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STATUTORY INSTRUMENTS

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**1999 No. 2786**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Nuclear Installations) Order 1999**

*Made* - - - - *12th October 1999*  
*Laid before Parliament* *25th October 1999*  
*Coming into force* - - *15th November 1999*

At the Court at Buckingham Palace, the 12th day of October 1999

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, commencement and interpretation**

1.—(1) This Order may be cited as the Transfer of Functions (Nuclear Installations) Order 1999 and shall come into force on 15th November 1999.

(2) In this Order “the relevant Secretaries of State” means those Secretaries of State by whom the functions transferred by this Order were exercisable immediately before the coming into force of this Order, as specified in article 2.

**Transfer of functions**

2. The functions under the Nuclear Installations Act 1965(2) which are exercisable by those Secretaries of State acting jointly who for the time being discharge in relation to England and Wales and in relation to Scotland the functions expressed to be conferred by that Act on the Minister(3), are hereby transferred to the Secretary of State.

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(1) 1975 c. 26.

(2) 1965 c. 57.

(3) The functions are so exercisable by reason of the definition of “prescribed” in section 26(1) of that Act, as modified by the Secretary of State for Trade and Industry Order 1970 (S.I.1970/1537), Schedule 2, paragraph 7. Functions specified in Schedule 3 to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750) may be exercised only after consultation with the Scottish Ministers.

### **Adaptations of enactments**

3.—(1) In section 26(1) of the Nuclear Installations Act 1965, in the definition of “prescribed”, for “the Minister of Power and the Secretary of State acting jointly” there is substituted “the Secretary of State”.

(2) In Schedule 2 to the Secretary of State for Trade and Industry Order 1970(4), paragraph 7 is omitted.

### **Supplemental and consequential**

4. All property, rights and liabilities to which the relevant Secretaries of State are entitled or subject at the coming into force of this Order in connection with any function transferred by this Order are hereby transferred to the Secretary of State for Trade and Industry.

5.—(1) This Order shall not affect the validity of anything done (or having effect as if done) by or in relation to the relevant Secretaries of State before the coming into force of this Order.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the relevant Secretaries of State may, so far as it relates to anything transferred by this Order, be continued by or in relation to the Secretary of State or the Secretary of State for Trade and Industry as the context may require.

(3) Anything done (or having effect as if done) by or in relation to the relevant Secretaries of State for the purposes of or in connection with anything transferred by this Order shall, if in force at the coming into force of this Order, have effect as if done by or in relation to the Secretary of State or the Secretary of State for Trade and Industry, as the context may require, in so far as that is required for continuing its effect after the coming into force of this Order.

(4) Any enactment, instrument or other document passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of any transfer effected by this Order, as if for any references (including references which are to be construed as such references) to the relevant Secretaries of State or to their departments or officers there were substituted references to the Secretary of State or to the Secretary of State for Trade and Industry, or to his department or officers, as the context may require.

*A K GALLOWAY*  
Clerk of the Privy Council

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## EXPLANATORY NOTE

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

This Order provides for the transfer to the Secretary of State of the functions under the Nuclear Installations Act 1965 which were previously exercisable by those Secretaries of State acting jointly who for the time being discharged in relation to England and Wales and in relation to Scotland the functions expressed to be conferred by that Act on the Minister. (In practice this meant the Secretary of State for Trade and Industry and the Secretary of State for Scotland).

The functions will accordingly now be legally exercisable by any of Her Majesty's Principal Secretaries of State. In practice, it is intended that they will be exercised by the Secretary of State for Trade and Industry.

The Order also makes consequential adaptations of enactments. It also makes provision for the transfer to the Secretary of State for Trade and Industry of any property, rights and liabilities relevant to the functions and makes other supplemental and consequential provision.