

1983 No. 1127

MINISTERS OF THE CROWN

The Transfer of Functions (Trade and Industry) Order 1983

<i>Made</i> - - - - -	27th July 1983
<i>Laid before Parliament</i>	4th August 1983
<i>Coming into Operation</i>	11th August 1983

At the Court at Buckingham Palace, the 27th day of July 1983

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(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 Transfer of Functions (Trade and Industry) Order 1983.

(2) In this Order—

- (a) “civil aviation and shipping functions” means functions relating to civil aviation, merchant shipping or hovercraft, including any functions relating to harbours, docks, tidal waters, lighthouses or the coastguard service but does not include any wireless telegraphy functions, and except in Article 2 below any reference to civil aviation and shipping functions includes a reference to any such functions which before the making of this Order have been entrusted to the Secretary of State for Transport; and
- (b) “wireless telegraphy functions” means functions relating to wireless telegraphy which before the making of this Order have been entrusted to the Secretary of State for Trade and Industry.

(3) This Order shall come into operation on 11th August 1983.

Transfer of functions and property

2.—(1) The functions of the Secretary of State for Industry and of the Secretary of State for Trade, other than any civil aviation and shipping functions, are hereby transferred to the Secretary of State for Trade and Industry.

(a) 1975 c. 26.

(2) The functions of the Secretary of State and the Board of Trade under section 111 of the Companies Act 1967(a) (disclosure of information, except for specified purposes, only to a competent authority), which by virtue of Article 2(1) of the Secretary of State for Trade and Industry Order 1970(b) are exercisable concurrently, are hereby transferred to the Secretary of State for Trade and Industry.

(3) The civil aviation and shipping functions of the Secretary of State for Trade are hereby transferred to the Secretary of State for Transport.

(4) It is hereby directed that the civil aviation and shipping functions of the Board of Trade which at the coming into operation of this Order are exercisable concurrently with any other Minister of the Crown shall cease to be exercisable by the Board of Trade.

3.—(1) Subject to paragraph (3) below, there are hereby transferred to the Secretary of State for Trade and Industry all property, rights and liabilities to which the Secretary of State for Industry or the Secretary of State for Trade was, immediately before the coming into operation of this Order, entitled or subject.

(2) There are hereby transferred to the Secretary of State for Trade and Industry all property, rights and liabilities to which the Secretary of State for the Home Department was immediately before the coming into operation of this Order entitled or subject in connection with any wireless telegraphy functions.

(3) There are hereby transferred to the Secretary of State for Transport all property, rights and liabilities to which the Secretary of State for Trade was immediately before the coming into operation of this Order entitled or subject in connection with any civil aviation and shipping functions.

Supplemental

4.—(1) This Order shall not affect the validity of anything done before the coming into operation of this Order by or in relation to a Secretary of State and anything (including legal proceedings) which is then in the process of being done by or in relation to the Secretary of State for the Home Department in connection with any wireless telegraphy functions or the Secretary of State for Industry or the Secretary of State for Trade may be continued—

(a) by or in relation to the Secretary of State for Transport in the case of anything in the process of being done in connection with any civil aviation and shipping functions;

(b) by or in relation to the Secretary of State for Trade and Industry in any other case.

(2) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by—

(a) the Secretary of State for the Home Department in connection with any wireless telegraphy functions, or

(b) the Secretary of State for Industry, or

(c) the Secretary of State for Trade,

(a) 1967 c. 81.

(b) S.I. 1970/1537.

or having effect as if so given, imposed or made shall, if in force on the coming into operation of this Order and so far as may be necessary for it to continue in force thereafter, have effect as if given, imposed or made by the Secretary of State for Transport, if it was given, imposed or made in exercise of any civil aviation and shipping functions, or, in any other case, by the Secretary of State for Trade and Industry.

(3) Any enactment, instrument, contract or other document passed, made or printed before the coming into operation of this Order shall have effect so far as may be necessary for the purposes of or in consequence of any of the preceding provisions of this Order or of any functions of the Secretary of State which had been entrusted to the Secretary of State for the Home Department or the Secretary of State for Industry or the Secretary of State for Trade having been entrusted to the Secretary of State for Trade and Industry or the Secretary of State for Transport—

- (a) if it is connected with any civil aviation and shipping functions, as if any reference to the Secretary of State for Trade, the Department of Trade or an officer of that Minister or to the President of the Board of Trade, to the Board of Trade or an officer of the Board were or included a reference to the Secretary of State for Transport, the Department of Transport or an officer of that Minister;
- (b) if it is connected with any wireless telegraphy functions, as if any reference to the Secretary of State for the Home Department, an officer of his or the Home office were or included a reference to the Secretary of State for Trade and Industry, an officer of his or the Department of Trade and Industry; and
- (c) in any other case, as if any reference to the Secretary of State for Industry or the Secretary of State for Trade, an officer of either or the Department of Industry or the Department of Trade were or included a reference to the Secretary of State for Trade and Industry, an officer of his or the Department of Trade and Industry.

5.—(1) In Schedule 2 to the Parliamentary Commissioner Act 1967 **(a)** (departments subject to investigation)—

- (a) the words “Department of Industry” shall cease to have effect, and
- (b) for the words “Department of Trade” here shall be substituted “Department of Trade and Industry”.

(2) In section 1(5) of the Air Travel Reserve Fund Act 1975 **(b)** (restrictions on eligibility for appointment as chairman of the Air Travel Reserve Fund Agency) for the words “the Department of Trade” there shall be substituted the words “the Department of Transport”.

(a) 1967 c. 13, amended by S.I. 1974/692, Article 4(1).

(b) 1975 c. 36.

(3) In paragraph 1 of Schedule 9 to the Finance Act 1981(a) for the words “the Department of Industry” there shall be substituted the words “the Department of Trade and Industry”.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order transfers certain functions to the Secretary of State for Trade and Industry and others to the Secretary of State for Transport and makes provision in consequence of various functions having been entrusted to the Secretary of State for Trade and Industry or the Secretary of State for Transport.

It transfers all the functions of the Secretary of State for Industry and of the Secretary of State for Trade to the Secretary of State for Trade and Industry except civil aviation and shipping functions of the Secretary of State for Trade, which are transferred to the Secretary of State for Transport. It also has the effect that civil aviation and shipping functions shall cease to be exercisable concurrently by the Board of Trade.

The functions under section 111 of the Companies Act 1967 which are exercisable concurrently by the Secretary of State and the Board of Trade are transferred to the Secretary of State for Trade and Industry.

The Order transfers to the Secretary of State for Trade and Industry all property, rights and liabilities of the Secretary of State for Industry and the Secretary of State for Trade except those connected with civil aviation and shipping functions, which are transferred to the Secretary of State for Transport. It also transfers to the Secretary of State for Trade and Industry property, rights and liabilities connected with the wireless telegraphy functions which have been entrusted to him and were previously entrusted to the Secretary of State for the Home Department.

The Order also contains supplemental provisions set out in Article 4.

(a) 1981 c. 35.

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