
 STATUTORY INSTRUMENTS

1968 No. 1699

MINISTERS OF THE CROWN

The Secretary of State for Social Services Order 1968

*Laid before Parliament in draft**Made - - - 25th October 1968**Coming into Operation 1st November 1968*

At the Court at Buckingham Palace, the 25th day of October 1968

Present,

The Queen's Most Excellent Majesty in Council

Whereas copies of the draft of this Order have been laid before Parliament in pursuance of section 3 of the Ministers of the Crown (Transfer of Functions) Act 1946(a), and each House has presented an Address to Her Majesty praying that the Order be made:

Now, therefore, Her Majesty, in pursuance of section 1 of the said Act, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Secretary of State for Social Services Order 1968.

(2) The Interpretation Act 1889(b) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) In this Order “instrument” (without prejudice to the generality of that expression) includes in particular Royal Warrants, Orders in Council, Orders by Her Majesty, orders, rules, regulations, statements, schemes, byelaws, judgments, decrees, awards, agreements, bonds, covenants, securities, certificates, licences and other documents.

(4) Any reference in this Order to an enactment or instrument is a reference thereto as amended, and includes a reference thereto as applied, by or under any other enactment or instrument.

(5) This Order shall come into operation on 1st November 1968.

Transfer of functions and dissolution of Ministries of Health and Social Security

2. There are hereby transferred to the Secretary of State all functions of the Minister of Health and all functions of the Minister of Social Security, and the Ministry of Health and the Ministry of Social Security are hereby dissolved.

(a) 1946 c. 31.

(b) 1889 c. 63.

Transfer of property and liabilities

3. There are hereby transferred to the Secretary of State for Social Services all property, rights and liabilities to which the Minister of Health and the Minister of Social Security were respectively entitled or subject immediately before the coming into operation of this Order.

Incorporation of Secretary of State for Social Services

4. Paragraphs 5 to 7 of Schedule 1 to the Ministers of the Crown Act 1964(a) (which provide for the incorporation of, and the proof of instruments made or issued by, Ministers to whom they apply) shall apply to the Secretary of State for Social Services as they applied to the Minister of Social Security, and references in those paragraphs to the Minister and the Ministry shall be construed accordingly; but anything done by or in relation to any other Secretary of State for the Secretary of State for Social Services as a corporation sole shall have effect as if done by or in relation to the Secretary of State for Social Services.

Amendment, repeal and adaptation of enactments and instruments

5.—(1) In Schedule 1 to the Ministerial Salaries Consolidation Act 1965(b) the references to the Minister of Health, the Minister of Social Security, the Parliamentary Secretary to the Ministry of Health and the Parliamentary Secretary to the Ministry of Social Security shall be omitted; and in section 2(2) of that Act (which, as amended by the Ministry of Land and Natural Resources (Dissolution) Order 1967(c), provides that the number of persons to whom salaries may be paid as Ministers of State shall not exceed twenty-one), for the words “twenty-one” there shall be substituted the words “twenty-three”.

(2) In Schedule 2 to the Parliamentary Commissioner Act 1967(d) for the entry “Ministry of Health” there shall be substituted the entry “Department of Health and Social Security” and the entry “Ministry of Social Security” shall be omitted.

(3) The enactments and instrument described in Part I of the Schedule to this Order shall have effect subject to the amendments set out in relation thereto in column 2 of that Part, and the enactments described in Part II of that Schedule are hereby repealed to the extent specified in column 3 of that Part.

(4) Subject to paragraphs (1) to (3) above, any enactment or instrument passed or made before the coming into operation of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the foregoing provisions of this Order, as if—

(a) for any reference to the Minister of Health or the Minister of Social Security (including any reference which is to be construed as such a reference) there were substituted a reference to the Secretary of State; and

(b) for any reference to the Ministry of Health or the Ministry of Social Security or any officer of either of those Ministries or of the Minister thereof (including any reference which is to be construed as such a reference) there were substituted a reference to the department or an officer of the Secretary of State.

(a) 1964 c. 98.

(c) S.I. 1967/156 (1967, I, p. 258).

(b) 1965 c. 58.

(d) 1967 c. 13.

(5) Documents or forms printed or duplicated for use in connection with functions transferred by this Order may be used notwithstanding that they contain references to the Minister of Health or Minister of Social Security, and those references shall be construed as references to the Secretary of State; and similarly with references to the Ministry of Health or Ministry of Social Security or to an officer of either of those Ministers or Ministries.

Supplemental

6.—(1) This Order shall not affect the validity of anything done by or in relation to the Minister of Health or the Minister of Social Security before the coming into operation of this Order; and anything which, at the time of the coming into operation of this Order, is in process of being done by or in relation to that Minister (including in particular any legal proceedings to which he is a party) may be continued by or in relation to the Secretary of State.

(2) Any authority, appointment, determination, approval, consent or direction given or made or other thing whatsoever done, or having effect as if given, made or done, by the Minister of Health or the Minister of Social Security shall, if in force at the coming into operation of this Order, continue in force and have effect as if similarly given, made or done by the Secretary of State.

W. G. Agnew.

SCHEDULE

Article 5(3)

AMENDMENTS AND REPEALS

PART I

ENACTMENTS AND INSTRUMENT AMENDED

Enactments

The Documentary Evidence Act 1868 (c. 37)	The Act shall apply in relation to the Secretary of State for Social Services as if references to orders and regulations included references to any document, and as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.
The Ministry of Health Act 1919 (c. 21)	In section 2, after the word "people" there shall be inserted the words "throughout England and Wales".
The Births and Deaths Registration Act 1926 (c. 48)	In section 9, for the words "Minister of Health" there shall be substituted the words "Secretary of State for Social Services" and after the words "Secretary of State" there shall be inserted the words "for the Home Department".
The Pharmacy and Poisons Act 1933 (c. 25)	In Schedule 2, in paragraph 2, for the words "Minister of Health" there shall be substituted the words "Secretary of State for Social Services".
The National Health Service Act 1946 (c. 81)	In section 67(2) for the words "Minister and a" there shall be substituted the words "Secretary of State for Social Services and the appropriate"; for the words "Minister, the Secretary" there shall be substituted the word "Secretaries"; and at the end of the subsection there shall be added— "In this subsection 'the appropriate Secretary of State' means, as regards Scotland, the Secretary of State for Scotland and, as regards Northern Ireland, the Secretary of State for the Home Department".

- The National Health Service (Scotland) Act 1947 (c. 27)** In section 66(2), after the words "Secretary of State," wherever they occur, there shall be inserted the words "for Scotland", and for the words "Minister of Health" there shall be substituted the words "Secretary of State for Social Services".
- The Radioactive Substances Act 1948 (c. 37)** In sections 3(7) and (9) and 4(2) and (4), for the words "Minister of Health and the Secretary of State" there shall be substituted the words "Secretary of State for Social Services and the Secretary of State for Scotland".
- The Food and Drugs Act 1955 (4 & 5 Eliz. 2. c. 16)** In Schedule 10, in paragraph 2(a), for the words "the Minister of Health" there shall be substituted the words "for the Home Department, the Secretary of State for Social Services".
- The Therapeutic Substances Act 1956 (c. 25)** In section 4(1) and (2), for the words "Minister of Health" there shall be substituted the words "Secretary of State concerned with health in England and Wales" and after the words "Secretary of State" there shall be inserted the words "concerned with health in Scotland".
- In sections 8(1) and 9(3), for the words "Minister of Health, the Secretary of State" there shall be substituted the words "Secretaries of State respectively concerned with health in England and Wales and in Scotland".
- The Dentists Act 1957 (c. 28)** In Schedule 1, in paragraph 14(3), for the words "Minister of Health, the Secretary of State", there shall be substituted the words "Secretaries of State respectively concerned with health in England and Wales and in Scotland".
- The Professions Supplementary to Medicine Act 1960 (c. 66)** In Schedule 1, in paragraph 1(1)(b), for the words "Minister of Health" there shall be substituted the words "Secretary of State for Social Services".
- The Commonwealth Immigrants Act 1962 (c. 21)** In section 16, for the words "Minister of Health", wherever they occur, there shall be substituted the words "Secretary of State for Social Services"; in subsections (1), (2) and (3), after the words "Secretary of State", wherever they occur, there shall be inserted the words "for the Home Department"; and in subsection (5), after the words "Secretary of State", where they first occur, there shall be inserted the words "for Scotland" and the words from "and references" onwards shall be omitted.
- The Health Visiting and Social Work (Training) Act 1962 (c. 33)** In section 7(2), for the words "Minister of Health, the Secretary of State" there shall be substituted the words "Secretaries of State respectively concerned with health in England and Wales and in Scotland".
- The Weights and Measures Act 1963 (c. 31)** In section 10(7), for the words "Minister of Health and the Secretary of State" there shall be substituted the words "Secretaries of State respectively concerned with health in England and Wales and in Scotland".

**The National Health Service
Contributions Act 1965
(c. 54)**

In section 1, for subsections (4) and (5) there shall be substituted—

“(4) National health service contributions shall be paid to the Secretary of State and shall, subject to the deduction of such sums as fall to be set aside under section 3(1) of this Act, be taken as paid towards the cost of the national health service in England and Wales and towards the cost of the national health service in Scotland in such shares as the Treasury may determine.

(5) Such sums as the Secretary of State may from time to time estimate, in such manner as the Treasury may direct, to represent the sums which by virtue of this Act are to be taken as paid towards the cost of the national health service in England and Wales shall be treated as received by him, at such times as the Treasury may direct, under the National Health Service Act 1946 otherwise than as sums required to be transferred to the Hospital Endowments Fund; and such sums as he may from time to time estimate, in such manner as the Treasury may direct, to represent the sums which by virtue of this Act are to be taken as paid towards the cost of the national health service in Scotland shall be treated as received by him, at such times as the Treasury may direct, under the National Health Service (Scotland) Act 1947”.

In section 3(1), for the words “retain” and “retained” there shall be substituted the words “set aside”.

In section 4, for the word “retained” there shall be substituted the words “set aside”.

**The Redundancy Payments
Act 1965 (c. 62)**

In section 27(6), for the reference to the Minister of Pensions and National Insurance (which has effect as a reference to the Minister of Social Security) there shall be substituted a reference to the Secretary of State for Social Services.

In section 29, for the references to the Minister of Pensions and National Insurance (which have effect as references to the Minister of Social Security) there shall be substituted references to the Secretary of State for Social Services; and in subsection (5), for the references to the Minister of Labour (which have effect as references to the Secretary of State) there shall be substituted references to the Secretary of State for Employment and Productivity.

**The National Health Service
Act 1966 (c. 8)**

In section 11, for the words “Minister of Health” there shall be substituted the words “Secretary of State for Social Services, ‘the Secretary of State’ (without more) means the Secretary of State for Scotland”.

**The Ministry of Social
Security Act 1966 (c. 20)**

In sections 31 and 32(1), for the word “Minister” there shall be substituted the words “Secretary of State for Social Services”.

**The Health Services and
Public Health Act 1968
(c. 46)**

In sections 59(1) and 61(1), for the words “Minister of Health and the Secretary of State” there shall be substituted the words “Secretaries of State respectively concerned with health in England and Wales and in Scotland”.

In section 61(2), for the words “the said Minister or the” there shall be substituted the word “a”.

- The Medicines Act 1968 In section 1(1)(a), for the words "Minister of Health" there shall be substituted the words "Secretary of State concerned with health in England and Wales".
- In sections 5(2) and 120(4), for the words "Minister of Health, the Secretary of State" there shall be substituted the words "Secretaries of State respectively concerned with health in England and Wales and in Scotland".

Instrument

- The Aliens Order 1953 (S.I. 1953/1671 (1953, I, p. 94)) In Article 30(3), for the words "the Minister of Health" and, in the second place where they occur, the words "that Minister" there shall be substituted the words "the Secretary of State for Social Services", and after the words "Secretary of State" there shall be inserted the words "for the Home Department".
- In Article 32(b), for the words "Minister of Health" there shall be substituted the words "Secretary of State for Social Services", after the words "Secretary of State", where they first occur, there shall be inserted the words "for Scotland", and the words from "and the words 'in pursuance of arrangements' onwards shall be omitted.
- In Article 33(e), for the words "Minister of Health" there shall be substituted the words "Secretary of State for Social Services".

PART II

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 21.	The Ministry of Health Act 1919.	Section 1. Section 3. Section 6, except in subsection (3) the words from "no payments" to the end of the subsection. Section 7. In section 8(3), the words from "for any transfer" to "of this Act, or". Section 11(4). Schedule 1.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 2, the entries relating to the Minister of Health, the Minister of Social Security, the Parliamentary Secretary to the Ministry of Health and the Parliamentary Secretary to the Ministry of Social Security.
9 & 10 Eliz. 2. c. 6.	The Ministers of the Crown (Parliamentary Secretaries) Act 1960.	In Schedule 1, the amendment of the Ministry of Health Act 1919.
1964 c. 60.	The Emergency Laws (Re-enactments and Repeals) Act 1964.	Section 4(4). Section 5(4).

Chapter	Short Title	Extent of Repeal
1964 c. 98.	The Ministers of the Crown Act 1964.	In Part II of Schedule 2, the entries relating to the Minister of Health, the Minister of Social Security, the Parliamentary Secretary to the Ministry of Health and the Parliamentary Secretary to the Ministry of Social Security.
1965 c. 54.	The National Health Service Contributions Act 1965.	Section 3(3).
1965 c. 58.	The Ministerial Salaries Consolidation Act 1965.	In Schedule 1, the entries relating to the Minister of Health, the Minister of Social Security, the Ministry of Health and the Ministry of Social Security.
1966 c. 20.	The Ministry of Social Security Act 1966.	Section 1.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order in Council, made under the Ministers of the Crown (Transfer of Functions) Act 1946, transfers to the Secretary of State all the functions of the Minister of Health and the Minister of Social Security. The Order also dissolves the Ministry of Health and the Ministry of Social Security.