

1971 No. 2099

MINISTERS OF THE CROWN

The Minister for the Civil Service Order 1971

<i>Made</i> - - - -	22nd December 1971
<i>Laid before Parliament</i>	31st December 1971
<i>Coming into Operation</i>	7th February 1972

At the Court at Buckingham Palace, the 22nd day of December 1971

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946(a), 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 Minister for the Civil Service Order 1971.

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

(4) This Order shall come into operation on 7th February 1972.

Further transfer of functions from Treasury

2.—(1) There are hereby transferred to the Minister for the Civil Service all functions which at the coming into operation of this Order are exercisable by the Treasury—

- (a) with respect to the appointment or employment of judges and judicial staff (including determination of numbers) or to their continuation in or removal from office or employment; or
- (b) with respect to the determination of remuneration and, except where it is payable out of the Consolidated Fund, the times of payment of remuneration, of judges and judicial staff, or with respect to the determination of their conditions of service, personal expenses or allowances; or
- (c) with respect to allowances payable for expenses or otherwise to jurors, witnesses or others by reason of their attendance at or before any court or tribunal or other judicial body or any inquiry.

(2) In this Article—

- (a) references to judges shall apply—
 - (i) to all members of any court or tribunal or other judicial body;
 - (ii) to all other holders of any judicial office;

 (a) 1946 c. 31.

(b) 1889 c. 63.

- (iii) to all persons appointed to assist any court or tribunal or other judicial body or inquiry as assessors or otherwise;
 - (iv) to any person other than a person mentioned in paragraphs (i) to (iii) above who is appointed to perform any judicial function or to hold any inquiry;
- (b) references to judicial staff shall apply to all officers, servants or staff of any judge, or of any court or tribunal or other judicial body.

3. There are hereby also transferred to the Minister for the Civil Service any functions of the Treasury relating to the exercise by any person or body other than the Treasury of any power requiring for its exercise the sanction of the Treasury (whether by approval, consent, agreement or otherwise) being a power to determine the numbers, remuneration, conditions of service, expenses or allowances of persons employed (under whatever title) as agents of any person or any body, whether judicial or not.

Transfer or retransfer of functions under Tax Acts

4.—(1) In section 191 of the Income and Corporation Taxes Act 1970(a) (which relates to the deduction of expenses necessarily incurred, and defrayed from official emoluments) for the words “the Minister for the Civil Service” in each place where they occur there shall be substituted the words “the Treasury”; and accordingly—

- (a) for the word “is” there shall be substituted the word “are”, and
- (b) for the words “his opinion” there shall be substituted the words “the opinion of the Treasury”.

(2) In the Taxes Management Act 1970(b) in section 2(5) (allowances of General Commissioners) for the words “the Treasury” there shall be substituted the words “the Minister for the Civil Service”.

(3) In Schedule 14 to the Income and Corporation Taxes Act 1970 there shall be omitted paragraph 28 (which provides for the continued exercise by the Treasury of functions expressed by that Act or the Taxes Management Act 1970 to be conferred on the Minister for the Civil Service, but not transferred to him by the Minister for the Civil Service Order 1968(c)).

Other provisions related to previous transfer of functions from Treasury

5.—(1) There are hereby transferred to the Treasury any functions which at the coming into operation of this Order are exercisable by the Minister for the Civil Service under or by virtue of section 1 of the Polish Resettlement Act 1947(d).

(2) There are hereby also transferred to the Treasury any functions exercisable by the Minister for the Civil Service under or by virtue of the following enactments (which relate to Royal Household retired allowances), namely, section 7 of the Civil List Act 1910(e), section 8 of the Civil List Act 1936(f), section 11 of the Civil List Act 1937(g), and section 7(2) of the Civil List Act 1952(h).

(3) In Schedule 4 to the Sea Fish Industry Act 1970(i), in paragraph 12 (which requires the concurrence of the Treasury to orders varying certain provisions of the Schedule relating to the remuneration, etc., of members of the Herring Industry Board or to the staff of the Board) for the words “the Treasury” there shall be substituted the words “the Minister for the Civil Service”.

(a) 1970 c. 10.

(b) 1970 c. 9.

(c) S.I. 1968/1656 (1968 III, p. 4485).

(d) 1947 c. 19.

(e) 1910 c. 28.

(f) 1936 c. 15.

(g) 1937 c. 32.

(h) 1952 c. 37.

(i) 1970 c. 11.

(4) There are hereby transferred to the Minister for the Civil Service, in consequence of the transfer to him of functions of the Treasury effected by Article 2(1)(c) of the Minister for the Civil Service Order 1968 (superannuation functions) all policies of assurance and rights and liabilities under policies of assurance to which at the coming into operation of this Order the Treasury (or any person on their behalf) or the Treasury Solicitor may be entitled or subject in connection with the functions of the Treasury so transferred.

Supplemental

6.—(1) This Order shall not affect the validity of anything done by or in relation to the Treasury or the Minister for the Civil Service 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 either may, if it relates to any functions transferred by this Order to the other, be continued by or in relation to the other.

(2) Any approval, consent, direction or appointment given or made or other thing whatsoever done by the Treasury or the Minister for the Civil Service, for the purposes of any functions transferred by this Order to the other 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 other.

(3) Article 3(2) of the Minister for the Civil Service Order 1968 (adaptation of references to Treasury) shall cease to apply to the enactments mentioned in Article 5(1) and (2) of this Order.

(4) The provisions so far unrepealed of the Statutory Salaries Act 1937(a) are hereby repealed; but in place of the words inserted by that Act after the word “members” in section 3(9) of the Small Landholders (Scotland) Act 1911(b) there shall be inserted the words “such salary as may be determined by the Minister for the Civil Service”.

(5) Subject to any express repeal or amendment made by this Order, 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 transfers effected by Articles 2 and 3 above as if for any references to the Treasury or any officer of the Treasury there were substituted a reference to the Minister for the Civil Service or an officer of his.

W. G. Agnew.

(a) 1937 c. 35.

(b) 1911 c. 49.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order in Council transfers to the Minister for the Civil Service the following functions of the Treasury:—

- (a) functions in relation to the appointment, employment, determination of remuneration, conditions of service, personal expenses or allowances of judges and judicial staff and functions in relation to allowances payable for expenses to jurors, witnesses or others who attend any court, tribunal or other judicial body or any inquiry (Article 2(1));
- (b) functions relating to the exercise by other persons or bodies of powers enabling them subject to the sanction of the Treasury to determine the remuneration, conditions of service, expenses or allowances of persons employed as agents of any person or body (Article 3);
- (c) functions relating to allowances of Commissioners for the general purposes of the income tax (Article 4(2));
- (d) the power of concurrence to orders varying certain provisions relating to remuneration etc. of members of the Herring Industry Board or to the staff of the Board (Article 5(3)).

Article 4(1) transfers back to the Treasury functions relating to the deduction of expenses necessarily incurred and defrayed from official emoluments under the Income and Corporation Taxes Act 1970.

Article 5(1) and (2) makes a similar re-transfer of functions under the Polish Resettlement Act 1947 and the Civil List Acts.

The remaining provisions of the Order are consequential or supplementary.

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