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STATUTORY INSTRUMENTS

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**1997 No. 2971**

**MINISTERS OF THE CROWN**

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

*Made* - - - - 17th December 1997  
*Laid before Parliament* 5th January 1998  
*Coming into force* - - 26th January 1998

At the Court at Buckingham Palace, the 17th day of December 1997

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1 and 2 of the Ministers of the Crown Act 1975(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**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

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(1) 1975 c. 26.

(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(2) 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(3) (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”)(4).

(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

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(2) 1868 c. 37.

(3) 1995 c. 23.

(4) 1996 c. 61.

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 immoveable 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—

- (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<sup>(5)</sup>, 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<sup>(6)</sup>,

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<sup>(7)</sup> 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.

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(5) 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.

(6) 1942 c. 23.

(7) S.I. 1970/1681.

(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.

(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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*N. H. Nicholls*  
Clerk of the Privy Council

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SCHEDULE

Article 6(1)

CONSEQUENTIAL AMENDMENTS

*Transport Act 1962 (c. 46)*

1. In section 86(6A) of the Transport Act 1962(8), for paragraphs (a) and (b) there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

*Parliamentary Commissioner Act 1967 (c. 13)*

2. In Schedule 2 to the Parliamentary Commissioner Act 1967(9)—
- (a) the entries relating to the Department of the Environment and the Department of Transport are hereby repealed, and
  - (b) there shall be inserted at the appropriate place “The Department of the Environment, Transport and the Regions.”.

*Transport Act 1968 (c. 73)*

3. In section 137(7) of the Transport Act 1968(10)—
- (a) paragraph (a) is hereby repealed, and
  - (b) for paragraph (c) there shall be substituted—
    - “(c) in relation to the British Waterways Board or any other authority, means the Secretary of State for the Environment, Transport and the Regions.”.

*Courts Act 1971 (c. 23)*

4. In section 28 of the Courts Act 1971(11) for “Secretary of State for the Environment”, in both places it occurs, there shall be substituted “Secretary of State for the Environment, Transport and the Regions”.

*Fair Trading Act 1973 (c. 41)*

5. In section 51(3) of the Fair Trading Act 1973(12) for “the Secretary of State for the Environment, the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

*Road Traffic Regulation Act 1984 (c. 27)*

6. The Road Traffic Regulation Act 1984 shall be amended as follows.

7. In section 7(6)(13) for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

8. In Schedule 5—

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- (8) s.86(6A) was inserted by the Secretary of State for the Environment Order 1970, S.I. 1970/1681, Sched.3, para. 20(2); and amended by the Secretary of State for Transport Order 1976, S.I. 1976/1775, Art.6(1), Sched.3, para.6.
  - (9) Sched.2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), s.1(2), Sched.1.
  - (10) s.137(7) was substituted by the Secretary of State for Transport Order 1976, S.I. 1976/1775, Art.6(1), Sched.3, para.8.
  - (11) s.28 was amended by the Planning (Consequential Provisions) Act 1990 (c. 11), s.4, Sched.2, para.25.
  - (12) s.51(3) was repealed, in part, by the Telecommunications Act 1984 (c. 12), s.109(6), Sched.7, Pt.I; and amended by the Railways Act 1993 (c. 43), s.66(2).
  - (13) s.7(6) was amended by the Road Traffic Act 1991 (c. 40), s.81, Sched.7, para.3.

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- (a) for “The Secretary of State for Transport”, in both places it occurs, there shall be substituted “The Secretary of State for the Environment, Transport and the Regions”, and
- (b) for “The Secretary of State for the Environment”, in each place it occurs, there shall be substituted “The Secretary of State for the Environment, Transport and the Regions”.

*Airports Act 1986 (c. 31)*

**9.** In Schedule 2 to the Airports Act 1986(14), in paragraph 1(2) for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

*Road Traffic Act 1988 (c. 52)*

**10.** In section 36(5) of the Road Traffic Act 1988 for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

*Town and Country Planning Act 1990 (c. 8)*

**11.** The Town and Country Planning Act 1990 shall be amended as follows.

**12.** In section 228 for “the Secretary of State for the Environment”, in both places it occurs, there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

**13.** In section 245(1) for “the Secretary of State for the Environment” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

**14.** In section 265(1)—

(a) paragraph (a) is hereby repealed, and

(b) for paragraph (d) there shall be substituted—

“(d) in relation to any other statutory undertakers or the Civil Aviation Authority, the Secretary of State for the Environment, Transport and the Regions”.

**15.** In paragraph 8(2) of Schedule 6, for “the Department of the Environment” there shall be substituted “the Department of the Environment, Transport and the Regions”.

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

**16.** In paragraph 7(2) of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990, for “the Department of the Environment” there shall be substituted “the Department of the Environment, Transport and the Regions”.

*Planning (Hazardous Substances) Act 1990 (c. 10)*

**17.** In paragraph 7(2) of the Schedule to the Planning (Hazardous Substances) Act 1990, for “the Department of the Environment” there shall be substituted “the Department of the Environment, Transport and the Regions”.

*Water Resources Act 1991 (c. 57)*

**18.** The Water Resources Act 1991 shall be amended as follows.

**19.** In section 21(3)(e)—

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(14) para.1(2) was repealed, in part, by the Planning (Consequential Provisions) Act 1990 (c. 11), s.3, Sched.1, Pt.I.

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- (a) after “if those waters” there shall be inserted “are wholly or partly situated in Wales (or in an area of the sea adjoining either the coast of Wales or an area of sea forming part of Wales) and they”, and
- (b) for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

**20.** In Schedule 5, in paragraph 2(3)(f) for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

**21.** In Schedule 6—

- (a) in paragraph 1(4)(g) for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”, and
- (b) in paragraph 3(5)—
  - (i) after “tidal water” there shall be inserted “situated in Wales (or in an area of the sea adjoining either the coast of Wales or an area of sea forming part of Wales)”, and
  - (ii) for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

*Land Drainage Act 1991 (c. 59)*

**22.** In section 35(3) of the Land Drainage Act 1991—

- (a) in paragraph (a) for “the Secretary of State for the Environment” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”, and
- (b) in paragraph (b) for “the Secretary of State for Transport” there shall be substituted “that Secretary of State”.

*Transport and Works Act 1992 (c. 42)*

**23.** In section 23(10) of the Transport and Works Act 1992—

- (a) for “the Department of Transport, the Department of the Environment” there shall be substituted “the Department of the Environment, Transport and the Regions”, and
- (b) for paragraphs (a) and (b) there shall be substituted—
  - “(a) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England and in transport matters, as functions of the Department of the Environment, Transport and the Regions;”.

*Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)*

**24.** In section 49(2)(a) of the Goods Vehicles (Licensing of Operators) Act 1995 the words “for Transport” are hereby repealed.

*Channel Tunnel Rail Link Act 1996 (c. 61)*

**25.** The Channel Tunnel Rail Link Act 1996 shall be amended as follows.

**26.** In section 11—

- (a) in subsection (1) for “appropriate Ministers” there shall be substituted “Secretary of State”,
- (b) in subsection (3)(a) for “appropriate Ministers think” there shall be substituted “Secretary of State thinks”, and
- (c) in subsection (6) the definition of “the appropriate Ministers” is hereby repealed.



- 27.** In section 29(4) the words from “for the Environment” to “jointly” are hereby repealed.
- 28.** In section 43(2) the words from “for the Environment” to “jointly” are hereby repealed.
- 29.** In section 50(5)(b) for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.
- 30.** In Schedule 3, in paragraph 2—
- (a) in sub-paragraph (2) for “appropriate Ministers” there shall be substituted “Secretary of State”,
  - (b) in sub-paragraph (3)—
    - (i) for “appropriate Ministers” there shall be substituted “Secretary of State”, and
    - (ii) for “they are” there shall be substituted “he is”,
  - (c) in sub-paragraph (4)—
    - (i) for “appropriate Ministers grant” there shall be substituted “Secretary of State grants”, and
    - (ii) for “they” there shall be substituted “he”,
  - (d) in sub-paragraph (8)—
    - (i) for “appropriate Ministers” there shall be substituted “Secretary of State”, and
    - (ii) for “them” there shall be substituted “him”.
  - (e) in sub-paragraph (9)—
    - (i) for “they direct” there shall be substituted “he directs”,
    - (ii) for “the appropriate Ministers' functions” there shall be substituted “the Secretary of State's functions”, and
    - (iii) for “them” in both places it occurs, there shall be substituted “him”, and
  - (f) sub-paragraph (12) is hereby repealed.
- 31.** In Schedule 5, in paragraph 2—
- (a) in sub-paragraph (2) for “appropriate Ministers” there shall be substituted “Secretary of State”,
  - (b) in sub-paragraph (5)—
    - (i) for “appropriate Ministers ask” there shall be substituted “Secretary of State asks”,
    - (ii) for “them of their” there shall be substituted “him of his”, and
    - (iii) for “they” there shall be substituted “he”, and
  - (c) in sub-paragraph (8), the definition of “appropriate Ministers” is hereby repealed.
- 32.** In Schedule 6—
- (a) in paragraph 11—
    - (i) in sub-paragraph (3) for “appropriate Ministers” there shall be substituted “Secretary of State”,
    - (ii) in sub-paragraph (4) for “appropriate Ministers ask” there shall be substituted “Secretary of State asks”,
    - (iii) in that sub-paragraph for “them of their” there shall be substituted “him of his”, and
    - (iv) in that sub-paragraph for “they” there shall be substituted “he”,
  - (b) in paragraph 19—

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- (i) in sub-paragraph (3) for “appropriate Ministers” there shall be substituted “Secretary of State”,
  - (ii) in sub-paragraph (4) for “appropriate Ministers ask” there shall be substituted “Secretary of State asks”,
  - (iii) in that sub-paragraph for “them of their” there shall be substituted “him of his”, and
  - (iv) in that sub-paragraph for “they” there shall be substituted “he”,
- (c) in paragraph 30—
- (i) for “appropriate Ministers”, in each place it occurs, there shall be substituted “Secretary of State”, and
  - (ii) for “them”, in each place it occurs, there shall be substituted “him”,
- (d) in paragraph 31(1) for “appropriate Ministers” there shall be substituted “Secretary of State”.
- (e) in paragraph 32—
- (i) for “appropriate Ministers”, in each place it occurs, there shall be substituted “Secretary of State”, and
  - (ii) in sub-paragraph (1) for “them” there shall be substituted “him”,
- (f) paragraph 34 shall be amended as follows—
- (i) for “appropriate Ministers” in each place it occurs there shall be substituted “Secretary of State”,
  - (ii) in sub-paragraph (1) for “direct” there shall be substituted “directs”,
  - (iii) in that sub-paragraph for “their” there shall be substituted “his”,
  - (iv) in that sub-paragraph for “them”, in both places it occurs, there shall be substituted “him”,
  - (v) in sub-paragraph (6) for “determine” there shall be substituted “determines”,
  - (vi) in that sub-paragraph for “they” there shall be substituted “he”, and
  - (vii) in that sub-paragraph for “them” there shall be substituted “him”,
- (g) in paragraph 35 for “appropriate Ministers” there shall be substituted “Secretary of State”,
- (h) in paragraph 36—
- (i) for “appropriate Ministers”, in both places it occurs, there shall be substituted “Secretary of State”, and
  - (ii) in sub-paragraph (2) for “they think” there shall be substituted “he thinks”, and
- (j) in paragraph 38(2), paragraph (a) is hereby repealed.
- 33.** In Schedule 7, in paragraph 5—
- (a) in sub-paragraph (4) for “the appropriate Ministers acting jointly” there shall be substituted “the appropriate Minister”, and
  - (b) in sub-paragraph (5)—
    - (i) for “Ministers” there shall be substituted “Minister”,
    - (ii) in paragraph (a) for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions acting jointly”, and
    - (iii) in paragraph (b) for “the Secretary of State for the Environment and the Secretary of State for Transport” there shall be substituted “the Secretary of State”.

**34.** In Schedule 14, in paragraph 13 for “the Secretary of State for Transport” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

**35.** In Schedule 15, in Part II, in paragraph 2—

- (a) in sub-paragraph (2) for “the appropriate Ministers” there shall be substituted “the appropriate Minister”,
- (b) in sub-paragraph (3) for “the appropriate Ministers certify” there shall be substituted “the appropriate Minister certifies”, and
- (c) for sub-paragraph (4) there shall be substituted—
  - “(4) In this paragraph, “appropriate Minister” means—
    - (a) in cases relating to apparatus belonging to, or maintained by, electricity or gas undertakers, the Secretary of State for the Environment, Transport and the Regions and the Secretary of State for Trade and Industry acting jointly, and
    - (b) in any other case, the Secretary of State.”

**36.** In Schedule 15, in Part III, in paragraph 12—

- (a) in sub-paragraph (1) for “the appropriate Ministers acting jointly” there shall be substituted “the appropriate Minister”, and
- (b) for sub-paragraph (2) there shall be substituted—
  - “(2) In sub-paragraph (1) above, the reference to the appropriate Minister—
    - (a) in the case of a dispute concerning fisheries, flood defence or land drainage is to the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly, and
    - (b) in the case of any other dispute, is to the Secretary of State.”

**37.** In Schedule 15, in Part VI, in paragraph 11—

- (a) in sub-paragraph (1) for “the appropriate Ministers acting jointly” there shall be substituted “the appropriate Minister”, and
- (b) for sub-paragraph (2) there shall be substituted—
  - “(2) In sub-paragraph (1) above, the reference to the appropriate Minister—
    - (a) in the case of a dispute concerning land drainage or flood defence, is to the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly, and
    - (b) in the case of any other dispute, is to the Secretary of State.”

*Town and Country Planning (Scotland) Act 1997 (c. 8)*

**38.** The Town and Country Planning (Scotland) Act 1997 shall be amended as follows.

**39.** In section 217(1)—

- (a) paragraph (a) is hereby repealed, and
- (b) for paragraph (d) there shall be substituted—
  - “(d) in relation to any other statutory undertakers or the Civil Aviation Authority, the Secretary of State for the Environment, Transport and the Regions.”

**40.** In Schedule 7—

- (a) in paragraph 3(8) for “the Secretary of State for the Environment” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”, and

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- (b) in paragraph 8(4)(b) for “the Secretary of State for the Environment” there shall be substituted “the Secretary of State for the Environment, Transport and the Regions”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order in Council, made under the Ministers of the Crown Act 1975, incorporates the Secretary of State for the Environment, Transport and the Regions as a corporation sole and provides for the authentication of the corporate seal, the making of instruments by that Secretary of State and related matters (Article 2).

Article 3 transfers to the Secretary of State for the Environment, Transport and the Regions (or in some cases to the Secretary of State) the functions of the Secretary of State for the Environment and the Secretary of State for Transport.

Article 4 transfers property, rights and liabilities of the Secretary of State for the Environment and the Secretary of State for Transport to the Secretary of State for the Environment, Transport and the Regions, with special provision for immoveable property outside the United Kingdom (Article 4(3) and (4)).

The Order also contains supplementary provisions providing for continuity in the exercise of functions (Article 5) and makes amendments to enactments, instruments and other documents (Article 6 and the Schedule) consequential upon transfers effected by the Order and on the entrusting to the Secretary of State for the Environment, Transport and the Regions of functions entrusted before 1st May 1997 to the Secretary of State for the Environment or the Secretary of State for Transport.