

1974 No. 1264

MINISTERS OF THE CROWN

The Minister of Overseas Development Order 1974

Made - - - - 25th July 1974

Laid before Parliament 31st July 1974

Coming into Operation 21st August 1974

At the Court at Buckingham Palace, the 25th day of July 1974

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1 and 1A of the Ministers of the Crown (Transfer of Functions) Act 1946(a), as amended by section 4 of, and Schedule 2 to, the Ministers of the Crown Act 1974(b) and in pursuance of section 4 of the Ministers of the Crown Act 1964(c), 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 Minister of Overseas Development Order 1974.

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

(3) 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.

(4) This Order shall come into operation on 21st August 1974.

Transfer of functions

2.—(1) There are hereby transferred to the Minister of Overseas Development—

(a) the functions of the Secretary of State for Foreign and Commonwealth Affairs under the instruments listed in Part I of the Schedule to this Order, and

(b) the functions of the Secretary of State under the Royal Warrants listed in Part II of that Schedule.

(2) The provisions of Part III of the Schedule to this Order shall have effect with a view to the transfer from the Secretary of State to the Minister of Overseas Development of certain functions with respect to pensions to or in respect of persons who are or have been—

(a) serving in a body in relation to which regulations made under section 1(2) of the Police (Overseas Service) Act 1945(e) have been made; or

(b) officers to whom the Overseas Service Act 1958(f) applies in respect of whose service as such officers the provisions of section 5 of that Act have effected; or

(a) 1946 c. 31.
(d) 1889 c. 63.

(b) 1974 c. 21.
(e) 1945 c. 17.

(c) 1964 c. 98.
(f) 1958 c. 14.

(c) employed in pursuance of arrangements made by the Secretary of State in connection with the training and organisation of fire-fighting forces in territories outside the United Kingdom.

(3) The functions of the Lord Chancellor and the Secretary of State under section 5 of the Pensions (Increase) Act 1971(a) and under the Pensions (Increase) Act 1974(b), and of the Secretary of State under section 13 of the said Act of 1971, shall be exercisable by the Minister of Overseas Development concurrently with those Ministers (but subject to the consent of the Minister for the Civil Service).

(4) The functions of nominating and withdrawing the nomination of 3 foundation members of the Executive Council of the Royal Commonwealth Society for the Blind, conferred on the Secretary of State for the Colonies by the constitution of the said Society, and now exercisable by the Secretary of State for Foreign and Commonwealth Affairs, are hereby transferred (as to 2 of those members) to the Minister of Overseas Development.

(5) The functions of the Secretary of State under section 4 of the Pensions and Yeomanry Pay Act 1884(c), so far as it relates to persons to whom pensions are payable by virtue of any superannuation scheme made, or treated as made, under the Overseas Pensions Act 1973(d), are hereby transferred to the Minister of Overseas Development.

Supplemental

3.—(1) This Order shall not affect the validity of anything done by or in relation to a Secretary of State before the coming into operation of this Order; and anything which at the coming into operation of this Order is in process of being done by or in relation to a Secretary of State may be continued by or in relation to the Minister of Overseas Development.

(2) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by a Secretary of State, or having effect as if so given, imposed or made, shall, if in force at the coming into operation of this Order, have effect as if given, imposed or made by the Minister of Overseas Development, in so far as that is required for continuing its effect after the coming into operation of this Order.

(3) Subject to any specific provision made by this Order any enactment, instrument or contract 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 transfer of functions affected by this Order, as if any reference to a Secretary of State or his department or an officer of his (including any reference which is to be construed as such a reference) were or included a reference to the Minister of Overseas Development or to his department or an officer of his, as the context may require.

(4) Documents or forms printed or duplicated for use in connection with any functions of a Secretary of State transferred by this Order may be so used notwithstanding that they contain references to that Secretary of State, and those references shall be construed as references to the Minister of Overseas Development; and similarly with references to the department or an officer of the Foreign and Commonwealth Office.

(a) 1971 c. 56.
(c) 1884 c. 55.

(b) 1974 c. 9.
(d) 1973 c. 21.

4. The provisions of Article 3 of this Order shall have effect (with the necessary modifications) in relation to the transfer of functions to the Minister of Overseas Development effected by the Ministers of the Crown Act 1974(a) as they have effect in relation to the functions transferred to that Minister by this Order.

5.—(1) In section 5 of the Gas and Electricity Act 1968(b) and in section 5(4) of the Development of Tourism Act 1969(c) the references to the Minister of Overseas Development shall cease to be construed as references to the Secretary of State for the time being discharging the functions expressed to be conferred on that Minister by the Overseas Aid Act 1966(d).

(2) In Schedule 2 to the Parliamentary Commissioner Act 1967(e) there shall be inserted, in the appropriate place, the entry:—

“Ministry of Overseas Development.”

(3) In section 5(3) of the Pensions (Increase) Act 1971(f) and section 4(1) of the Pensions (Increase) Act 1974(g) for the words “or the Secretary of State” there shall be substituted the words “the Secretary of State or the Minister of Overseas Development”; and at the end of section 13(4) of the said Act of 1971 there shall be added the words “or the Minister of Overseas Development”.

N. E. Leigh

SCHEDULE

PART I

LIST OF INSTRUMENTS REFERRED TO IN ARTICLE 2(1)

1. The Increase of Pensions (Governors) Regulations 1971(h).
2. The By-Laws set out in a Schedule to the Royal Charter dated 1st November 1921, relating to the Cotton Research Corporation.
3. The Royal Charter dated 1st April 1924, relating to the London School of Hygiene and Tropical Medicine.
4. The Royal Charter dated 29th August 1939, relating to the Imperial Cancer Research Fund.
5. The Royal Charter dated 31st March 1947 relating to the British Post-graduate Medical Federation.
6. The Royal Charter dated 24th April 1956 relating to the Royal Veterinary College.
7. A trust instrument dated 31st August 1949 relating to the dependants of certain officers of the former Government of Palestine and executed by the late Arthur Creech Jones and other persons.

(a) 1974 c. 21.
(c) 1969 c. 51.
(e) 1967 c. 13.
(g) 1974 c. 9.

(b) 1968 c. 39.
(d) 1966 c. 21.
(f) 1971 c. 56.
(h) S.I. 1971/2035 (1971 III, p. 5831).

PART II

FUNCTIONS UNDER CERTAIN ROYAL WARRANTS

8. The Royal Warrants relating to pensions granted in respect of service in the Armed Forces of India and of Burma dated 14th October 1952, 21st May 1955, 4th August 1956, 14th September 1959, 25th February 1963, 6th May 1966, 4th July 1966, 29th September 1967, 9th April 1968, 9th April 1969, 31st October 1969 and 7th June 1972.

PART III

FUNCTIONS RELATING TO CERTAIN PENSIONS PAYABLE IN
RESPECT TO OVERSEAS SERVICE

9. The following references to the Secretary of State shall be construed as references to either the Secretary of State or the Minister of Overseas Development, namely—

- (a) in the Fire Service Act 1947(a), the references in section 26(2)(d) and (e);
- (b) in the Police Pensions Act 1948(b), the reference in the definition of “police authority” in section 8(1);
- (c) in the Pensions (Increase) Act 1971(c), the reference in paragraph 15 of Schedule 2 (so far as it relates to sub-paragraphs (a) and (b)) and the references in paragraphs 14 and 16 of that Schedule.

10. Any functions of the Secretary of State under the Police Pensions Act 1921(d) exercisable by virtue of any of the following instruments, namely—

- (a) the Police (Overseas Service) (Germany) Regulations 1947(e);
- (b) the Police (Overseas Service) (Austria) Regulations 1947(f);
- (c) the Police (Overseas Service) (Greece) Regulations 1948(g);

are hereby transferred to the Minister of Overseas Development.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the transfer from the Secretary of State to the Minister of Overseas Development, or for the exercise by that Minister concurrently with the Secretary of State, of those functions relating to overseas development and to pensions in respect of overseas service which have not already been transferred by the Ministers of the Crown Act 1974.

Article 2(1) and Part I of the Schedule also transfer the functions under a number of Royal Charters and other instruments.

Article 5(2) inserts the Ministry of Overseas Development in the list of Departments and Authorities subject to investigation contained in Schedule 2 to the Parliamentary Commissioner Act 1967.

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| (a) 1947 c. 41. | (b) 1948 c. 24. |
| (c) 1971 c. 56. | (d) 1921 c. 31. |
| (e) S. R. & O. 1947/1088 (Rev. XVIII, p. 163; 1947 I, p. 1773). | |
| (f) S. R. & O. 1947/1188 (Rev. XVIII, p. 170; 1947 I, p. 1760). | |
| (g) S.I. 1948/313 (Rev. XVIII, p. 177; 1948 I, p. 3553). | |

SI 1974/1264
ISBN 0-11-041264-8



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