



Secretaries of State Act 1926

1926 CHAPTER 18

An Act to transfer the powers of the Secretary for Scotland to one of His Majesty's Principal Secretaries of State, and to increase the number of Secretaries of State and Under Secretaries of State capable of sitting and voting in the Commons House of Parliament, and for purposes connected with the matters aforesaid. [15th July 1926]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Transfer of powers and duties from Secretary for Scotland to Secretary of State.

- (1) On the first appointment after the passing of this Act of an additional Principal Secretary of State (if His Majesty is pleased to make such an appointment), all the powers and duties of the Secretary for Scotland shall, by virtue of this Act, become powers and duties of a Principal Secretary of State, and the office of Secretary for Scotland and the office of Parliamentary Under Secretary for Health for Scotland shall be abolished.
- (2) On the appointment of such an additional Secretary of State as aforesaid, all property which at the time of the appointment is vested in the Secretary for Scotland as such shall, by virtue of this Act, be transferred to and become vested in that additional Secretary of State.
- (3) For the purpose of the construction of any Act of Parliament, judgment, decree, order, award, warrant, deed, contract, regulation, byelaw, or other document passed or made before the time at which the transfer under this Act of the powers and duties of and of property vested in the Secretary for Scotland to a Principal Secretary of State takes effect, references therein to the Secretary for Scotland and to the Parliamentary Under Secretary for Health for Scotland shall, as from the time of the said transfer, have effect as if they were respectively references to one of His Majesty's Principal Secretaries of State and to an Under Secretary to that Principal Secretary of State.

2 Transitory provisions.

- (1) Where anything in relation to the property, powers or duties transferred by this Act was commenced by or under the authority of the Secretary for Scotland before the time of the transfer aforesaid, that thing may be carried on and completed by or under the authority of a Secretary of State.
- (2) Where at the time of the transfer aforesaid any legal proceeding is pending to which the Secretary for Scotland is a party and that proceeding has reference to any property, powers, or duties transferred by this Act, a Secretary of State shall be substituted in that proceeding for the Secretary for Scotland, and that proceeding shall not abate by reason of the substitution.
- (3) All permanent secretaries, inspectors, clerks, or other officers employed under the Secretary for Scotland at the time of the transfer aforesaid shall hold their offices and places under the Secretary of State, and shall do so upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties, as if this Act had not passed.

3 Increase of number of Secretaries of State and Under Secretaries in the House of Commons.

The number of Principal Secretaries of State and of Under Secretaries of State capable of sitting and voting in the Commons House of Parliament shall be increased to six, and accordingly section four of the Government of India Act, 1858, and section one of the House of Commons (Vacation of Seats) Act, 1864, as amended by section eleven of the Air Force (Constitution) Act, 1917, shall have effect as if the word " six " were substituted for the word " five " wherever that word occurs in those sections as so amended.

4 Short title and repeal.

- (1) This Act may be cited as the Secretaries of State Act, 1926.
- (2) The enactments mentioned in the Schedule to this Act shall, to the extent specified in the third column of that Schedule, be repealed as from the time of the transfer aforesaid.

SCHEDULE

Section 4.

ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
48 & 49 Vict. c. 61.	The Secretary for Scotland Act, 1885.	Section two from the beginning down to " pounds a year" and sections three and four.
9 & 10 Geo. 5. c. 20.	The Scottish Board of Health Act, 1919.	In subsection (1) of section three the words from the beginning of the subsection down to " this Act" and from " there shall be paid " to the end of the subsection.