
STATUTORY INSTRUMENTS

1992 No. 1311

MINISTERS OF THE CROWN

The Transfer of Functions (National Heritage) Order 1992

<i>Made</i>	- - - -	<i>4th June 1992</i>
<i>Laid before Parliament</i>		<i>12th June 1992</i>
<i>Coming into force</i>	- -	<i>3rd July 1992</i>

At the Court at Buckingham Palace, the 4th day of June 1992

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(1), 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 (National Heritage) Order 1992.

(2) In this Order—

“the 1986 Order” means the Transfer of Functions (Arts, Libraries and National Heritage) Order 1986(2);

“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”).

(1) 1975 c. 26.

(2) S.I. 1986/600.

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⁽³⁾ 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⁽⁴⁾ and Article 3(2) of the 1986 Order is hereby transferred to the Secretary of State for National Heritage.

(3) 1920 c. 16.

(4) 1947 c. 46.

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⁽⁵⁾ 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⁽⁶⁾, and
(b) the Care of Cathedrals Measure 1990⁽⁷⁾,
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⁽⁸⁾ are hereby transferred to the Secretary of State for National Heritage.

(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.

(5) 1968 c. 73.
(6) 1983 c. 47.
(7) 1990 No. 2.
(8) S.I. 1988/1813.

(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(9), 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(10) 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

(9) 1967 c. 13; Schedule 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), Schedule 1.
 (10) 1964 c. 75.

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.

G. I. de Doney
Clerk of the Privy Council

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SCHEDULE 1

FUNCTIONS TRANSFERRED BY ARTICLE 3

PART I

enactments referred to in article 3(1)

1894 c. 34	British Museum (Purchase of Land) Act 1894.	Section 2A.
1911 c. 46	Copyright Act 1911.	Section 15(5).
1920 c. 16.	Imperial War Museum Act 1920.	Sections 2, 2A, 3(2) and 4 and paragraph (8) of the Schedule.
1934 c. 43.	National Maritime Museum Act 1934.	Sections 2, 4, 5 and 6(2).
1936 c. 49.	Public Health Act 1936.	Section 324 (as applied by section 10(5) of the Public Libraries and Museums Act 1964).
1947 c. 46.	Wellington Museum Act 1947.	Any provision of the Act.
1949 c. 16.	National Theatre Act 1949.	Sections 1 and 2(1).
1949 c. 35.	British Film Institute Act 1949.	Section 1.
1953 c. 34.	Finance Act 1953.	Section 30.
1954 c. 65.	National Gallery and Tate Gallery Act 1954.	Sections 2(4), 3 and 4(3) and (4).
1954 c. 3 (N.I.).	Finance (Miscellaneous Provisions) Act (Northern Ireland) 1954.	Section 1.
1955 c. 14.	Imperial War Museum Act 1955.	Section 2(1).
1956 c. 54.	Finance Act 1956.	Section 34(1).
1963 c. 24.	British Museum Act 1963.	Sections 1(1)(c), 8(2)(b) and 10(2).
1964 c. 75.	Public Libraries and Museums Act 1964.	Any provision of the Act.
1965 c. 17.	Museum of London Act 1965.	Any provision of the Act.
1972 c. 54.	British Library Act 1972.	Any provision of the Act.
S.I.1972/1100 (N.I.11).	Finance (Northern Ireland) Order 1972.	Article 10.
1973 c. 51.	Finance Act 1973.	Section 46.

S.I. 1973/1323 (N.I.18).	Finance (Miscellaneous Provisions) (Northern Ireland) Order 1973.	Article 5.
1975 c. 7.	Finance Act 1975.	In Schedule 4, paragraph 17.
1976 c. 27.	Theatres Trust Act 1976.	The Schedule.
1979 c. 10.	Public Lending Right Act 1979.	Any provision of the Act.
1980 c. 17.	National Heritage Act 1980.	Any provision of the Act.
1983 c. 47.	National Heritage Act 1983.	Sections 1 to 16 and Parts I and II of Schedule 1.
1984 c. 51.	Inheritance Tax Act 1984.	Section 230.
1985 c. 51.	Local Government Act 1985.	Sections 46 and 47.
1989 c. 8.	National Maritime Museum Act 1989.	Sections 1(5) and 2(2).
1992 c. 44.	Museums and Galleries Act 1992.	Any provision of the Act.

PART II

institutions referred to in article 3(4)

The Arts Council of Great Britain.
The British Film Institute.
The Corporation of the Hall of Arts and Sciences.
The Crafts Council.
The National Film and Television School.
The National Theatre Board
The South Bank Theatre Board.
The Museums and Galleries Commission.
The South Bank Board Ltd.

SCHEDULE 2

Article 12(2).

CONSEQUENTIAL AMENDMENTS

1. In paragraph (1) of the Schedule to the Imperial War Museum Act 1920 for the words “The Lord President” there shall be substituted “The Secretary of State for National Heritage”.
2. In section 4(4) of the National Gallery and Tate Gallery Act 1954 for the words from “shall require the consent of” to the end there shall be substituted “shall require the consent of and be effected through the Secretary of State”.
3. In section 8 of the Public Libraries and Museums Act 1964—

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- (a) in subsections (2) and (5)(d) for the word “Minister” there shall be substituted “Secretary of State”; and
- (b) in subsection (7) the words from
““the Minister” means” to “Secretary of State” shall be omitted.

4. Paragraph 17 of Schedule 4 to the Finance Act 1975 (so far as it continues to have effect) shall have effect as if—

- (a) in sub-paragraph (1) for “and the Ministers agree” there were substituted “and the Secretary of State agrees”;
- (b) in sub-paragraphs (3) and (4) for “the Ministers”, wherever occurring, there were substituted “the Secretary of State”; and
- (c) in sub-paragraph (5) the words from “the Ministers” to “Lord President of the Council and” were omitted.

5.—(1) The National Heritage Act 1980 shall be amended as follows.

(2) In section 18(2) the definition of “the Ministers” shall be omitted and for the words—

- (a) “the Ministers” in sections 2(1), 7(1) and (2), 8(1), 9(4), (5) and (6), 10(1), (2) and (3) and 12(2) and paragraphs 5(2), 6 and 7(4) of Schedule 1,
- (b) “either of the Ministers” in sections 4(3), 5(3), 9(1), (3) and (4) and 16(1), (2)(e) and (5),
- (c) “either Minister” in section 9(2),
- (d) “the Minister” in sections 9(4) and 16(4),
- (e) “the Ministers or either of them” in section 14(1),

there shall be substituted “the Secretary of State”.

(3) In section 16(3) and (4) for “Neither of the Ministers shall” there shall be substituted “The Secretary of State shall not”.

(4) In sections 2(1), 9(5) and 10(1) for “them”, “they”, “their” and “have” there shall be substituted, respectively, “him”, “he”, “his” and “has”.

(5) In section 16A(1) and (3) for the words “each of the Ministers” there shall be substituted “the Secretary of State”.

6.—(1) Section 230 of the Inheritance Tax Act 1984 (acceptance of property in satisfaction of tax) shall be amended as follows.

(2) In subsection (1) for the words “Ministers agree” there shall be substituted “Secretary of State agrees”.

(3) In subsection (3) for the word “Ministers” there shall be substituted “Secretary of State”.

(4) In subsection (4)(a) and (b) for the words “Ministers are”, in both places where they occur, there shall be substituted “Secretary of State is”.

(5) In subsection (5) the definition of the “Ministers” shall be omitted.

7. In the Local Government Act 1985—

- (a) in sections 46(1) and 47(2) and (3) for the words “the Minister” there shall be substituted “the Secretary of State”; and
- (b) subsection (2) of section 46 and subsection (4) of section 47 shall be omitted.

8.—(1) The Museums and Galleries Act 1992 shall be amended as follows.

(2) In section 6(6) the words “Lord President of the Council or the” shall be omitted.

- (3) In section 9—
- (a) in subsection (9), the definition of “the appropriate Minister” shall be omitted; and
 - (b) in subsections (1) and (2) and (5) to (7) for the words “appropriate Minister”, in each place where they occur, there shall be substituted “Secretary of State”.
- (4) In Schedule 8, paragraph 2 shall be omitted.
- 9.** In regulation 3 of the Films (Certification Regulations) 1985(11) for the words from “addressed to” to the end there shall be substituted “addressed to the Department of National Heritage”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order constitutes the Secretary of State for National Heritage a corporation sole with a corporate seal.

It transfers to the Secretary of State (or, in some cases, the Secretary of State for National Heritage) functions exercisable by, and property, rights and liabilities previously vested in—

- (a) the Lord President of the Council (functions and property etc. relating to museums, libraries and the arts);
- (b) the Secretary of State for Education and Science (functions and property etc. relating to historic transport records);
- (c) the Secretary of State for the Environment (functions and property etc. relating to historic buildings, the national heritage and functions relating to the Sports Council);
- (d) the Secretary of State for Trade and Industry (property etc. relating to the film industry);
- (e) the Secretary of State for Employment (property etc. relating to tourism);
- (f) the Secretary of State for the Home Department (property etc. relating to broadcasting and safety of sports grounds).