
STATUTORY INSTRUMENTS

2001 No. 2568

MINISTERS OF THE CROWN

The Secretaries of State for Transport,
Local Government and the Regions and for
Environment, Food and Rural Affairs Order 2001

<i>Made</i>	- - - -	<i>18th July 2001</i>
<i>Laid before Parliament</i>		<i>23rd July 2001</i>
<i>Coming into force</i>	- -	<i>13th August 2001</i>

At the Court at Buckingham Palace, the 18th day of July 2001
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:

Preliminary

Citation and commencement

1.—(1) This Order may be cited as the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001.

(2) This Order shall come into force on 13th August 2001.

Interpretation

2.—(1) In this Order—

“instrument”, without prejudice to the generality of that expression, includes 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; and

“property”, except in article 8, does not include immovable property.

(2) In this Order a reference to function of a Minister shall, in the case of a function which is exercisable by him jointly with another person or is otherwise shared by him with another person, be construed as a reference to his share in that function.

Incorporation of new Secretaries of State

Incorporation of the Secretary of State for Transport, Local Government and the Regions

3.—(1) The person who at the coming into force of this Order is the Secretary of State for Transport, Local Government 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 Transport, Local Government and the Regions shall—

- (a) be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and
- (b) be officially and judicially noticed.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Transport, Local Government and the Regions and—

- (a) to be sealed with his corporate seal authenticated in the manner provided by paragraph (2), or
 - (b) to be signed or executed by a person authorised by a Secretary of State to act in that behalf,
- shall be received in evidence and 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 Transport, Local Government and the Regions that any instrument purporting to be made or issued by—

- (a) the Secretary of State for Transport, Local Government and the Regions,
- (b) the Secretary of State for the Environment, Transport and the Regions,
- (c) the Secretary of State for the Environment, or
- (d) 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 Transport, Local Government 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.

Incorporation of the Secretary of State for Environment, Food and Rural Affairs

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

(2) The corporate seal of the Secretary of State for Environment, Food and Rural Affairs shall—

- (a) be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and

(b) be officially and judicially noticed.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Environment, Food and Rural Affairs and to be—

(a) sealed with his corporate seal authenticated in the manner provided by paragraph (2), or

(b) signed or executed by a person authorised by a Secretary of State to act in that behalf,

shall be received in evidence and 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 Environment, Food and Rural Affairs that any instrument purporting to be made or issued by—

(a) the Secretary of State for Environment, Food and Rural Affairs,

(b) the Secretary of State for the Environment, Transport and the Regions, or

(c) the Secretary of State for the Environment,

was so made or issued shall be conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(3) shall apply in relation to the Secretary of State for Environment, Food and Rural Affairs—

(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.

Transfer of functions from or to the Secretary of State

Transfer of certain functions of the Secretary of State

5. The functions of the Secretary of State under section 29(4) of and paragraph 2 of Schedule 3 to the Channel Tunnel Rail Link Act 1996(4) are hereby transferred to the Secretary of State for Transport, Local Government and the Regions and the Secretary of State for Environment, Food and Rural Affairs, acting jointly.

Transfer of functions to Secretary of State

6.—(1) The function of the Secretary of State for the Environment, Transport and the Regions under section 7(6) of the Road Traffic Regulation Act 1984(5) is hereby transferred to the Secretary of State.

(2) The function of the Secretary of State for the Environment, Transport and the Regions under section 35(3)(a) of the Land Drainage Act 1991(6) is hereby transferred to the Secretary of State.

Transfers to Secretary of State for Transport, Local Government and the Regions

Transfer of functions to Secretary of State for Transport, Local Government and the Regions

7.—(1) The functions of the Secretary of State for the Environment, Transport and the Regions are hereby transferred to the Secretary of State for Transport, Local Government and the Regions.

(3) 1868 c. 37.

(4) 1996 c. 61.

(5) 1984 c. 27.

(6) 1991 c. 59.

(2) This article does not apply to any function transferred by article 6.

Transfer of certain immovable property

8. All immovable property in the United Kingdom to which the Secretary of State for the Environment, Transport and the Regions is entitled at the coming into force of this Order is hereby transferred to the Secretary of State for Transport, Local Government and the Regions.

Transfer of property, rights and liabilities to Secretary of State for Transport, Local Government and the Regions

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

(2) This article does not apply to any property, rights or liabilities which are transferred by article 11 or 13.

Transfers to Secretary of State for Transport, Local Government and the Regions: supplementary

10.—(1) This article applies to—

- (a) the functions of the Secretary of State for the Environment, Transport and the Regions which are transferred by article 7, and
- (b) those functions which were entrusted to that Secretary of State before 7th June 2001 and which have, before the making of this Order, been entrusted to the Secretary of State for Transport, Local Government and the Regions.

(2) This Order does not affect the validity of anything done before the coming into force of this Order by or in relation to the Secretary of State for the Environment, Transport and the Regions in connection with a function to which this article applies.

(3) Anything which has been, or has effect as if, done by or in relation to the Secretary of State for the Environment, Transport and the Regions in connection with—

- (a) a function to which this article applies, or
- (b) anything transferred by article 8 or 9,

shall, so far as necessary for continuing its effect after the coming into force of this Order, have effect as if done by or in relation to the Secretary of State for Transport, Local Government and the Regions.

(4) 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 Secretary of State for the Environment, Transport and the Regions may, so far as it relates to—

- (a) a function to which this article applies, or
- (b) anything transferred by article 8 or 9,

be continued by or in relation to the Secretary of State for Transport, Local Government and the Regions.

(5) So far as may be necessary for the purposes of or in consequence of the transfer or entrusting to the Secretary of State for Transport, Local Government and the Regions of a function to which this article applies, an enactment or instrument passed or made before the coming into force of this Order shall have effect as if—

- (a) any reference to the Secretary of State for the Environment, Transport and the Regions were a reference to the Secretary of State for Transport, Local Government and the Regions,

- (b) any reference to the Department of the Environment, Transport and the Regions were a reference to the Department for Transport, Local Government and the Regions, and
- (c) any reference to an officer of the Secretary of State for the Environment, Transport and the Regions were a reference to an officer of the Secretary of State for Transport, Local Government and the Regions.

The references to which this paragraph applies include any reference that is to be construed as a reference to the Secretary of State for the Environment, Transport and the Regions, to his Department or to an officer of his.

(6) Documents or forms printed for use in connection with a function to which this article applies may be used in connection with that function notwithstanding that they contain (or are to be construed as containing) references to the Secretary of State for the Environment, Transport and the Regions, to his Department or to an officer of his.

(7) 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 Transport, Local Government and the Regions, to his Department or to an officer of his.

Transfers to Secretary of State for Environment, Food and Rural Affairs

Transfer of property, rights and liabilities to Secretary of State for Environment, Food and Rural Affairs

11.—(1) All property, rights and liabilities to which the Secretary of State for the Environment, Transport and the Regions is entitled or subject at the coming into force of this Order in connection with the functions to which this article applies are hereby transferred to the Secretary of State for Environment, Food and Rural Affairs.

(2) This article applies to—

- (a) the function of the Secretary of State for the Environment, Transport and the Regions which is transferred by article 6(2), and
- (b) those functions which were entrusted to that Secretary of State immediately before 7th June 2001 and which have, before the making of this Order, been entrusted to the Secretary of State for Environment, Food and Rural Affairs.

Transfers to Secretary of State for Environment, Food and Rural Affairs: supplementary

12.—(1) This Order does not affect the validity of anything done before the coming into force of this Order by or in relation to the Secretary of State for the Environment, Transport and the Regions in connection with a function to which article 11 applies.

(2) Anything which has been, or has effect as if, done by or in relation to the Secretary of State for the Environment, Transport and the Regions in connection with—

- (a) a function to which article 11 applies, or
- (b) anything transferred by that article,

shall, so far as necessary for continuing its effect after the coming into force of this Order, have effect as if done by or in relation to the Secretary of State for Environment, Food and Rural Affairs.

(3) 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 Secretary of State for the Environment, Transport and the Regions may, so far as it relates to—

- (a) a function to which article 11 applies, or
- (b) anything transferred by that article,

be continued by or in relation to the Secretary of State for Environment, Food and Rural Affairs.

(4) So far as may be necessary for the purposes of or in consequence of the transfer or entrusting to the Secretary of State for Environment, Food and Rural Affairs of a function to which article 11 applies, an enactment or instrument passed or made before the coming into force of this Order shall have effect as if—

- (a) any reference to the Secretary of State for the Environment, Transport and the Regions were a reference to the Secretary of State for Environment, Food and Rural Affairs,
- (b) any reference to the Department of the Environment, Transport and the Regions were a reference to the Department for Environment, Food and Rural Affairs, and
- (c) any reference to an officer of the Secretary of State for the Environment, Transport and the Regions were a reference to an officer of the Secretary of State for Environment, Food and Rural Affairs.

The references to which this paragraph applies include any reference which is to be construed as a reference to the Secretary of State for the Environment, Transport and the Regions, to his Department or to any officer of his.

(5) Documents or forms printed for use in connection with a function to which article 11 applies may be used in connection with that function notwithstanding that they contain (or are to be construed as containing) references to the Secretary of State for the Environment, Transport and the Regions, to his Department or to an officer of his.

(6) 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 Environment, Food and Rural Affairs, to his Department or to an officer of his.

Transfers to Secretary of State for Trade and Industry

Transfer of property, rights and liabilities to Secretary of State for Trade and Industry

13.—(1) All property, rights and liabilities to which the Secretary of State for the Environment, Transport and the Regions is entitled or subject at the coming into force of this Order in connection with the functions to which this article applies are hereby transferred to the Secretary of State for Trade and Industry.

(2) This article applies to those functions which were entrusted to the Secretary of State for the Environment, Transport and the Regions immediately before 7th June 2001 and which have, before the making of this Order, been entrusted to the Secretary of State for Trade and Industry.

Transfers to Secretary of State for Trade and Industry: supplementary

14.—(1) This Order does not affect the validity of anything done before the coming into force of this Order by or in relation to the Secretary of State for the Environment, Transport and the Regions in connection with a function to which article 13 applies.

(2) Anything which has been, or has effect as if, done by or in relation to the Secretary of State for the Environment, Transport and the Regions in connection with—

- (a) a function to which article 13 applies, or
- (b) anything transferred by that article,

shall, so far as necessary for continuing its effect after the coming into force of this Order, have effect as if done by or in relation to the Secretary of State for Trade and Industry.

(3) 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 Secretary of State for the Environment, Transport and the Regions may, so far as it relates to—

- (a) a function to which article 13 applies, or
- (b) anything transferred by that article,

be continued by or in relation to the Secretary of State for Trade and Industry.

(4) So far as may be necessary for the purposes of or in consequence of the entrusting to the Secretary of State for Trade and Industry of a function to which article 13 applies, an enactment or instrument passed or made before the coming into force of this Order shall have effect as if—

- (a) any reference to the Secretary of State for the Environment, Transport and the Regions were a reference to the Secretary of State for Trade and Industry,
- (b) any reference to the Department of the Environment, Transport and the Regions were a reference to the Department of Trade and Industry, and
- (c) any reference to an officer of the Secretary of State for the Environment, Transport and the Regions were a reference to an officer of the Secretary of State for Trade and Industry.

The references to which this paragraph applies include any reference which is to be construed as a reference to the Secretary of State for the Environment, Transport and the Regions, to his Department or to an officer of his.

(5) Documents or forms printed for use in connection with a function to which article 13 applies may be used in connection with that function notwithstanding that they contain (or are to be construed as containing) references to the Secretary of State for the Environment, Transport and the Regions, to his Department or to an officer of his.

(6) 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 Trade and Industry, to his Department or to an officer of his.

Minor and consequential provisions

Immovable property outside the United Kingdom

15.—(1) The person from time to time holding office as the Secretary of State for Transport, Local Government and the Regions shall by virtue of that office—

- (a) be Secretary of State for the Environment, Transport and the Regions so long as any immovable property outside the United Kingdom remains vested in that Secretary of State,
- (b) be Secretary of State for the Environment so long as any such property remains vested in that Secretary of State⁽⁷⁾,
- (c) be Minister of Public Building and Works so long as any such property remains vested in that Minister⁽⁸⁾, and
- (d) 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⁽⁹⁾.

(7) By virtue of art.4(3) of the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971.

(8) 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 immovable 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.

(9) 1942 c. 23.

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(2) Section 5(1) to (3) and (5) of the Minister of Works Act 1942 (as set out with adaptations in Schedule 2 to the Secretary of State for the Environment Order 1970⁽¹⁰⁾) shall continue to apply to the Secretary of State for Transport, Local Government and the Regions as Minister of Public Building and Works.

Consequential amendments

16. The enactments mentioned in the Schedule to this Order shall have effect with the amendments specified in that Schedule.

A K Galloway
Clerk of the Privy Council

⁽¹⁰⁾ S.I. 1970/1681.

SCHEDULE

CONSEQUENTIAL AMENDMENTS

Transport Act 1962 (c. 46)

1. In section 86(6A) of the Transport Act 1962(11), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

Parliamentary Commissioner Act 1967 (c. 13)

2. In Schedule 2 to the Parliamentary Commissioner Act 1967(12)—
- (a) the entry relating to the Department of the Environment, Transport and the Regions is hereby repealed; and
 - (b) there is inserted at the appropriate place “Department for Transport, Local Government and the Regions.”

Transport Act 1968 (c. 73)

3. In section 137(7)(c) of the Transport Act 1968(13), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

Courts Act 1971 (c. 23)

4. In section 28 of the Courts Act 1971(14), for “Secretary of State for the Environment, Transport and the Regions” (in both places it occurs) there is substituted “Secretary of State for Transport, Local Government and the Regions”.

Fair Trading Act 1973 (c. 41)

5. In section 51(3) of the Fair Trading Act 1973(15), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

Local Government, Planning and Land Act 1980 (c. 65)

6. In section 4(5) of the Local Government, Planning and Land Act 1980(16), for “the Minister of Transport” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

(11) 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 and the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., para.1.

(12) Sched. 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), s.1(2), Sched.1.

(13) 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; and amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., para.3.

(14) s.28 was amended by the Planning (Consequential Provisions) Act 1990 (c. 11), s.4, Sched.2, para 25 and the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., para.4.

(15) s.51(3) was repealed, in part, by the Ministry of Posts and Telecommunications (Dissolution) Order 1974, S.I. 1974/691, art.4(1), Sched.; and amended by the Railways Act 1993 (c. 43), s.66(2) and the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched, para.5.

(16) s.4(5) was repealed, in part, by the London Regional Transport Act 1984, s.71(3), Sched. 7.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Road Traffic Regulation Act 1984 (c. 27)

7.—(1) The Road Traffic Regulation Act 1984 is amended as follows.

(2) In section 7(6)(**17**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State”.

(3) In Schedule 5(**18**), for “The Secretary of State for the Environment, Transport and the Regions” (in each place it occurs) there is substituted “The Secretary of State for Transport, Local Government and the Regions”.

Airports Act 1986 (c. 31)

8. In paragraph 1(2) of Schedule 2 to the Airports Act 1986(**19**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

Town and Country Planning Act 1990 (c. 8)

9.—(1) The Town and Country Planning Act 1990 is amended as follows.

(2) In section 228(**20**), for “Secretary of State for the Environment, Transport and the Regions” (in both places it occurs) there is substituted “Secretary of State for Transport, Local Government and the Regions”.

(3) In section 245(1)(**21**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

(4) In section 265(1)(d)(**22**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

(5) In paragraph 8(2) of Schedule 6(**23**), for “the Department of the Environment, Transport and the Regions” there is substituted “the Department for Transport, Local Government and the Regions”.

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

10. In paragraph 7(2) of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990(**24**), for “the Department of the Environment, Transport and the Regions” there is substituted “the Department for Transport, Local Government and the Regions”.

(17) s.7(6) was amended by the Road Traffic Act 1991 (c. 40), s.81, Sched. 7, para 3 and the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras 6 and 7.

(18) Sched.5 was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras. 6 and 8.

(19) para. 1(2) was repealed, in part, by the Planning (Consequential Provisions) Act 1990 (c. 11), s.3, Sched. 1, Pt 1; and amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art. 6(1), Sched., para.9.

(20) s.228 was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I.1997/2971, Art.6(1), Sched., paras.11 and 12.

(21) s.245(1) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras. 11 and 13.

(22) s.265(1) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras. 11 and 14.

(23) para 8(2) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art. 6(1), Sched., paras. 11 and 15.

(24) para. 7(2) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I.1997/2971, Art.6(1)., Sched., para.16.

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

11. In paragraph 7(2) of the Schedule to the Planning (Hazardous Substances) Act 1990(**25**), for “the Department of the Environment, Transport and the Regions” there is substituted “the Department for Transport, Local Government and the Regions”.

Water Resources Act 1991 (c. 57)

12.—(1) The Water Resources Act 1991 is amended as follows.

(2) In section 21(3)(e)(**26**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

(3) In paragraph 2(3)(f) of Schedule 5(**27**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

(4) In Schedule 6—

(a) in paragraph 1(4)(g)(**28**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”; and

(b) in paragraph 3(5)(**29**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

Land Drainage Act 1991 (c. 59)

13. In section 35(3) of the Land Drainage Act 1991(**30**)—

(a) for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State”; and

(b) in paragraph (b), for “that Secretary of State” there is substituted “the Secretary of Transport, Local Government and the Regions”.

Transport and Works Act 1992 (c. 42)

14. In section 23(10) of the Transport and Works Act 1992(**31**), for “the Department of the Environment, Transport and the Regions” (in both places) there is substituted “the Department for Transport, Local Government and the Regions”.

(25) para. 7(2) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. [1997/2971](#), Art.6(1), Sched., para.17.

(26) s.21(3)(e) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. [1997/2971](#), Art.6(1), Sched., paras. 18 and 19.

(27) para. 2(3)(f) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. [1997/2971](#), Art.6(1), Sched., paras. 18 and 20.

(28) para. 1(4)(g) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. [1997/2971](#), Art.6(1), Sched., paras. 18 and 21.

(29) para. 3(5) was amended by the Environment Act 1995, s.120, Sched.22, para. 128 and the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. [1997/2971](#), Art.6(1), Sched., paras. 18 and 21.

(30) s.35(3)(a) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. [1997/2971](#), Art.6(1), Sched., para 22.

(31) s.23(10) was amended by the Transfer of Functions (Energy) Order 1992, S.I. [1992/1314](#), Art 3(3), Sched., para. 2(b) and the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. [1997/2971](#), Art.6(1), Sched., para.23.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Channel Tunnel Rail Link Act 1996 (c. 61)

15.—(1) The Channel Tunnel Rail Link Act 1996 is amended as follows.

(2) In section 29(4)(**32**), for “Secretary of State” there is substituted “Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport, Local Government and the Regions acting jointly”.

(3) In section 50(5)(b)(**33**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

(4) In paragraph 2 of Schedule 3(**34**)—

(a) in sub-paragraph (2), for “Secretary of State” there is substituted “appropriate Ministers”;

(b) in sub-paragraph (3)—

(i) for “Secretary of State” there is substituted “appropriate Ministers”; and

(ii) for “he is” there is substituted “they are”;

(c) in sub-paragraph (4)—

(i) for “Secretary of State grants” there is substituted “appropriate Ministers grant”; and

(ii) for “he” there is substituted “they”;

(d) in sub-paragraph (8)—

(i) for “Secretary of State” there is substituted “appropriate Ministers”; and

(ii) for “him” there is substituted “them”;

(e) in sub-paragraph (9)—

(i) for “he directs” there is substituted “they direct”;

(ii) for “the Secretary of State’s functions” there is substituted “the appropriate Ministers’ functions”; and

(iii) for “him” (in both places) there is substituted “them”; and

(f) after sub-paragraph (11) there is inserted—

“(12) In this paragraph references to the appropriate Ministers are to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport, Local Government and the Regions and, in relation to the carrying out of any functions, are to those Ministers acting jointly.”

(5) In paragraph 5(5)(a) of Schedule 7(**35**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

(6) In paragraph 13 of Schedule 14(**36**), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

(32) s.29(4) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras. 25 and 27.

(33) s.50(5)(b) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras 25 and 29.

(34) para.2 was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras. 25 and 30.

(35) para. 5(5) was amended by the Secretary of State for Culture, Media and Sport Order 1997 S.I. 1997/1744, Art 2(2), Sched., para 6 and the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras. 25 and 33.

(36) para.13 was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras. 25 and 34.

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(7) In paragraph 2(4)(a) of Part 2 of Schedule 15(37), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

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

16. In Schedule 7 to the Town and Country Planning (Scotland) Act 1997(38)—

- (a) in paragraph 3(8), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”; and
- (b) in paragraph 8(4)(b), for “the Secretary of State for the Environment, Transport and the Regions” there is substituted “the Secretary of State for Transport, Local Government and the Regions”.

National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672)

17. In the entry relating to the Water Resources Act 1991 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, for paragraph (d) (functions referring to the Secretary of State for the Environment, Transport and the Regions) there is substituted—

- “(d) any function which is expressly referred to in this Act as a function of the Secretary of State for Transport, Local Government and the Regions.”

Regulation of Investigatory Powers Act 2000 (c. 23)

18. In Part 1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000—

- (a) the entry relating to the Department of the Environment, Transport and the Regions is hereby repealed; and
- (b) there is inserted at the appropriate place “The Department for Transport, Local Government and the Regions.”

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 Transport, Local Government and the Regions and the Secretary of State for Environment, Food and Rural Affairs as corporations sole (articles 3 and 4). Those articles also provide for the authentication of the corporate seals, the making of instruments by those Secretaries of State and related matters.

Article 5 transfers to the Secretary of State for Transport, Local Government and the Regions and the Secretary of State for Environment, Food and Rural Affairs, acting jointly, the functions of the

(37) para. 2(4) was substituted by the Secretary of State for the Environment, Transport and the Regions Order 1977, S.I. 1997/2971, Art.6(1), Sched., paras. 25 and 35(e).

(38) Sched.7 was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Art.6(1), Sched., paras. 38 and 40.

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Secretary of State under section 29(4) of, and paragraph 2 of Schedule 3 to, the Channel Tunnel Rail Link Act 1996.

Article 6 transfers to the Secretary of State the functions of the Secretary of State for the Environment, Transport and the Regions under section 7(6) of the Road Traffic Regulation Act 1984 and section 35(3)(a) of the Land Drainage Act 1991.

Article 7 transfers to the Secretary of State for Transport, Local Government and the Regions the functions of the Secretary of State for the Environment, Transport and the Regions (other than the functions transferred by article 6).

Article 8 transfers to the Secretary of State for Transport, Local Government and the Regions all immovable property in the United Kingdom held by the Secretary of State for the Environment, Transport and the Regions.

Article 9 transfers to the Secretary of State for Transport, Local Government and the Regions property (other than immovable property), rights and liabilities of the Secretary of State for the Environment, Transport and the Regions, other than those transferred by article 11 (to the Secretary of State for Environment, Food and Rural Affairs) or 13 (to the Secretary of State for Trade and Industry).

Article 10 makes supplementary provision for continuity in relation to the exercise of functions transferred by articles 7 to 9.

Article 11 transfers to the Secretary of State for Environment, Food and Rural Affairs property (other than immovable property), rights and liabilities associated with the function transferred by article 6(2) and other functions, formerly entrusted to the Secretary of State for the Environment, Transport and the Regions, which have, before the making of this Order, been entrusted to the Secretary of State for Environment, Food and Rural Affairs. Those other functions relate to the environment, wildlife and the countryside.

Article 12 makes supplementary provision for continuity in relation to the exercise of the functions transferred by articles 6(2) and 11, and the property, rights and liabilities transferred by article 11 to the Secretary of State for Environment, Food and Rural Affairs.

Article 13 transfers to the Secretary of State for Trade and Industry property (other than immovable property), rights and liabilities, associated with functions formerly entrusted to the Secretary of State for the Environment, Transport and the Regions, which have, before the making of this Order, been entrusted to the Secretary of State for Trade and Industry. Those functions relate to sponsorship of Regional Development Agencies and the construction industry.

Article 14 makes supplementary provision for continuity in relation to the exercise of the functions to which article 13 applies, and the property, rights and liabilities transferred by that article to the Secretary of State for Trade and Industry.

Article 15 makes special provision for immovable property outside the United Kingdom.

Article 16 and the Schedule amend enactments consequential on the transfers effected by the Order.

Nothing in this Order alters the functions of the National Assembly for Wales.