
STATUTORY INSTRUMENTS

1988 No. 1843

**The Transfer of Functions (Health
and Social Security) Order 1988**

Supplemental

6.—(1) This Order shall not affect the validity of anything done by or in relation to the Secretary of State for Social Services before the coming into force of this Order, and anything (including legal proceedings) which is then in the process of being done by or in relation to him may—

- (a) if it relates to health and personal social services functions or to functions, property, rights or liabilities transferred by Article 2 above, be continued by or in relation to the Secretary of State for Health, or
- (b) if it relates to social security functions or to functions, property, rights or liabilities transferred by Article 3 above, be continued by or in relation to the Secretary of State for Social Security.

(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 Secretary of State for Social Services shall, if in force at the coming into force of this Order, continue in force and have effect—

- (a) if it relates to health and personal social services functions or to functions, property, rights or liabilities transferred by Article 2 above, as if given, made or done by the Secretary of State for Health, or
- (b) if it relates to social security functions or to functions, property, rights or liabilities transferred by Article 3 above, as if given, made or done by the Secretary of State for Social Security.

(3) Documents or forms printed or duplicated for use in connection with any health and personal social services functions or any social security functions or any functions transferred by this Order may be so used notwithstanding that they contain references to the Secretary of State for Social Services, and those references shall be construed—

- (a) in relation to any health and personal social services functions or any functions transferred by Article 2 above, as references to the Secretary of State for Health, or
- (b) in relation to any social security functions or any functions transferred by Article 3 above, as references to the Secretary of State for Social Security,

and similarly with references to the Department of Health and Social Security or an officer of the Secretary of State for Social Services.

(4) Any power of appointing trustees conferred on the Secretary of State for Social Services by a trust instrument shall be exercisable by either of the new Secretaries of State, and the trust instrument shall be construed accordingly.