

2001 No. 3503

MINISTERS OF THE CROWN

The Transfer of Functions (Fishery Harbours) Order 2001

Made - - - - - *31st October 2001*

Laid before Parliament *12th November 2001*

Coming into force - - *3rd December 2001*

At the Court at Buckingham Palace, the 31st day of October 2001

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 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 (Fishery Harbours) Order 2001.

(2) In this Order—

“the 1951 Act” means the Sea Fish Industry Act 1951(b);

“fishery harbour” has the meaning given in section 21(7) of the 1951 Act;

“the Minister” means the Minister of Agriculture, Fisheries and Food.

(3) This Order comes into force on 3rd December 2001.

Transfer of functions

2.—(1) There are transferred to the Secretary of State the functions of the Minister under—

(a) section 21 of the 1951 Act,

(b) the Harbours Act 1964(c),

(c) Part 1 of the Ports Act 1991(d), and

(d) the Harbour Works (Environmental Impact Assessment) Regulations 1999(e).

(2) There are transferred to the Secretary of State the functions of the Minister in relation to fishery harbours, or harbour authorities for fishery harbours, under—

(a) sections 2(8)(a) and 17(8)(b) of the Coast Protection Act 1949(f), and

(b) local Acts passed after the 1951 Act and before the coming into force of this Order.

(a) 1975 c. 26.
(b) 1951 c. 30.
(c) 1964 c. 40.
(d) 1991 c. 52.
(e) S.I. 1999/3445
(f) 1949 c. 74.

Transfer of property, rights and liabilities

3. All property, rights and liabilities to which the Minister is entitled or subject at the coming into force of this Order in connection with any function transferred by this Order are transferred to the Secretary of State for Transport, Local Government and the Regions.

Supplementary and consequential

4.—(1) Any reference in this Order to a function of the Minister under an enactment includes a reference to the Minister's functions under any scheme, regulations, Order in Council, order, bye-laws or other instrument having effect under or in relation to that enactment.

(2) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Minister before the coming into force of this Order.

(3) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Minister may, so far as it relates to anything transferred by this Order, be continued by or in relation to the Secretary of State or, as the case may be, the Secretary of State for Transport, Local Government and the Regions.

(4) Anything done (or having effect as if done) by or in relation to the Minister for the purposes of or in connection with anything transferred by this Order has effect, if in force at the coming into force of this Order, as if done by or in relation to the Secretary of State or, as the case may be, the Secretary of State for Transport, Local Government and the Regions so far as is required for continuing its effect after the coming into force of this Order.

(5) Any enactment or instrument passed or made before the coming into force of this Order has effect—

(a) so far as is necessary for the purposes of or in consequence of article 2, as if references to (and references which are to be read as references to) the Minister, the Ministry of Agriculture, Fisheries and Food or officers of the Minister were references to the Secretary of State, his department or officers (as appropriate),

(b) so far as is necessary for the purposes of or in consequence of article 3, as if references to (and references which are to be read as references to) the Minister, the Ministry of Agriculture, Fisheries and Food or officers of the Minister were references to the Secretary of State for Transport, Local Government and the Regions, his department or officers (as appropriate).

(6) In paragraph (5) "instrument", without prejudice to the generality of that expression, includes in particular Royal Charters, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, warrants, certificates and other documents.

5. The Schedule to this Order (consequential amendments) has effect.

A. K. Galloway
Clerk of the Privy Council

CONSEQUENTIAL AMENDMENTS

Sea Fish Industry Act 1951 (c. 30)

1.—(1) Section 21 of the 1951 Act(a) is amended as follows.

(2) In subsection (7), for “the Minister of Transport and the Minister of Agriculture and Fisheries” substitute “the Secretary of State”.

(3) In subsection (12), for “the Minister of Transport and the Minister of Agriculture and Fisheries acting jointly” substitute “the Secretary of State”.

Harbours Act 1964 (c. 40)

2. In the Harbours Act 1964, in section 39(4), for “the Ministers making the order think” substitute “the Secretary of State thinks”.

The Ports Act 1991 (c. 52)

3. In section 20(2) of the Ports Act 1991, leave out—

- (a) in paragraph (a), from the beginning of sub-paragraph (i) to “case,” in sub-paragraph (ii), and
- (b) the words after paragraph (b).

The Harbour Works (Environmental Impact Assessment) Regulations 1999 (S.I. 1999/3445)

4. In regulation 2(1) of the Harbour Works (Environmental Impact Assessment) Regulations 1999, in paragraph (a) of the definition of “the appropriate Authority”, for “Minister of Agriculture, Fisheries and Food” substitute “Secretary of State”.

(a) The functions of the Minister of Transport under this section were transferred to the Secretary of State by the Transfer of Functions (Transport) Order 1981, S.I. 1981/238.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order transfers to the Secretary of State functions of the Minister of Agriculture, Fisheries and Food relating to fishery harbours.

Article 3 transfers to the Secretary of State for Transport, Local Government and the Regions property, rights and liabilities to which the Minister of Agriculture, Fisheries and Food is entitled or subject in connection with the functions transferred.

Articles 4 and 5 and the Schedule contain supplementary and consequential provision in connection with the transfers made by the Order.

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