and
  - (b) in any other case, by the Secretary of State.

#### **Transfers of property, rights and liabilities etc.**

4.—(1) Subject to paragraph (3), all property, rights and liabilities to which the Secretary of State for the Environment is entitled or subject at the coming into force of this Order are hereby transferred to the Secretary of State for the Environment, Transport and the Regions.

(2) All property, rights and liabilities to which the Secretary of State for Transport is entitled or subject at the coming into force of this Order are hereby transferred to the Secretary of State for the Environment, Transport and the Regions.

(3) Paragraph (1) does not apply to immovable property outside the United Kingdom to which the Secretary of State for the Environment is so entitled or to any rights or liabilities of that Secretary of State in relation to that property.

(4) The person from time to time holding office as the Secretary of State for the Environment, Transport and the Regions shall by virtue of that office—

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(2) 1995 c. 23.  
(3) 1996 c. 61.

- (a) be Secretary of State for the Environment so long as any property remains vested in that Secretary of State by virtue of paragraph (3) above,
- (b) be Minister of Public Building and Works so long as any property remains vested in that Minister(4), and
- (c) be First Commissioner of Works, so long as the Commissioners of Works have not been dissolved by Order in Council under the Minister of Works Act 1942(5),

and section 5(1) to (3) and (5) of that Act as set out with adaptations in Schedule 2 to the Secretary of State for the Environment Order 1970(6) shall continue to apply to him as Minister of Public Building and Works.

### **Transfers: supplementary**

5.—(1) This Order shall not affect the validity of anything done by or in relation to the Secretary of State for the Environment or the Secretary of State for Transport before the coming into force of this Order.

(2) Anything which—

- (a) has been, or has effect as if, made or done by or in relation to the Secretary of State for the Environment or the Secretary of State for Transport, and
- (b) is in force at the coming into force of this Order,

shall have effect as if made or done by or in relation to the Secretary of State for the Environment, Transport and the Regions.

(3) Anything (including legal proceedings) in the process of being done by or in relation to the Secretary of State for the Environment or the Secretary of State for Transport before the coming into force of this Order may be continued by or in relation to the Secretary of State for the Environment, Transport and the Regions.

### **Consequential amendments etc.**

6.—(1) The enactments mentioned in the Schedule to this Order shall have effect with the amendments specified in that Schedule.

(2) Subject to paragraph (1), any enactment or instrument passed or made before the commencement of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of—

- (a) article 3(1), (2) or (5) or 4, or
- (b) the entrusting to the Secretary of State for the Environment, Transport and the Regions of the functions mentioned in paragraph (3),

as if any reference to the Secretary of State for the Environment or the Secretary of State for Transport (or to those Secretaries of State acting jointly), to the Department of the Environment or of Transport or to an officer of the Secretary of State for the Environment or of the Secretary of State for Transport (including any reference which is to be construed as such a reference) were a reference to the Secretary of State for the Environment, Transport and the Regions, to the Department of the Environment, Transport and the Regions or, as the case may be, to an officer of the Secretary of State for the Environment, Transport and the Regions.

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(4) By virtue of the Secretary of State for the Environment Order 1970 (S.I. 1970/1681), all property, rights and liabilities of the Minister of Public Building and Works were transferred to the Secretary of State for the Environment except immoveable property outside the United Kingdom to which the Minister was entitled and rights and liabilities in relation to that property. Art.2(2) of that Order provides that the person holding office as Secretary of State for the Environment shall be Minister of Public Building and Works so long as any such property remains vested in that Minister.

(5) 1942 c. 23.

(6) S.I. 1970/1681.

- (3) The functions referred to in paragraph (2) are the functions which were entrusted to—
- (a) the Secretary of State for the Environment, or
  - (b) the Secretary of State for Transport,

immediately before 1st May 1997 and which have, before the making of this Order, been entrusted to the Secretary of State for the Environment, Transport and the Regions.

(4) Subject to paragraph (1), any enactment or instrument passed or made before the commencement of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of article 3(3), (4) or (5), as if any reference to the Secretary of State for the Environment or the Secretary of State for Transport (or to those Secretaries of State acting jointly), to the Department of the Environment or of Transport or to an officer of the Secretary of State for the Environment or of the Secretary of State for Transport (including any reference which is to be construed as such a reference) were a reference to the Secretary of State, to the Department of the Environment, Transport and the Regions or, as the case may be, to an officer of the Secretary of State.

(5) Documents or forms printed for use in connection with any function transferred by article 3 or mentioned in paragraph (3) above may be used in connection with those functions notwithstanding that they contain, or are to be construed as containing, references to the Secretary of State for the Environment, or the Secretary of State for Transport, or to any officer or Department of his; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references shall be construed as references to the Secretary of State for the Environment, Transport and the Regions (or, as the case may be, the Secretary of State), an officer of his or, as the case may be, the Department of the Environment, Transport and the Regions.

(6) In this article, “instrument”, without prejudice to the generality of that expression, includes in particular Royal Charters, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, warrants, certificates and other documents.

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