

1978 No. 272

MINISTERS OF THE CROWN

The Transfer of Functions (Wales) (No. 1) Order 1978

<i>Made</i> - - - - -	1st March 1978
<i>Laid before Parliament</i>	9th March 1978
<i>Coming into Operation</i>	1st April 1978

At the Court at Buckingham Palace, the 1st day of March 1978

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 (Wales) (No. 1) Order 1978.

(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) 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.

(4) This Order shall come into operation on 1st April 1978.

Transfer of functions

2.—(1) Subject to Article 3 below, the functions of the Minister of Agriculture, Fisheries and Food under the enactments specified in Schedule 1 to this Order are, so far as they are exercisable in relation to Wales and are not transferred under the following provisions of this Article, hereby transferred to the Secretary of State.

(2) The functions of the Minister of Agriculture, Fisheries and Food under those enactments which are exercisable by him jointly with a Secretary of State in relation to Wales or to England and Wales (but not in relation to any other part of the United Kingdom) are—

(a) so far as they are exercisable in relation to Wales, hereby transferred to the Secretary of State;

(b) so far as they are exercisable in relation to England, hereby transferred to the Minister.

 (a) 1975 c. 26. (b) 1889 c. 63.

(3) Those functions under the enactments specified in Schedule 1 to this Order which are exercisable in relation to Great Britain or the United Kingdom by two or more Ministers jointly are hereby transferred to those Ministers and the Secretary of State for Wales jointly.

(4) Those functions under the enactments specified in Schedule 1 to this Order which are exercisable by the Minister of Agriculture, Fisheries and Food alone are, so far as they are exercisable in relation to areas which are partly in England and partly in Wales (but which do not comprise England and Wales in their entirety) or in relation to committees, boards or schemes for such areas, hereby transferred to that Minister and the Secretary of State jointly.

3.—(1) The functions transferred by Article 2 above do not include any function under the Diseases of Animals Act 1950^(a) (or any Order made under that Act) or the Agriculture (Miscellaneous Provisions) Act 1976^(b) so far as it is exercisable, immediately before the coming into force of this Order, in relation to Great Britain by the Minister of Agriculture, Fisheries and Food alone or concurrently with the Secretary of State; and, in particular, those functions do not include the Minister's functions under section 85(4) of the Act of 1950 so far as they are exercisable in relation to any Order or other instrument which has effect throughout Great Britain.

(2) The functions under orders made under the Diseases of Animals Act 1950 which are transferred by Article 2 above do not include any function exercisable under the Live Poultry (Restrictions) Order 1971^(c), and the functions under that Order which are exercisable in relation to England and Wales by the Minister of Agriculture, Fisheries and Food are hereby transferred to that Minister and the Secretary of State jointly.

4.—(1) The functions exercisable under the enactments specified in Schedule 2 to this Order by the Minister of Agriculture, Fisheries and Food alone are hereby transferred to that Minister and the Secretary of State jointly.

(2) The functions exercisable under the enactments specified in that Schedule by two or more Ministers jointly are hereby transferred to those Ministers and the Secretary of State for Wales jointly.

5. Schedule 3 to this Order shall have effect for the purpose of transferring certain functions in relation to fisheries, water resources, water supply and land drainage.

6. The functions under the instruments specified in Schedule 4 to this Order which are exercisable by the Minister of Agriculture, Fisheries and Food alone or jointly with a Secretary of State are, so far as they are exercisable in relation to Wales, hereby transferred to the Secretary of State.

7. The functions of the Minister of Agriculture, Fisheries and Food of sanctioning or consenting to alterations of the Memorandum or Articles of Association of the Agricultural Mortgage Corporation Limited and of nominating two of the directors of that Corporation are hereby transferred to that Minister and the Secretary of State jointly.

8. It is hereby directed that the functions of the Minister of Agriculture, Fisheries and Food—

(a) under section 2(3) of the Board of Agriculture Act 1889^(d);

^(a) 1950 c. 36.

^(b) 1976 c. 55.

^(c) S.I. 1971/311.

^(d) 1889 c. 30.

(b) of carrying out research under or in connection with the Prevention of Damage by Pests Act 1949(a) ;

(c) of carrying out research in relation to animal feeding stuffs under the Minister of Food (Financial Powers) Act 1949(b) ;

shall be exercisable by that Minister concurrently with the Secretary of State.

9.—(1) The functions under the Industrial Organisation and Development Act 1947(c) which are exercisable by the Minister of Agriculture, Fisheries and Food alone are—

(a) so far as they are exercisable in relation to Wales, hereby transferred to the Secretary of State ;

(b) so far as they are exercisable in relation to England and Wales, hereby transferred to the Minister and the Secretary of State jointly ;

and the functions under that Act of the Minister and the Secretary of State jointly are, so far as they are exercisable in relation to Great Britain, hereby transferred to the Minister, the Secretary of State for Scotland and the Secretary of State for Wales jointly.

(2) Paragraph (1) of this Article does not apply to any function of the Minister which is exercisable in relation to the Apple and Pear Development Council by virtue of any order made under the Act of 1947.

10. The functions under section 108(4) and (7) of the Medicines Act 1968(d) which are exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State are, so far as they are exercisable in relation to Wales, hereby transferred to the Secretary of State for Social Services and the Secretary of State for Wales jointly.

Supplementary

11.—(1) Except as otherwise expressly provided, any reference in this Order to a function of a Minister under an enactment includes a reference to the functions of that Minister under any scheme, regulations, rules, order, bye-laws or similar instrument having effect under that enactment.

(2) Schedule 5 to this Order which contains amendments incidental to or consequential on the transfer of functions to the Secretary of State shall have effect.

(3) 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 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.

(4) 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.

(5) Documents or forms printed or duplicated for use in connection with any functions transferred by this Order may be so used notwithstanding that

(a) 1949 c. 55. (b) 1949 c. 15. (c) 1947 c. 40. (d) 1968 c. 67.

they contain references to the Minister of Agriculture, Fisheries and Food or to his Department or any officer of his.

(6) 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 Minister of Agriculture, Fisheries and Food or to 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 Secretary of State for Wales or to his Department or an officer of his as the case may require.

(7) Without prejudice to the generality of paragraph (6) of this Article, the duty imposed on the Minister of Agriculture, Fisheries and Food by section 1(3) of the Water Act 1973(a) (securing of effective execution of policy) shall be discharged by him, the Secretary of State for Wales or both jointly, as the case may require.

N. E. Leigh

Clerk of the Privy Council.

SCHEDULES

SCHEDULE 1

ENACTMENTS CONFERRING FUNCTIONS TRANSFERRED BY ARTICLE 2

Any local enactment referring to the confirmation of bye-laws made under the Harbours, Docks and Piers Clauses Act 1847 (c.27) or under any Act incorporating it in whole or in part.

Lands Improvement Company's Act 1853 (c.cliv) and the Lands Improvement Company's Amendment Acts 1855(a), 1859(b), 1863(c), 1920 (d) and 1969(e).

General Pier and Harbour Acts 1861 to 1915(f).

Improvement of Land Acts 1864 and 1899(g).

Limited Owners Residences Act 1870 (c.56).

District Councils (Water Supply Facilities) Act 1897 (c.44).

Smallholdings and Allotments Acts 1908 to 1931(h), as they apply in relation to cottage holdings and small holdings.

Seeds Act 1920 (c.54).

Corn Sales Act 1921 (c.35).

Allotments Act 1922 (c.51) as it applies in relation to cottage holdings.

Agricultural Credits Act 1923 (c.34).

Allotments Act 1925 (c.61) as it applies in relation to cottage holdings.

Improvement of Live Stock (Licensing of Bulls) Act 1931 (c.43).

Sections 3 to 8 of the Destructive Imported Animals Act 1932 (c.12).

Diseases of Fish Act 1937 (c.33).

Part I and section 29 of the Agriculture Act 1937 (c.70) together with section 97 of the Agriculture Act 1947 (c.48).

Section 15(1) of the Agriculture (Miscellaneous War Provisions) Act 1940 (c.14).

Section 11 of the Agriculture (Miscellaneous Provisions) Act 1941 (c.50).

Section 1(1) of the Agriculture (Miscellaneous Provisions) Act 1944 (c.28), except so far as it relates to the appointment of staff.

Hill Farming Act 1946 (c.73) except section 32(2) and (4).

Sections 58, 78 to 95 and 98 to 109 of, and paragraphs 22 and 23 of Schedule 9 to, the Agriculture Act 1947 (c.48).

Sections 2, 9 and 12, and (so far as they apply in relation to agricultural wages committees and sub-committees) 13 and 14 of and Schedule 3 to the Agricultural Wages Act 1948 (c.47).

Agricultural Holdings Act 1948 (c.63) together with the Agricultural Holdings (Notices to Quit) Act 1977 (c.12).

Section 10 of the Agriculture (Miscellaneous Provisions) Act 1949 (c.37).

Prevention of Damage by Pests Act 1949 (c.55).

Docking and Nicking of Horses Act 1949 (c.70).

Coast Protection Act 1949 (c.74).

Section 69 of the National Parks and Access to the Countryside Act 1949 (c.97).

Diseases of Animals Act 1950 (c.36).

Section 21(1) of the Sea Fish Industry Act 1951 (c.30).

Agriculture (Fertilisers) Act 1952 (c.15).

Agriculture (Ploughing Grants) Act 1952 (c.35).

Agriculture (Calf Subsidies) Act 1952 (c.62) but excluding the Calf Subsidies (United Kingdom) Scheme 1977(i).

Section 1(5) of the Dogs (Protection of Livestock) Act 1953 (c.28).

Section 10(1) (d) of the Protection of Birds Act 1954 (c.30).

Section 10 of the Agriculture (Miscellaneous Provisions) Act 1954 (c.39).

Protection of Animals (Anaesthetics) Act 1954 (c.46).

Pests Act 1954 (c.68).

Section 2 of the Fisheries Act 1955 (c.7).

Part I of the Agriculture Act 1957 (c.57).

(a) 1855 c. lxxxiv. (b) 1859 c. lxxxii. (c) 1863 c. cxl. (d) 1920 c. xi. (e) 1969 c. xxv.
(f) 1861 c. 45, 1862 c. 19, 1915 c. 48. (g) 1864 c. 114, 1899 c. 46. (h) 1908 c. 36; 1919 c. 59;
1926 c. 52; 1931 c. 41. (i) S.I. 1977/453.

Horse Breeding Act 1958 (c.43).
Agricultural Marketing Act 1958 (c.47) except section 22.
Agriculture (Small Farmers) Act 1959 (c.12).
Weeds Act 1959 (c.54).
Dog Licences Act 1959 (c.55) together with sections 35 and 36 of and Schedule 3 to the Local Government Act 1966 (c.42).
Sections 6 to 9, 11 and 12(7) of the Radioactive Substances Act 1960 (c.34).
Sections 5, 10, 12, 13(1), (3) and (7) and 16 of the Agriculture (Miscellaneous Provisions) Act 1963 (c.11).
Plant Varieties and Seeds Act 1964 (c.14).
Section 20(3) of the Agriculture and Horticulture Act 1964 (c.28).
Sections 14, 15, 16, 30, 31, 33 and 60 of and Schedules 3 and 5 to the Harbours Act 1964 (c.40).
Cereals Marketing Act 1965 (c.14) except sections 1 and 12.
Paragraph 13 of Schedule 3 to the New Towns Act 1965 (c.59).
Section 58(2) of the Docks and Harbours Act 1966 (c.28).
Sea Fisheries Regulation Act 1966 (c.38) except section 15.
Plant Health Act 1967 (c.8).
Agriculture Act 1967 (c.22) except sections 1(5), 64 and 65.
Sea Fisheries (Shellfish) Act 1967 (c.83) together with section 15 of the Sea Fisheries Act 1968 (c.77).
Sea Fish (Conservation) Act 1967 (c.84).
Part I and sections 38, 40 and 45 of the Agriculture (Miscellaneous Provisions) Act 1968 (c.34).
Section 29(4) of the Countryside Act 1968 (c.41).
Medicines Act 1968 (c.67) except sections 108(4) and (7).
Sections 5 and 7 of the Sea Fisheries Act 1968 (c.77).
Section 340 of the Income and Corporation Taxes Act 1970 (c.10).
Parts I and II (except section 24(4)), sections 49, 51 and 55 of and Schedules 3 and 5 to the Sea Fish Industry Act 1970 (c.11).
Section 25, Parts II, III and IV and section 106 of the Agriculture Act 1970 (c.40).
Medicines Act 1971 (c.69).
Sections 1(4) and 19 of the Agriculture (Miscellaneous Provisions) Act 1972 (c.62).
Badgers Act 1973 (c.57).
Part II of the Slaughterhouses Act 1974 (c.3).
Horticulture (Special Payments) Act 1974 (c.5).
Dumping at Sea Act 1974 (c.20), except sections 1(7), 6 and 12(3).
Part II of the Control of Pollution Act 1974 (c.40).
Section 8(1)(e) of the Conservation of Wild Creatures and Wild Plants Act 1975 (c.48).
Section 33 of the Restrictive Trade Practices Act 1976 (c.34).
Sections 9 and 18(6) of the Agriculture (Miscellaneous Provisions) Act 1976 (c.55).
Sections 29, 30 and 31 of, and paragraph 12 of Schedule 3 to, the Rent (Agriculture) Act 1976 (c.80).
Fishery Limits Act 1976 (c.86).

SCHEDULE 2

ENACTMENTS CONFERRING FUNCTIONS TRANSFERRED BY ARTICLE 4

Corn Returns Act 1882 (c.37), together with section 108 of the Agriculture Act 1970 (c.40).
Section 4 of the Agricultural Credits Act 1928 (c.43).
Section 17 of the Agriculture (Miscellaneous Provisions) Act 1943 (c.16).
Section 1 of the Agriculture (Artificial Insemination) Act 1946 (c.29).
Sections 13 (as it applies in relation to the Agricultural Wages Board) and 16 of and Schedule 1 to the Agricultural Wages Act 1948 (c.47) together

with section 46 of the Agriculture (Miscellaneous Provisions) Act 1968 (c.34).
 Food and Drugs Act 1955 (c.16), except sections 5, 96, 99, 109(3), 114 and 127, and except in its application to Northern Ireland.
 Sections 18 and 23(1) of the Sugar Act 1956 (c.48), except as regards the research and education fund maintained under section 18.
 Part III of the Agriculture and Horticulture Act 1964 (c.28) except sections 13(1), 20(3) and 23(1).
 Veterinary Surgeons Act 1966 (c.36).
 Section 15 of the Sea Fisheries Regulation Act 1966 (c.38).
 Section 66 of the Agriculture Act 1967 (c.22).
 Slaughter of Poultry Act 1967 (c.24) except section 4(1).
 Farm and Garden Chemicals Act 1967 (c.50).
 Section 2 of the Ponies Act 1969 (c.28).
 Sections 1(1) to (3) and 17(2) of the Agriculture (Miscellaneous Provisions) Act 1972 (c.62).
 Sections 6 and 7(3) of the European Communities Act 1972 (c.68).
 Part I of the Slaughterhouses Act 1974 (c.3).
 Sections 6 and 12(3) of the Dumping at Sea Act 1974 (c.20).
 Section 2(2) of the Agriculture (Miscellaneous Provisions) Act 1976 (c.55).

SCHEDULE 3

FUNCTIONS RELATING TO FISHERIES, WATER RESOURCES, WATER SUPPLY AND LAND DRAINAGE

The Opencast Coal Act 1958 (c.69)

1. The functions under section 39 of the Opencast Coal Act 1958 which are exercisable in relation to Wales by the Minister of Agriculture, Fisheries and Food are hereby transferred to the Secretary of State for Wales.

The Water Resources Act 1963 (c.38)

2.—(1) A reference in this paragraph to a section or a Schedule is a reference to that section of or that Schedule to the Water Resources Act 1963.

(2) The functions under sections 65, 70 and 107 which are exercisable by the Minister of Agriculture, Fisheries and Food alone are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State.

(3) Subject to sub-paragraph (6) below, the functions under sections 65, 70, 82(1)(c) to (e), 106, 107 and 108 and paragraph 17 of Schedule 7 (in relation to a case falling within paragraph 16(b) of Schedule 7) which are exercisable by the Minister of Agriculture, Fisheries and Food jointly with one or more other Ministers and, where the functions are exercisable under section 107, are exercisable in relation to the transferred functions (within the meaning of that section),—

(a) so far as they are exercisable in relation to the Welsh National Water Development Authority, are hereby transferred to the Secretary of State ;

(b) so far as they are exercisable in relation to the Severn-Trent Water Authority, are hereby transferred to the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly.

(4) The functions under section 82(1)(a) and (b) of the Ministers (within the meaning of subsection (9) of that section)—

(a) so far as they are exercisable in relation to an application by the Welsh National Water Development Authority for an order relating to a navigation authority, are hereby transferred to the Secretary of State for Wales and the Secretary of State for the Environment jointly ;

(b) so far as they are exercisable in relation to an application by that Authority for an order relating to a conservancy authority or harbour authority, are hereby transferred to the Secretary of State for Wales and the Secretary of State for Transport jointly ;

(c) so far as they are exercisable in relation to an application by the Severn-Trent Water Authority for an order relating to a navigation authority, are hereby transferred to the Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food jointly ;

(d) in the case of an application by that Authority for an order relating to a conservancy authority or harbour authority are hereby transferred to the Secretary of State for Transport and the Minister of Agriculture, Fisheries and Food jointly.

(5) The functions under section 105 which are exercisable by the Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food jointly are hereby transferred to those Ministers and the Secretary of State for Wales jointly.

(6) The functions under section 106 which are exercisable by the Secretary of State for the Environment, the Secretary of State for Transport and the Minister of Agriculture, Fisheries and Food jointly are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State for Wales, the Secretary of State for Transport and the Secretary of State for the Environment jointly.

(7) It is hereby directed that the functions under section 109 which are exercisable by the Secretary of State for the Environment and the Secretary of State for Wales jointly shall be exercisable by the Secretary of State for the Environment concurrently with the Secretary of State for Wales (but without prejudice to the power conferred by section 109 on those Ministers to act jointly with or without any other Minister).

(8) The functions under Schedule 7 which by virtue of paragraph 17 of that Schedule are in relation to a case falling within paragraph 16(c)(ii) exercisable by the Secretary of State for the Environment and the Secretary of State for Wales jointly with the Board of Trade or the Secretary of State for Trade are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State for Wales jointly with the Secretary of State for the Environment and with the Board of Trade or the Secretary of State for Trade.

The General Rate Act 1967 (c.9)

3. The functions under section 76(2) of the General Rate Act 1967 which by virtue of section 79(2) of the Land Drainage Act 1976 (c.70) are exercisable by the Minister of Agriculture, Fisheries and Food are so far as they are exercisable in relation to Wales hereby transferred to the Secretary of State.

The Town and Country Planning Act 1971 (c.78)

4. The functions under sections 232 to 238 of the Town and Country Planning Act 1971 as applied and modified by section 13 of the Opencast Coal Act 1958 (c.69) which are exercisable in relation to Wales by the Minister of Agriculture, Fisheries and Food are hereby transferred to the Secretary of State for Wales.

The Water Act 1973 (c.37)

5.--(1) The functions under section 1(1) of the Water Act 1973 of the Secretary of State and the Minister of Agriculture, Fisheries and Food are hereby transferred to the Minister, the Secretary of State for the Environment and the Secretary of State for Wales jointly.

(2) The functions under sections 2(4), 5(1) and 24(5), (6), (11) and (12) of, paragraphs 11, 32, 38, 40 and 41 of Schedule 3, paragraph 15 of Schedule 6 and Schedule 7 to, that Act which are exercisable by the Minister of Agriculture,

Fisheries and Food alone or jointly with the Secretary of State are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State.

(3) The function of the Minister of Agriculture, Fisheries and Food and the Secretary of State under section 2(5) of that Act of changing the name of the Welsh National Water Development Authority is hereby transferred to the Secretary of State.

(4) The functions under sections 2(5) and 8(3) of that Act (except that to which sub-paragraph (3) above applies) which are exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly are so far as they are exercisable in relation to the Welsh National Water Development Authority hereby transferred to the Secretary of State for the Environment, the Secretary of State for Wales and the Minister jointly.

(5) The functions under sections 29, 30 and 31 of that Act which by virtue of section 62 of the Land Drainage Act 1976 (c.70) are exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State are so far as they are exercisable in relation to the Welsh National Water Development Authority hereby transferred to the Secretary of State.

(6) The functions of the Minister of Agriculture, Fisheries and Food under paragraph 4 of Schedule 2 to that Act are, so far as they are exercisable in relation to the area of the Welsh National Water Development Authority or of the Severn-Trent Water Authority, hereby transferred to that Minister and the Secretary of State jointly.

The Salmon and Freshwater Fisheries Act 1975 (c.51)

6.—(1) The functions under the Salmon and Freshwater Fisheries Act 1975 which are exercisable by the Minister of Agriculture, Fisheries and Food alone or jointly with the Secretary of State are, so far as they are exercisable in relation to the Welsh National Water Development Authority or land or waters in the area of that Authority, hereby transferred to the Secretary of State.

(2) The functions under that Act which are exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly are, so far as they are exercisable in relation to the Severn-Trent Water Authority or land or waters in the area of that Authority, hereby transferred to the Minister.

The Land Drainage Act 1976 (c.70)

7.—(1) A reference in this paragraph to a section or a Schedule is a reference to that section of or that Schedule to the Land Drainage Act 1976, and in this paragraph "the Minister" means the Minister of Agriculture, Fisheries and Food.

(2) The functions of the Minister under sections 2, 3 and 4 relating to the regional land drainage committee of the Welsh National Water Development Authority and to local land drainage schemes, districts and committees for the area of that Authority are hereby transferred to the Secretary of State.

(3) The functions under sections 20, 25, 29, 36, 43, 78, 90, 91, 92, 93 and 98(1) and (2) which are exercisable in relation to Wales by the Minister are hereby transferred to the Secretary of State.

(4) The functions of the Minister under sections 7(3), 11 to 16, 23(4) and (5), 26, 27, 37, 38, 68, 69, 75, 77, 81(4) and 84 to 87, Part I of Schedule 2 and Schedule 4—

- (a) which are exercisable in relation to internal drainage districts wholly in Wales or their boards are hereby transferred to the Secretary of State;
- (b) which are exercisable in relation to internal drainage districts partly in Wales or their boards are hereby transferred to the Minister and the Secretary of State jointly.

(5) The functions of the Minister which are exercisable in relation to the Welsh National Water Development Authority under sections 8(2), 9, 10, 23(4) and (5), 26, 27, 31, 46, 49, 50, 51, 53, 60 and 69, paragraph 4 of Schedule 1 and Schedule 4 are hereby transferred to the Secretary of State.

(6) The functions under section 23(2) which are exercisable by the Minister and the Secretary of State are, so far as they are exercisable in relation to the Welsh National Water Development Authority or internal drainage boards for districts wholly in Wales, hereby transferred to the Secretary of State for Wales and the Secretary of State for the Environment or, if a conservancy authority is concerned, the Secretary of State for Transport, and, so far as these functions are exercisable in relation to internal drainage boards for districts partly in Wales, they are hereby transferred to the Secretary of State for Wales, the Minister and the Secretary of State for the Environment or, if a conservancy authority is concerned, the Secretary of State for Transport.

(7) The functions under section 62(1), (4) and (5) which are exercisable by the Minister alone or jointly with the Secretary of State are so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State for the Environment and the Secretary of State for Wales jointly.

(8) The functions of the Minister under section 94—

(a) which are exercisable in relation to employees of relevant authorities (within the meaning of section 94) wholly in Wales, are hereby transferred to the Secretary of State ;

(b) which are exercisable in relation to employees of such authorities which are partly in Wales, are hereby transferred to the Minister and the Secretary of State jointly.

(9) The functions of the Minister under sections 95 and 96 are, so far as they relate to functions which are transferred by this Order to a Secretary of State or to Ministers jointly, hereby transferred to the Secretary of State or to the Ministers jointly as the case may be.

(10) The functions under section 98(12) which are exercisable in relation to Wales by the Minister and the Secretary of State jointly are hereby transferred to the Secretary of State for Wales and the Secretary of State for the Environment jointly.

(11) The functions under paragraph 10 of Schedule 1 which are exercisable by the Minister and the Secretary of State jointly are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State.

(12) The functions of the Minister under paragraph 1 of Schedule 3 are hereby transferred to the Minister and the Secretary of State jointly.

(13) The functions under Part I of Schedule 2 which are exercisable in relation to internal drainage boards for districts wholly in Wales by the Minister and the Secretary of State jointly are hereby transferred to the Secretary of State.

SCHEDULE 4

INSTRUMENTS CONFERRING FUNCTIONS TRANSFERRED BY ARTICLE 6

Eggs (Marketing Standards) Regulations 1973 (S.I. 1973/15).

Common Agricultural Policy (Wine) Regulations 1973 (S.I. 1973/1341).

Farm and Horticulture Development Regulations 1973 (S.I. 1973/2205), except Article 3A.

Agricultural or Forestry Tractors (Type Approval) Regulations 1975 (S.I. 1975/1475).

Hill Livestock (Compensatory Allowances) Regulations 1975 (S.I. 1975/2210).

Agricultural or Forestry Tractors (Type Approval) (Fees) Regulations 1976 (S.I. 1976/1701).

Agricultural Products Processing and Marketing (Improvement Grant) Regulations 1977 (S.I. 1977/2112).

Non-Marketing of Milk and Milk Products and the Dairy Herd Conversion Premiums Regulations 1977 (S.I. 1977/1304).

Poisons Rules 1978 (S.I. 1978/1).

SCHEDULE 5

CONSEQUENTIAL AMENDMENTS

1. In each of the following enactments, that is to say—
 - section 38 of the Hill Farming Act 1946 (c.73), in the definition of “the Ministers”;
 - sections 24(1), 36B and 84(1)(aa) of the Diseases of Animals Act 1950 (c.36);
 - section 17(1) of the Sugar Act 1956 (c.48);
 - section 26(2) of the Agriculture and Horticulture Act 1964 (c.28);
 - section 27(1) of the Veterinary Surgeons Act 1966 (c.36);
 - section 66(3) of the Agriculture Act 1967 (c.22);
 - section 8 of the Slaughter of Poultry Act 1967 (c.24);
 - section 5(1) of the Farm and Garden Chemicals Act 1967 (c.50);
 - section 17(3) of the Sea Fisheries (Shellfish) Act 1967 (c.83);
 - section 2(1) of the Ponies Act 1969 (c.28);
 - section 66(1) of the Agriculture Act 1970 (c.40), in the definition of “the Ministers”;
 - section 1(8) of the Agriculture (Miscellaneous Provisions) Act 1972 (c.62), in the definition of “the Ministers”;
 - section 7(4) of the European Communities Act 1972 (c.68);
 - sections 6 and 12(3) of the Dumping at Sea Act 1974 (c.20);
 for the words “the Secretary of State” there are substituted the words “the Secretary of State for Scotland and the Secretary of State for Wales”.
2. In section 37(4A) of the Diseases of Animals Act 1950,—
 - (a) after the words “in Scotland” there are inserted the words “or in Wales”;
 - (b) after the words “Secretary of State”, in the second place where they occur, there are inserted the words “for Scotland and the Secretary of State for Wales”.
3. In section 5(2)(c) of the Agriculture (Ploughing Grants) Act 1952 (c.35) for the words “either or both of those countries” there are substituted the words “Great Britain or the United Kingdom, that Minister and the Secretary of State for Scotland and the Secretary of State for Wales acting jointly, and in relation to a joint scheme for Northern Ireland”.
4. In section 1(2)(b) of the Agriculture (Calf Subsidies) Act 1952 (c.62) for the words “any other joint scheme” there are substituted the words “a joint scheme for Great Britain or the United Kingdom, that Minister and the Secretary of State for Scotland and the Secretary of State for Wales acting jointly, and in relation to a joint scheme for Northern Ireland and Scotland”.
5. In section 1 of the Protection of Animals (Anaesthetics) Act 1954 (c.46) for the words “the Secretary of State” in the first place where they occur there are substituted the words “the Secretary of State for Scotland and the Secretary of State for Wales” and for the words “the Minister and the Secretary of State” in the second and third places where they occur there are substituted the words “those Ministers”.
6. In section 135(1) of the Food and Drugs Act 1955 (c.16) at the end of the definition of “the Ministers” there are added the words “or, in relation to any function under this Act to which the Transfer of Functions (Wales) (No. 1) Order 1978 applies, the Minister, the Secretary of State for Social Services and the Secretary of State for Wales acting jointly;”
7. In section 18(9)(a) of the Sugar Act 1956 (c.48) for the words “the Ministers” there are substituted the words “the Minister, the Secretary of State for Scotland and the Secretary of State for Wales”.
8. In the Agriculture (Miscellaneous Provisions) Act 1963 (c.11) —
 - (a) in section 16(1) for the words “the Ministers” there are substituted the words “the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly”;

(b) in section 26(b) for the words "any other joint scheme" there are substituted the words "any joint scheme for Great Britain or the United Kingdom, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland and the Secretary of State for Wales acting jointly, and in relation to a joint scheme for Northern Ireland and Scotland".

9. In paragraph 16(b) of Schedule 7 to the Water Resources Act 1963 (c.38) the following words are added at the end of sub-paragraph (ii), "or, if the draft statement or proposals were prepared by the Welsh National Water Development Authority, the Secretary of State is satisfied that the association or person represents such an interest."

10. In section 38(1) of the Plant Varieties and Seeds Act 1964 (c.14) for the words "the said two Ministers" there are substituted the words "the Minister, the Secretary of State for Scotland and the Secretary of State for Wales".

11. In section 30(4) of the Harbours Act 1964 (c.40) after the words "and Food" there are inserted the words "or, if the fishery harbour is in Wales, to the Secretary of State".

12. In the Control of Pollution Act 1974 (c.40) —

(a) in section 39, at the end of subsection (2) there are added the following words—

'In the application of this section to Wales, the words "the Secretary of State" shall be substituted for the words "the Minister of Agriculture, Fisheries and Food" and the words "and the said Minister acting jointly" shall not have effect.'

(b) in section 51(2), after the word "Scotland" there are inserted the words "and Wales".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order transfers certain functions relating to agriculture, fisheries, water resources, water supply, land drainage and a few other matters.

Under it—

(a) the Secretary of State for Wales will exercise, either alone or jointly with the Minister of Agriculture, Fisheries and Food or with him and other Ministers, functions now exercisable by the Minister of Agriculture, Fisheries and Food or jointly by that Minister and other Ministers ; and

(b) the Minister of Agriculture, Fisheries and Food will exercise alone functions now exercisable jointly by him and the Secretary of State.

In general, the division of functions between the Secretary of State and the Minister of Agriculture, Fisheries and Food is on a geographical basis, so that where the Secretary of State is to act alone he will act in relation to Wales and the Minister of Agriculture, Fisheries and Food in relation to England. But in the case of some functions relating to fisheries, water resources, water supply and land drainage Schedule 3 distinguishes not between England and Wales but between the Welsh National Water Development Authority and the Severn-Trent Water Authority and their areas.

To the extent that the Minister of Agriculture, Fisheries and Food alone is responsible for the administration of the Diseases of Animals Act 1950 throughout Great Britain he remains so responsible.

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