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STATUTORY INSTRUMENTS

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**1992 No. 1311**

**The Transfer of Functions (National Heritage) Order 1992**

**Citation, interpretation and commencement**

1.—(1) This Order may be cited as the Transfer of Functions (National Heritage) Order 1992.

(2) In this Order—

“the 1986 Order” means the Transfer of Functions (Arts, Libraries and National Heritage) Order 1986(1);

“the Lord President” means the Lord President of the Council.

(3) In this Order “instrument” (without prejudice to the generality of that expression) includes Royal Charters, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, byelaws, awards, contracts, memoranda and articles of association, certificates and other documents.

(4) Any reference in this Order to the functions of a Minister of the Crown under an enactment includes a reference to the functions of that Minister under an instrument having effect under that enactment.

(5) This Order shall come into force on 3rd July 1992 (in this Order referred to as “the commencement date”).

**Style, seal and acts of Secretary of State for National Heritage**

2.—(1) The person who, at the commencement date, is the Secretary of State for National Heritage and his successors shall be, by that name, a corporation sole (with a corporate seal).

(2) The corporate seal of the Secretary of State for National Heritage shall be authenticated by the signature of a Secretary of State, or of a Secretary to the Department of National Heritage, 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 National Heritage shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Secretary of State for National Heritage, 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 National Heritage, or a person authorised as above, 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 National Heritage that any instrument purporting to be made or issued by him was so made or issued by him shall be conclusive evidence of that fact.

**Transfer of functions relating to museums, libraries, the arts etc.**

3.—(1) The functions under the enactments listed in Part I of Schedule 1 to this Order which are exercisable by the Lord President alone or by the Lord President jointly with the Secretary of State are hereby transferred to the Secretary of State; and the functions under those enactments

which are exercisable by the Lord President concurrently with the Secretary of State shall cease to be exercisable by the Lord President.

(2) The function of the Lord President under paragraph (1) of the Schedule to the Imperial War Museum Act 1920<sup>(2)</sup> is hereby transferred to the Secretary of State for National Heritage.

(3) The functions under the deed of 27th February 1981 concerning the Royal Opera House Development Land Trust which were transferred to the Lord President by Article 2(3) of the 1986 Order are hereby transferred to the Secretary of State.

(4) The functions of the Lord President in relation to the institutions listed in Part II of Schedule 1 to this Order are hereby transferred to the Secretary of State.

(5) The functions of the Minister for the Arts in relation to the Greater Manchester Museum of Science and Industry Trust are hereby transferred to the Secretary of State.

#### **Trusteeships and other property relating to museums, libraries, the arts, etc.**

4.—(1) In any case where, immediately before the commencement date, the Lord President is the trustee of any property and—

- (a) he is trustee by virtue of Article 3(1) of the 1986 Order, or
- (b) it may reasonably be inferred that he is trustee by reason of his being a Minister of the Crown with responsibility for the Arts,

the Secretary of State is hereby substituted for the Lord President as trustee of the property.

(2) The property in the chattels vested in the Lord President by virtue of section 1(2) of the Wellington Museum Act 1947<sup>(3)</sup> and Article 3(2) of the 1986 Order is hereby transferred to the Secretary of State for National Heritage.

#### **Historical records, etc. relating to transport: transfer of functions and property**

5.—(1) The functions of the Secretary of State for Education and Science under section 144 of the Transport Act 1968<sup>(4)</sup> are hereby transferred to the Secretary of State for National Heritage.

(2) Any historical records and relics transferred to the Secretary of State for Education and Science under section 144 of the Act of 1968 are hereby transferred to the Secretary of State for National Heritage.

#### **Transfer of functions relating to historic buildings, etc.**

6.—(1) The functions of the Secretary of State for the Environment under—

- (a) section 34 of the National Heritage Act 1983<sup>(5)</sup>, and
- (b) the Care of Cathedrals Measure 1990<sup>(6)</sup>,

are hereby transferred to the Secretary of State for National Heritage.

(2) The functions of the Secretary of State for the Environment under Article 18(1) of the Town and Country Planning General Development Order 1988<sup>(7)</sup> are hereby transferred to the Secretary of State for National Heritage.

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(2) 1920 c. 16.  
 (3) 1947 c. 46.  
 (4) 1968 c. 73.  
 (5) 1983 c. 47.  
 (6) 1990 No. 2.  
 (7) S.I. 1988/1813.

(3) The function of the Secretary of State for the Environment of appointing (with the approval of the Treasury) Crown appointees to the Council of the Architectural Heritage Fund is hereby transferred to the Secretary of State for National Heritage.

(4) The Secretary of State for National Heritage is hereby substituted for the Secretary of State for the Environment as subscribing member of the Chatham Historic Dockyard Trust.

#### **Transfer of property etc. relating to the former DOE heritage functions**

7.—(1) In this Order “the former DOE heritage functions” means—

- (a) any functions transferred by virtue of Article 6 above; and
- (b) such functions relating to the national heritage as were previously entrusted to the Secretary of State for the Environment and have been entrusted, before the commencement date, to the Secretary of State for National Heritage.

(2) There are hereby transferred to the Secretary of State for National Heritage any property, rights and liabilities to which the Secretary of State for the Environment is entitled or subject, at the commencement date, in connection with the former DOE heritage functions.

#### **Transfer of functions relating to the Sports Council**

8. The functions of the Secretary of State for the Environment under the Royal Charter passed under the Great Seal on 4th February 1972 relating to the Sports Council are hereby transferred to the Secretary of State for National Heritage.

#### **Transfer of property etc. relating to the film industry**

9.—(1) In this Order “the film industry functions” means such of the functions of the Secretary of State relating to arrangements made in connection with the film industry as were previously entrusted to the Secretary of State for Trade and Industry and have been entrusted, before the commencement date, to the Secretary State for National Heritage.

(2) There are hereby transferred to the Secretary of State for National Heritage any property, rights and liabilities to which the Secretary of State for Trade and Industry is entitled or subject, at the commencement date, in connection with the film industry functions.

#### **Transfer of property etc. relating to tourism**

10.—(1) In this Order “the tourism functions” means such functions of the Secretary of State relating to tourism as were previously entrusted to the Secretary of State for Employment and have been entrusted, before the commencement date, to the Secretary of State for National Heritage.

(2) There are hereby transferred to the Secretary of State for National Heritage any property, rights and liabilities to which the Secretary of State for Employment is entitled or subject, at the commencement date, in connection with the tourism functions.

#### **Transfer of property etc. relating to broadcasting and safety of sports grounds**

11.—(1) In this Order—

- (a) “the broadcasting functions” means such functions of the Secretary of State relating to broadcasting as were previously entrusted to the Secretary of State for the Home Department and have been entrusted, before the commencement date, to the Secretary of State for National Heritage; and
- (b) “the sports grounds functions” means such functions of the Secretary of State relating to safety of sports grounds as were previously entrusted to the Secretary of State for the Home

Department and have been entrusted, before the commencement date, to the Secretary of State for National Heritage.

(2) There are hereby transferred to the Secretary of State for National Heritage any property, rights and liabilities to which the Secretary of State for the Home Department is entitled or subject, at the commencement date, in connection with the broadcasting functions or the sports grounds functions.

### Supplementary

12.—(1) In the Parliamentary Commissioner Act 1967(8), in Schedule 2 (departments etc. subject to investigation)—

- (a) there shall be inserted at the appropriate place in the list “Department of National Heritage”; and
- (b) in Note 5 to that list the words “includes the Office of Arts and Libraries but” shall be omitted.

(2) The consequential amendments specified in Schedule 2 to this Order shall have effect.

(3) In the 1986 Order, in Article 6, paragraph (2) (manner in which section 2(2) of the Public Libraries and Museums Act 1964(9) is to be construed) is revoked.

(4) Subject to any express amendment made by this Order, any enactment or instrument passed or made before the commencement date shall have effect so far as necessary for the purpose or in consequence of any transfers effected by this Order as if any reference to any of the transferor Ministers or any officer or Department of theirs (including any reference which is to be construed as such a reference) were a reference to the Secretary of State, the Secretary of State for National Heritage, an officer of his or to the Department of National Heritage, as the context may require.

(5) This Order shall not affect the validity of anything done by or in relation to any of the transferor Ministers before the commencement date; and anything (including legal proceedings) which at that date is in process of being done by or in relation to any of those Ministers may, if it relates to any function, property, rights or liabilities transferred by this Order or to any of the newly entrusted functions, be continued by or in relation to the Secretary of State for National Heritage.

(6) Anything done (or having effect as if done) by any of the transferor Ministers for the purpose of or in connection with anything transferred by this Order or any of the newly entrusted functions which is in force at the commencement date shall have effect, so far as required for continuing its effect after that date, as if done by the Secretary of State for National Heritage.

(7) Documents or forms produced for use in connection with any function transferred by this Order or any of the newly entrusted functions may be used even though they contain references to any of the transferor Ministers or to any of the Ministers to whom any of the newly entrusted functions were previously entrusted or to any officer or Department of theirs and those references shall be construed so far as necessary as references to the Secretary of State for National Heritage or any officer or Department of his.

(8) In this Order—

- (a) “the transferor Ministers” means any Minister of the Crown from whom any functions or any property, rights and liabilities are transferred by virtue of any provision of this Order;
- (b) “the newly entrusted functions” means the former DOE heritage functions, the film industry functions, the tourism functions, the broadcasting functions and the sports grounds functions.

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(8) 1967 c. 13; Schedule 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), Schedule 1.

(9) 1964 c. 75.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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*G. I. de Deney*  
Clerk of the Privy Council