

## 1969 No. 388

## MINISTERS OF THE CROWN

**The Transfer of Functions (Wales) Order 1969**

<i>Made</i> - - - -	18th March 1969
<i>Laid before Parliament</i>	24th March 1969
<i>Coming into Operation</i>	1st April 1969

At the Court at Buckingham Palace, the 18th day of March, 1969

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946(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 (Wales) Order 1969.

(2) The Interpretation Act 1889(b) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) In this Order references to Wales include, and references to England do not include, Monmouthshire.

(4) Any reference in this Order to an enactment or instrument is a reference to that enactment or instrument as amended or extended by or under any other enactment or instrument; and in this Order "instrument" includes the judgment, decree or order of any court or tribunal.

(5) This Order shall come into operation on 1st April 1969.

*Transfer of health functions*

2.—(1) It shall be for the Secretary of State for Wales, instead of the Secretary of State for Social Services, to discharge in matters only affecting Wales the general duties of the Secretary of State under section 2 of the Ministry of Health Act 1919(c) and section 1 of the National Health Service Act 1946(d), and the functions of the Secretary of State under the National Health Service Acts 1946 to 1968(e) in relation to the provision of hospital and specialist services and other services.

(2) In the enactments mentioned in Schedule 1 to this Order there shall be made the amendments provided for by that Schedule, being amendments arising out of paragraph (1) above or making further provision for transferring to the Secretary of State for Wales responsibility in matters relating to health or welfare.

(3) There are hereby transferred to the Secretary of State for Wales all property, rights and liabilities to which the Secretary of State for Social

(a) 1946 c. 31. (b) 1889 c. 63. (c) 1919 c. 21. (d) 1946 c. 81.  
 (e) 1946 c. 81; 1949 c. 93; 1951 c. 31; 1952 c. 25; 1961 c. 19; 1966 c. 8;  
 1967 c. 39; 1968 c. 46.

Services is entitled or subject at the coming into operation of this Order in connection only with the provision of hospital and specialist services for Wales (but not including any part of the Hospital Endowments Fund).

*Transfer of functions relating to agriculture, fisheries etc.*

3.—(1) Subject to the provisions of this Article, the functions of the Minister of Agriculture, Fisheries and Food which are mentioned in Parts I and II of Schedule 2 to this Order, including the share of that Minister in any such functions exercisable by him jointly with any other Minister or Ministers, are to the extent so mentioned hereby transferred to that Minister and the Secretary of State jointly or, where so provided in Part II of the Schedule, to the Secretary of State alone.

(2) The discharge of any functions as functions exercisable by virtue of paragraph (1) above by the Secretary of State shall belong to the Secretary of State for Wales, but without prejudice to the responsibilities of any other Secretary of State for functions hitherto shared jointly by the Minister of Agriculture, Fisheries and Food and the Secretary of State or for functions with which a Secretary of State is otherwise concerned apart from this Article.

(3) Subject to paragraph (4) below, where the functions transferred by this Article to the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly involve the making, receipt or recovery of any payments, it shall continue to be for the Minister of Agriculture, Fisheries and Food, without the Secretary of State, to make, receive or recover those payments and, in connection with the receipt or recovery of any payment, to give a discharge or accept a less payment.

(4) Paragraph (3) above shall not apply to the recovery from any person of expenses borne by the Secretary of State; but any expenses which by virtue of this Article are incurred by or under the authority of the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly in such circumstances as to be recoverable from any other person shall be defrayed by the Minister of Agriculture, Fisheries and Food.

(5) Part III of Schedule 2 to this Order shall have effect to make consequential provision in relation to or for purposes of functions transferred by this Article.

*Transfer of functions relating to ancient monuments*

4.—(1) The functions of the Minister of Public Building and Works under the Ancient Monuments Acts 1913 to 1953(a) (except section 16 of the Ancient Monuments Consolidation and Amendment Act 1913(b)), together with—

(a) his functions under sections 5(2) and 8(1) of the Historic Buildings and Ancient Monuments Act 1953(c), in so far as the like functions are not exercisable in relation to Wales by the Secretary of State by virtue of Article 4 of the Transfer of Functions (Building Control and Historic Buildings) Order 1966(d); and

(b) his functions under section 9 of the Coal-Mining (Subsidence) Act 1957(e); and

(c) his functions under paragraph 12 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946(f);

are, in relation to Wales, hereby transferred to the Secretary of State, and the discharge of those functions as functions exercisable by virtue of this

(a) 1913 c. 32; 1931 c. 16; 1953 c. 49.  
(d) S.I. 1966/692 (1966 II p. 1558).

(b) 1913 c. 32.  
(e) 1957 c. 59.

(c) 1953 c. 49.  
(f) 1946 c. 49.

paragraph by the Secretary of State shall belong to the Secretary of State for Wales.

(2) Accordingly (without prejudice to Article 5 below) in the following enactments, that is to say,—

(a) section 34(2) of the Finance Act 1956(a) ;

(b) section 7(8) of the Mines (Working Facilities and Support) Act 1966(b) ;  
and

(c) sections 41(1)(c), 48(2)(c) and 50(3)(c) of the Town and Country Planning Act 1968(c) ;

any reference to the Minister of Public Building and Works (including any reference which is to be construed as such a reference) shall include a reference to the Secretary of State ; and in sections 5(2) and 8(1) of the Historic Buildings and Ancient Monuments Act 1953(d) any such reference to the Minister, except the first reference in section 8(1)(a), shall not apply to him in relation to Wales.

(3) There are hereby transferred to the Secretary of State for Wales any ancient monument in Wales, or land held with such a monument, which at the coming into operation of this Order is vested in the Minister of Public Building and Works, and any rights and liabilities to which that Minister is then entitled or subject in or in relation to any ancient monument in Wales or land held therewith.

#### *Supplementary*

5.—(1) This Order shall not affect the validity of anything done by or in relation to any Minister or Ministers before the coming into operation of this Order ; and anything which, at the time of the coming into operation of this Order, is in process of being done by or in relation to any Minister or Ministers other than the Secretary of State for Wales may, if it relates to any functions, property, rights or liabilities transferred by this Order, be continued by or in relation to that Secretary of State, with or without the other Minister or Ministers as may be appropriate.

(2) Any authority, approval, consent or direction given or other thing whatsoever done by any Minister or Ministers for the purpose of any functions transferred by this Order shall, if in force at the coming into operation of this Order, have effect as if made or done by the Secretary of State for Wales in so far as that is required for continuing its effect after the coming into operation of this Order.

(3) Subject to the provisions of this Order, any enactment or instrument passed or made before the coming into operation of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the transfers effected by this Order, as if any reference to the Secretary of State for Social Services, to the Minister of Agriculture, Fisheries and Food or to the Minister of Public Building and Works, or to the department or an officer of any of them (including any reference which is to be construed as such a reference) were or included a reference to the Secretary of State for Wales or to his department or an officer of his, as the case may require.

(4) Nothing in this Order shall be taken to prejudice any powers exercisable in relation to the functions of Ministers of the Crown and government departments by virtue of Her Majesty's prerogative, or to affect the power of any Secretary of State to perform any functions of that office in place of the Secretary of State entrusted with the discharge of those functions.

*W. G. Agnew*

(a) 1956 c. 54.

(b) 1966 c. 4.

(c) 1968 c. 72.

(d) 1953 c. 49.

## SCHEDULES

## SCHEDULE 1

## AMENDMENTS OF ENACTMENTS RELATING TO HEALTH FUNCTIONS

Enactment	Amendment
The Ministry of Health Act 1919 (c. 21).	Section 5 shall cease to have effect.
The Radioactive Substances Act 1948 (c. 37).	In sections 3(7)(a) and 4(2)(a) for the words " England and Wales " there shall in each case be substituted the words " England or Wales "; in sections 3(7) and (9) and 4(2) and (4), as amended by the Secretary of State for Social Services Order 1968(a), after the words " Secretary of State for Social Services " there shall in each case be inserted the words " the Secretary of State for Wales "; and in section 12 there shall be added at the end the words " and in this Act references to Wales include, and references to England do not include, Monmouthshire ".
The Therapeutic Substances Act 1956 (c. 25).	In sections 4(1) and (2), section 8(1) and section 9(3) there shall be made, in place of the amendments made by the Secretary of State for Social Services Order 1968(a), the following amendments:- <p>(a) for the words " the Minister of Health " there shall be substituted the words " the Secretary of State for Social Services "; and</p> <p>(b) for the words " the Secretary of State " there shall, except in section 4(2), be substituted the words " the Secretary of State for Wales, the Secretary of State for Scotland " and, in section 4(2), be substituted the words " the Secretary of State for Wales and one by the Secretary of State for Scotland ".</p>
The Dentists Act 1957 (c. 28)	In Schedule 1, in paragraph 14(3) as amended by the Secretary of State for Social Services Order 1968(a), for the words " Secretaries of State respectively concerned with health in England and Wales and in Scotland " there shall be substituted the words " Secretaries of State respectively concerned with health in England, in Wales and in Scotland ".
The Professions Supplementary to Medicine Act 1960 (c. 66).	In Schedule 1, in paragraph 1(1)(b) as amended by the Secretary of State for Social Services Order 1968(a), after the words " Secretary of State for Social Services " there shall be inserted the words " the Secretary of State for Wales ".
The Commonwealth Immigrants Act 1962 (c. 21).	In section 16, as amended by the Secretary of State for Social Services Order 1968(a), after the words " the Secretary of State for Social Services ", wherever occurring, there shall be inserted the words " or Secretary of State for Wales ".

Enactment	Amendment
The Health Visiting and Social Work (Training) Act 1962 (c. 33).	In section 7(2), as amended by the Secretary of State for Social Services Order 1968(a), for the words "Secretaries of State respectively concerned with health in England and Wales and in Scotland" there shall be substituted the words "Secretaries of State respectively concerned with health in England, in Wales and in Scotland".
The Weights and Measures Act 1963 (c. 31).	In section 10(7), as amended by the Secretary of State for Social Services Order 1968(a), for the words "Secretaries of State respectively concerned with health in England and Wales and in Scotland" there shall be substituted the words "Secretaries of State respectively concerned with health in England, in Wales and in Scotland".
The National Health Service Contributions Act 1965 (c. 54).	In section 1(4) and (5), as substituted by the Secretary of State for Social Services Order 1968(a), for the words "towards the cost of the national health service in England and Wales" there shall in each case be substituted the words "towards the cost of the national health service in England, except Monmouthshire, and towards the cost of the national health service in Wales and Monmouthshire".
The National Health Service Act 1966 (c. 8).	In section 4, in subsection (2) for the words "or the Secretary of State" there shall be substituted the words "the Secretary of State for Wales or the Secretary of State for Scotland"; for subsection (4)(b) there shall be substituted— “(b) by the Secretary of State for Scotland or the Secretary of State for Wales, as the case may be, if the directions concern the performance of functions in Scotland only or Wales only, and whether the directions are of a general or of a particular character; and (c) by the Minister in other cases”; and at the end of subsection (4) there shall be added the words “In paragraph (b) of this subsection the reference to Wales includes Monmouthshire”.
The Abortion Act 1967 (c. 87).	In section 2(2) for the words “Chief Medical Officers of the Ministry of Health and the Scottish Home and Health Department respectively” there shall be substituted the words “Chief Medical Officer of the Department of Health and Social Security, or of the Welsh Office, or of the Scottish Home and Health Department”.
The Health Services and Public Health Act 1968 (c. 46).	In section 59(1) as amended by the Secretary of State for Social Services Order 1968 (a), and in section 61(1) as so amended, for the words “Secretaries of State respectively concerned with health in England and Wales and in Scotland” there shall in each case be substituted the words “Secretaries of State respectively concerned with health in England, in Wales and in Scotland”.

Enactment	Amendment
The Medicines Act 1968 (c. 67).	<p>In section 1(1)(a) and in section 5(2), in place of the amendments made by the Secretary of State for Social Services Order 1968(a), there shall be made the following amendments:—</p> <p>(a) for the words “ the Minister of Health, the Secretary of State concerned with health in Scotland ” in section 1(1)(a) there shall be substituted the words “ the Secretaries of State respectively concerned with health in England, in Wales and in Scotland ”; and</p> <p>(b) for the words “ the Minister of Health, the Secretary of State ” in section 5(2) there shall be substituted the words “ the Secretaries of State ”.</p>
The Aliens Order 1953 (S.I. 1953/1671 (1953 I, p. 94)).	<p>In Articles 30(3), 32(b) and 33(e), as amended by the Secretary of State for Social Services Order 1968(a), after the words “ Secretary of State for Social Services ” wherever occurring, there shall be inserted the words “ or Secretary of State for Wales ”.</p>

## SCHEDULE 2

### FUNCTIONS RELATING TO AGRICULTURE, FISHERIES, ETC., AND EXTENT OF TRANSFER TO SECRETARY OF STATE

#### PART I

##### *Establishment of and appointments to authorities, boards, etc.*

1. The functions of the Minister of Agriculture, Fisheries and Food which are by Article 3 of this Order transferred to that Minister and the Secretary of State jointly shall include the making and termination of appointments, and other functions in connection with appointments, under or by virtue of the enactments listed below, subject to any limitation expressed in relation to any of those enactments:—

- (a) as regards drainage boards for areas wholly or partly in Wales, paragraph 2 of Part II of Schedule 3 to the Land Drainage Act 1930 (c. 44);
- (b) sections 1 and 2 of the Herring Industry Act 1938 (c. 42), together with paragraph 6 of Schedule 1 to the Herring Industry Act 1935 (c. 9);
- (c) section 11(2) of the Agriculture (Miscellaneous Provisions) Act 1941 (c. 50);
- (d) section 32 of the Hill Farming Act 1946 (c. 73);
- (e) sections 1(2) and 3(2) of the Sea Fish Industry Act 1951 (c. 30);
- (f) as regards any committee or commission for England and Wales, with or without another part or parts of the United Kingdom, sections 19(1), 23, 26(1) and (4) and 32(1) of the Agricultural Marketing Act 1958 (c. 47), and as regards any board or committee under a scheme applicable in Wales, or in England and Wales (with or without another part or parts of the United Kingdom), paragraph 2 of Schedule 2 to that Act;
- (g) as regards Welsh river authorities and Anglo-Welsh river authorities, sections 6(3) and 8(4) of the Water Resources Act 1963 (c. 38), together with paragraph 6 of Schedule 4 to that Act;
- (h) section 1 of the Cereals Marketing Act 1965 (c. 14);

(a) S.I. 1968/1699 (1968 III, p. 4585).

- (i) as regards local fisheries committees for sea fisheries districts comprising any part of the coast of Wales or of the sea adjacent thereto, section 2 of the Sea Fisheries Regulation Act 1966 (c. 38) ;
- (j) sections 1(3) and (4) and 2(1) of the Agriculture Act 1967 (c. 22), together with paragraphs 1 to 3 of Part III of Schedule 1 to that Act ;
- (k) section 58(4) to (7) of the Agriculture Act 1967 (c. 22) ;
- (l) Articles 9 and 11 of the Saundersfoot Harbour Order 1958(a) ;
- (m) as regards areas wholly or partly in Wales, Part I of the Schedule to the Milk and Dairies (General) Regulations 1959(b) and Part I of Schedule 4 to the Milk (Special Designation) Regulations 1963(c).

2. The functions of the Minister of Agriculture, Fisheries and Food which are by Article 3 of this Order transferred to that Minister and the Secretary of State jointly shall include, as regards County Agricultural Executive Committees for any county in Wales (or for a joint county including a county in Wales), any functions under section 71 of the Agriculture Act 1947 (c. 48), together with paragraphs 7 to 12 and 21 of Schedule 9 to that Act.

3. The functions of the Minister of Agriculture, Fisheries and Food which are by Article 3 of this Order transferred to that Minister and the Secretary of State jointly shall include the selection of the persons to be nominated by that Minister as directors of the Agricultural Mortgage Corporation in accordance with the provisions referred to in section 2(3) of the Agriculture (Miscellaneous Provisions) Act 1944 (c. 28).

## PART II

### *Other transferred functions, and extent of transfer to Secretary of State*

4. The functions of the Minister of Agriculture, Fisheries and Food which are by Article 3 of this Order transferred to that Minister and the Secretary of State jointly shall include the functions of that Minister under section 2 of the Agriculture Act 1947 (c. 48).

5. The functions of the Minister of Agriculture, Fisheries and Food which are by Article 3 of this Order transferred to that Minister and the Secretary of State jointly shall include any power of that Minister which is exercisable by statutory instrument in relation to England and Wales under the enactments listed below, and also in relation to Wales any other functions of that Minister under the enactments so listed, or under any scheme, regulations, rules, order, bye-laws or similar instrument having effect under any of the enactments so listed, subject to any limitation expressed in relation to any of those enactments:—

- (a) sections 1, 2 and 10 of the Destructive Imported Animals Act 1932 (c. 12) ;
- (b) Part I of the Agriculture Act 1937 (c. 70) and section 97 of the Agriculture Act 1947 (c. 48) ;
- (c) section 15 of the Agriculture (Miscellaneous War Provisions) Act 1940 (c. 14) ;
- (d) section 11(1) of the Agriculture (Miscellaneous Provisions) Act 1941 (c. 50) ;
- (e) the Hill Farming Act 1946 (c. 73) (so far as not comprised in Part I of this Schedule) ;
- (f) sections 98 and 99 of the Agriculture Act 1947 (c. 48) ;
- (g) section 2 of the Agricultural Holdings Act 1948 (c. 63) ;
- (h) section 17(5) of the Sea Fish Industry Act 1951 (c. 30) ;
- (i) the Agriculture (Fertilisers) Act 1952 (c. 15) ;
- (j) the Agriculture (Ploughing Grants) Act 1952 (c. 35) ;

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(a) S.I. 1958/886. (b) S.I. 1959/277 (1959 I, p. 1351).  
(c) S.I. 1963/1571 (1963 III, p. 2937).

- (k) the Agriculture (Calf Subsidies) Act 1952 (c. 62), together with section 11 of the Agriculture Act 1967 (c. 22);
- (l) sections 1, 5 and 6 of the White Fish and Herring Industries Act 1953 (c. 17);
- (m) section 10 of the Protection of Birds Act 1954 (c. 30);
- (n) section 1(1) of the Pests Act 1954 (c. 68);
- (o) section 2 of the Fisheries Act 1955 (c. 7);
- (p) section 3 of the White Fish and Herring Industries Act 1957 (c. 22);
- (q) Part I of the Agriculture Act 1957 (c. 57), together with sections 61(7) and 64(6) of the Agriculture Act 1967 (c. 22);
- (r) the Agriculture (Small Farmers) Act 1959 (c. 12);
- (s) the Agricultural Improvement Grants Act 1959 (c. 31);
- (t) the Weeds Act 1959 (c. 54);
- (u) Part I of the Horticulture Act 1960 (c. 22);
- (v) sections 5, 10 and 11 of the Agriculture (Miscellaneous Provisions) Act 1963 (c. 11);
- (w) sections 2 and 3 of the Agriculture and Horticulture Act 1964 (c. 28);
- (x) sections 14, 15, 16, 31 and 33 of, and paragraph 6 of Schedule 3 to, the Harbours Act 1964 (c. 40);
- (y) the Cereals Marketing Act 1965 (c. 14) (so far as not comprised in Part I of this Schedule);
- (z) in the Agriculture Act 1967 (c. 22)—
  - (i) in Part I, sections 3, 12, 13, 16 and 17;
  - (ii) Part II, together with Schedule 3 so far as it has effect for purposes of section 26, and together also with sections 82 and 90 of the Agriculture Act 1947 (c. 48) as they apply for the purposes specified in section 29(1), but not including section 28;
  - (iii) in Part III, sections 41, 49(5) and 50(2);
  - (iv) Part IV;
  - (v) in Part V, section 65;
- (aa) sections 1, 4(5) and (7) and 5 of the Sea Fisheries (Shellfish) Act 1967 (c. 83), together with section 15 of the Sea Fisheries Act 1968 (c. 77);
- (bb) section 40 of the Agriculture (Miscellaneous Provisions) Act 1968 (c. 34);
- (cc) any local enactment referring to the confirmation of byelaws made under the Harbours, Docks and Piers Clauses Act 1847 (c. 27) or under any Act incorporating it in whole or in part;
- (dd) Article 38(2) of the Saundersfoot Harbour Order 1958(a).

6. The functions of the Minister of Agriculture, Fisheries and Food which are by Article 3 of this Order transferred to that Minister and the Secretary of State jointly shall include the functions of that Minister under the enactments listed below, or under any scheme, regulations, rules, order, byelaws or similar instrument having effect under any of the enactments so listed, subject to the limitations expressed in relation to those enactments:—

- (a) Parts IV and VII of the Salmon and Freshwater Fisheries Act 1923 (c. 16), so far as relates to river authority areas wholly or partly in Wales or to river authorities for any such area, but excluding as regards Part IV sections 38(3) and 40(6) and functions under any provision made by virtue of section 38(1)(e);
- (b) so much of the Agricultural Marketing Act 1958 (c. 47) as is not comprised in Part I of this Schedule, and section 45 of the Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), so far as relates to Wales or to any scheme applicable in England and Wales (with or without another part or



parts of the United Kingdom), but excluding, as regards the Agricultural Marketing Act 1958 (c. 47), section 22, section 24(1) and so much of section 25 as provides for the making of loans (but not so much as authorises the making of regulations), and also any functions under the following provisions having effect under that Act:—

- (i) regulation 9 of the Agricultural Marketing (Facilities Committee) Regulations 1932(a);
- (ii) regulation 13 of the Agricultural Marketing (Consumers' Committee) Regulations 1932(b);
- (iii) regulation 19 of the Agricultural Marketing (Committee of Investigation) Regulations 1949(e);
- (iv) regulation 14 of the Agricultural Marketing (Re-organisation Commission) Regulations 1950(d);
- (v) in the Milk Marketing Scheme(e) (as amended(f)) sub-paragraph (c) of the paragraph inserted as paragraph 59 by the Milk Marketing Scheme (Amendment) Order 1955(g) and the proviso in the paragraph renumbered as paragraph 60 by that Order;

and so that, as regards section 45 of the Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), no notice served for purposes of that section need be served on the Secretary of State by reason of this Order;

- (c) Schedule 12 to the Water Resources Act 1963 (c. 38), so far as relates to byelaws of river authorities for areas wholly or partly in Wales and functions exercisable by the Minister of Agriculture, Fisheries and Food by reason of his being concerned with fisheries;
- (d) sections 1, 7, 8 and 13(1) and (2) of the Sea Fisheries Regulation Act 1966 (c. 38), so far as relates to sea fisheries districts comprising any part of the coast of Wales or of the sea adjacent thereto or to local fisheries committees for any such district, and section 18(2) of that Act, so far as relates to areas wholly or partly in Wales.

7. There shall be included among the functions of the Minister of Agriculture, Fisheries and Food transferred by Article 3 of this Order any functions under section 70(9) of the Finance Act 1965 (c. 25) or section 44(2) of the Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), in relation to associations concerned with forestry in Wales, and those functions shall be transferred—

- (a) in the case of functions under the said section 44(2) in relation to an association concerned only with forestry in Wales, to the Secretary of State; and
- (b) in any other case, to the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly.

### PART III

#### *Application of supplementary provisions*

8. Where, in connection with any functions which by Article 3 of this Order are made exercisable by the Secretary of State jointly with the Minister of Agriculture, Fisheries and Food, provision is made by or under any enactment (whether mentioned or not mentioned in Part I or II of this Schedule) for matters falling within any sub-paragraph of this paragraph, then in connection with those functions as so exercisable the provision shall have effect in accordance with that sub-paragraph, that is to say—

- (a) any provision conferring power on the Minister to give directions to any authority or body as to the discharge of their functions by that authority or body or any matter connected therewith shall apply to the Minister and the Secretary of State jointly;

(a) S.R. & O. 1932/560 (Rev. I p. 160; 1932, p. 15).

- (b) S.R. & O. 1932/715 (Rev. I p. 158; 1932, p. 8).
- (c) S.I. 1949/2452 (1949 I, p. 32).
- (d) S.I. 1950/1869 (1950 I, p. 16).
- (e) S.R. & O. 1933/789 (Rev. I, p. 224; 1933, p. 20).
- (f) S.R. & O. 1936/767, 1937/228, 744, 1939/324 (Rev. I, at p. 225; 1936 I, p. 22; 1937, pp. 1, 2; 1939 I, p. 30); S.I. 1950/1029 (1950 I, p. 43); S.I. 1955/946 (1955 I, p. 128).
- (g) S.I. 1955/946 (1955 I, p. 128).

- (b) any provision relating to the making or submission to the Minister of any report or accounts, or (except as otherwise provided in Part II of this Schedule) providing for notice to be given to the Minister, shall apply to the Minister and the Secretary of State jointly ;
  - (c) any provision conferring power, or enabling power to be conferred, on the Minister to delegate functions shall apply to the Minister and the Secretary of State jointly ;
  - (d) any provision conferring any default power on the Minister, or conferring any power on a person authorised by the Minister, shall apply to confer that power on the Minister and the Secretary of State or either of them, or on a person authorised by them or either of them, as the case may be ;
  - (e) any provision authorising the disclosure of information by or to the Minister or to a person authorised or appointed by him shall apply also to the Secretary of State or to a person authorised or appointed by him, as the case may be ;
  - (f) any provision requiring or authorising prosecutions to be brought by the Minister shall require or authorise them to be brought either by the Minister or by the Secretary of State ;
- and where before the coming into operation of this Order the Minister has delegated any functions made exercisable as aforesaid, the delegation shall have effect as a joint delegation by him and the Secretary of State.

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### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order in Council transfers functions in relation to Wales and Monmouthshire under a number of enactments to the Secretary of State for Wales or, in the case of functions relating to agriculture and fisheries, to the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly.

Article 2(1) of the Order transfers to the Secretary of State for Wales, in relation to Wales and Monmouthshire, the general duties of the Secretary of State for Social Services regarding the health of the people and the provision of a comprehensive health service, together with his specific functions in connection with that service. Where a function relates to the whole of England and Wales it will be exercised by the Secretary of State for Social Services in consultation with the Secretary of State for Wales.

Article 2(2) and Schedule 1 make amendments to certain enactments. These are consequential on the allocation of new health and welfare responsibilities to the Secretary of State for Wales.

Article 2(3) transfers from the Secretary of State for Social Services to the Secretary of State for Wales property held for the purpose of the provision of hospital and specialist services. This consists in the main of hospitals administered by the Welsh Hospital Board and the Board of Governors of the United Cardiff Hospitals.

Article 3 of the Order transfers in relation to Wales and Monmouthshire the functions of the Minister of Agriculture, Fisheries and Food under the enactments specified in Parts I and II of Schedule 2 ; except in one instance (see paragraph 7(a) of the Schedule), the transfer is to the Minister and the Secretary of State jointly. Part I of this Schedule concerns the making of appointments, establishment of Committees, etc. ; Part II relates to grant and subsidy schemes and other statutory responsibilities and the functions arising therefrom. Part III of Schedule 2 sets out general provisions applicable in connection with the transferred functions.

Article 3(3) reserves to the Minister of Agriculture, Fisheries and Food financial responsibility for the functions which will otherwise be exercised jointly.

Under Article 4 the functions of the Minister of Public Building and Works in so far as they relate to ancient monuments in Wales are transferred to the Secretary of State for Wales.