
STATUTORY INSTRUMENTS

1970 No. 1537

The Secretary of State for Trade and Industry Order 1970

Citation, interpretation and commencement

- 1.—(1) This Order may be cited as the Secretary of State for Trade and Industry Order 1970.
- (2) The Interpretation Act 1889 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (3) This Order shall come into operation on 20th October 1970.

Transfer of functions to Secretary of State

- 2.—(1) There are hereby transferred to the Secretary of State—
- (a) so as to be exercisable concurrently with the Board of Trade, all the functions of the Board; and
 - (b) so as to be exercisable concurrently with the President of the Board, all the functions of the President other than his functions in the Board and any power to act for the Board.
- (2) There are hereby also transferred to the Secretary of State the functions of the Minister of Technology other than functions conferred on him by the enactments mentioned in Part I of Schedule 1 to this Order, but so that this transfer shall not be taken either—
- (a) except as mentioned in Part II of the Schedule, to extend to the powers exercisable by the Minister of Technology under the enactments and instruments there listed or to affect any reference to him (or reference which has effect as such a reference) in those enactments and instruments; or
 - (b) to affect the exercise by the Minister of Technology of powers belonging generally to Ministers of the Crown (whether conferred by statute or otherwise).
- (3) In section 9(11) of the Agriculture Act 1967 (which, as originally enacted, required the President of the Board of Trade to be consulted before certain agreements were excepted from Part I of the Restrictive Trade Practices Act 1956) for the words “the President of the Board of Trade” there shall be substituted the words “the Secretary of State for Trade and Industry”, in place of the words “the Secretary of State for Employment and Productivity” substituted by the Transfer of Functions (Monopolies, Mergers and Restrictive Trade Practices) Order 1969(1).

Restyling of Secretary of State for Employment and Productivity and of Minister of Technology

- 3.—(1) The Secretary of State for Employment and Productivity and the Minister of Technology shall hereafter be known respectively as the Secretary of State for Employment and the Minister of Aviation Supply, and their departments as the Department of Employment and the Ministry of Aviation Supply.

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(2) Subject to the provisions of this Order, the new style and title of the Secretary of State and the Minister and of their departments shall be substituted for the previous style and title in all enactments relating to them (including in the case of the Minister the enactments mentioned in Schedule 1 to this Order) and in all instruments, contracts and legal proceedings made or commenced before the coming into operation of this Order.

Style, seal and acts of Secretary of State for Trade and Industry

4.—(1) The person who at the coming into operation of this Order is Secretary of State for Trade and Industry and his successors shall be, by that name, a corporation sole (with a corporate seal), but so that anything done by or in relation to any other Secretary of State for the Secretary of State for Trade and Industry as a corporation sole shall have effect as if done by or in relation to the Secretary of State for Trade and Industry.

(2) The corporate seal of the Secretary of State for Trade and Industry shall be authenticated by the signature of a Secretary of State, or of a Secretary to the Department of Trade and Industry, 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 Trade and Industry shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Secretary of State for Trade and Industry and to be sealed with that seal authenticated in the manner provided by paragraph (2) above, or to be signed or executed by a Secretary to the Department of Trade and Industry or a person authorised as aforesaid, 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 Trade and Industry that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

5. In Schedule 2 to the Parliamentary Commissioner Act 1967 after the entry for the Board of Trade there shall be inserted the entry “Department of Trade and Industry”, and in note 5 (which extends the reference to the Board of Trade so as to include certain bodies exercising delegated functions) after the words “the Board of Trade” there shall be inserted the words “or the Department of Trade and Industry”.

Supplemental

6.—(1) The enactments mentioned in Schedule 2 to this Order shall have effect subject to the modifications provided for by that Schedule.

(2) Subject to the provisions of Schedule 2 to this Order, where in connection with any functions transferred by this Order any enactment or instrument provides for anything to be done by or in relation to both the Minister of Technology and a Secretary of State, it shall be read as providing for it to be done by or in relation to both the Secretary of State for the time being discharging those functions and such other Secretary of State (if any) as may be concerned; and similarly with things to be done by or in relation to both the Board of Trade or the President of the Board and a Secretary of State, in so far as they are done by or in relation to a Secretary of State instead of the Board or President.

7.—(1) All property, rights and liabilities to which immediately before the coming into operation of this Order the Minister of Technology is entitled or subject in connection with the functions of the Minister transferred to the Secretary of State by Article 2(2) above are hereby transferred to the Secretary of State for Trade and Industry; and this provision shall apply to property, rights and liabilities to which the Minister is then entitled or subject in connection with functions transferred

by Article 2(2), notwithstanding that he is entitled or subject thereto by reason of the exercise of powers that are to be retained by him in accordance with Article 2(2)(a) and (b).

(2) This Order shall not affect the validity of anything done by or in relation to the Minister of Technology before the coming into operation of this Order; and anything which at the coming into operation of this Order is in process of being done by or in relation to the Board of Trade, the President of the Board of Trade or the Minister of Technology (including in particular any legal proceedings to which any of them is a party) may, if it relates to any functions, property, rights or liabilities transferred by this Order, be continued by or in relation to the Secretary of State for Trade and Industry.

(3) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by the Minister of Technology in connection with functions transferred by this Order, or having effect as if so given, imposed or made, shall, if in force at the coming into operation of this Order, have effect as if given, imposed or made by the Secretary of State for Trade and Industry in so far as that is required for continuing its effect after the coming into operation of this Order.

(4) Subject to Article 6 above, any enactment, instrument or contract 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 transfers effected by this Order, as if any reference to the Board of Trade, the President of the Board of Trade or the Minister of Technology or to the department or an officer of the Board or of that Minister (including any reference which is to be construed as such a reference) were or included a reference to the Secretary of State or to his Department or an officer of his, as the context may require.

(5) Documents or forms printed or duplicated for use in connection with any functions of the Minister of Technology transferred by this Order may be so used notwithstanding that they contain references to that Minister or, in connection with functions previously transferred to him from the Board of Trade, to the Board, and those references shall be construed as references to the Secretary of State for Trade and Industry; and similarly with references to the department or an officer of that Minister or of the Board.

W.G. Agnew