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STATUTORY INSTRUMENTS

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**1970 No. 1681**

**MINISTERS OF THE CROWN**

**The Secretary of State for the Environment Order 1970**

*Laid before Parliament in draft*

*Made - - - - 11th November 1970*

*Coming into Operation 12th November 1970*

At the Court at Buckingham Palace, the 11th day of November 1970

Present,

The Queen's Most Excellent Majesty in Council

Whereas copies of the draft of this Order have been laid before Parliament in pursuance of section 3 of the Ministers of the Crown (Transfer of Functions) Act 1946, and each House has presented an Address to Her Majesty praying that the Order be made:

Now, therefore, Her Majesty, in pursuance of section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946 and section 4 of the Ministers of the Crown Act 1964, 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 Secretary of State for the Environment Order 1970.

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

(3) Any provision of this Order for the transfer of functions to a Secretary of State from another Minister shall be construed, in relation to any of those functions which are already exercisable by the Secretary of State concurrently with that other Minister, as directing that the functions shall cease to be exercisable by the other Minister; and references in this Order to functions transferred or to a transfer by the Order shall be construed accordingly.

(4) For the purposes of this Order Monmouthshire is to be treated as part of Wales and not of England.

(5) This Order shall come into operation on 12th November 1970.

*Dissolution of Ministries, and transfer of functions and property*

2.—(1) The Ministry of Housing and Local Government, the Ministry of Public Building and Works and the Ministry of Transport are hereby dissolved, and all functions of the Minister of Housing and Local Government, of the Minister of Public Building and Works or of the Minister of Transport (including functions belonging to any of them jointly) are hereby transferred to the Secretary of State or, in the case of functions described in Schedule 1 to this Order, to the Secretary of State for the Environment.

(2) There are hereby transferred to the Secretary of State for the Environment all property, rights and liabilities to which any of the Ministers above-mentioned is entitled or subject immediately before the coming into operation of this Order, other than the immovable property outside the United Kingdom to which the Minister of Public Building and Works is so entitled and rights and liabilities of that Minister in relation to that property.

*Consequential provisions for management of property, etc*

3.—(1) The person from time to time holding office as Secretary of State for the Environment shall by virtue of that office—

- (a) be Minister of Public Building and Works, so long as any property remains vested in that Minister; and
- (b) be First Commissioner of Works, so long as the Commissioners of Works have not been dissolved by Order in Council under the Minister of Works Act 1942;

and section 5(1) to (3) and (5) of that Act as set out with adaptations in Schedule 2 to this Order shall continue to apply to him as Minister of Public Building and Works.

(2) The person who at the coming into operation of this Order is Secretary of State for the Environment and his successors shall be, by that name, a corporation sole (with a corporate seal), but so that anything done by or in relation to any other Secretary of State for the Secretary of State for the Environment as a corporation sole shall have effect as if done by or in relation to the Secretary of State for the Environment.

(3) The corporate seal of the Secretary of State for the Environment shall be authenticated by the signature of a Secretary of State, or of a Secretary to the Department of the Environment, or of a person authorised by a Secretary of State to act in that behalf.

(4) The corporate seal of the Secretary of State for the Environment shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Secretary of State for the Environment and to be sealed with that seal authenticated in the manner provided by paragraph (3) above, or to be signed or executed by a Secretary to the Department of the Environment or a person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(5) A certificate signed by the Secretary of State for the Environment that any instrument purporting to be made or issued by him or by any of the other Ministers mentioned in Article 2(1) above was so made or issued shall be conclusive evidence of that fact.

(6) No stamp duty shall be chargeable on any instrument made by, to or with the Secretary of State for the Environment.

4. In Schedule 2 to the Parliamentary Commissioner Act 1967, as amended by the Parliamentary Commissioner Order 1970(1), after the entry for the Department of Employment there shall be inserted the entry “Department of the Environment”.

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(1) (1970 III, p. 5288).

*Consequential and supplemental*

5.—(1) The provisions of Schedule 3 to this Order shall have effect for the purpose of making consequential amendments in the enactments there mentioned or otherwise adapting them to the provisions of this Order.

(2) Subject to the provisions of Schedule 3 to this Order, where in connection with any functions of the Minister of Housing and Local Government transferred by this Order any enactment or instrument provides for anything to be done by or in relation to both that Minister and a Secretary of State, it shall be read as providing for it to be done by or in relation to both the Secretary of State for the time being discharging those functions and such other Secretary of State (if any) as may be concerned; and similarly with things to be done by or in relation to both the Minister of Public Building and Works or Minister of Transport and a Secretary of State.

(3) The enactments mentioned in Schedule 4 to this Order are hereby repealed to the extent specified in column 2 of the Schedule; but, without prejudice to the operation in relation to this repeal of any provision of the Interpretation Act 1889,—

- (a) the repeal by this Order of any enactment effecting or relating to any transfer of functions, property, rights or liabilities shall not affect any transfer made before the coming into operation of this Order nor the operation in connection therewith of any provision made by or under that enactment; and
- (b) the repeal by this Order of any enactment relating to evidence shall not affect the operation of that enactment in relation to documents made or issued before the coming into operation of this Order.

6.—(1) This Order shall not affect the validity of anything done by or in relation to any existing Minister 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 an existing Minister, including in particular any legal proceedings to which an existing Minister is a party, may be continued by or in relation to the Secretary of State for the Environment.

(2) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by an existing Minister, 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 Secretary of State for the Environment in so far as that is required for continuing its effect after the coming into operation of this Order.

(3) Subject to any express amendment or repeal 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 transfers effected by this Order, as if any reference to an existing Minister or to a department or officer of his (including any reference which is to be construed as such a reference) were or included a reference to a Secretary of State (or to the Secretary of State for the Environment) 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 transferred by this Order may be so used notwithstanding that they contain references to an existing Minister, and those references shall be construed as reference to the Secretary of State for the Environment; and similarly with references to the department or an officer of an existing Minister.

(5) Where any instrument in force at the coming into operation of this Order requires a sign to be exhibited which embodies the name of an existing Ministry, nothing in this Order shall be taken to affect that requirement, but signs complying with that instrument as in force before the coming into operation of this Order shall continue to be used until provision is made to the contrary.

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(6) In this Article “existing Minister” means the Minister of Housing and Local Government, the Minister of Public Building and Works or the Minister of Transport, and “existing Ministry” has a corresponding meaning.

*W.G. Agnew*

## SCHEDULE 1

Article 2(1)

### FUNCTIONS TRANSFERRED TO SECRETARY OF STATE FOR THE ENVIRONMENT

The functions transferred by Article 2 of this Order to the Secretary of State for the Environment (and not to any Secretary of State) are—

- (a) any functions of the Minister of Transport under the Harbours, Piers and Ferries (Scotland) Act 1937;
- (b) any functions of the Minister of Housing and Local Government under the Water Acts 1945 and 1948;<sup>(2)</sup>
- (c) any functions of the Minister of Housing and Local Government or the Minister of Transport under the Water Resources Act 1963;
- (d) any functions of the Minister of Housing and Local Government under the Housing Subsidies Act 1967;
- (e) any functions of the Minister of Public Building and Works under section 29 of the Town and Country Planning Act 1968 or section 30 of the Town and Country Planning (Scotland) Act 1969;
- (f) any functions of the Minister of Housing and Local Government under the Mines and Quarries (Tips) Act 1969.

## SCHEDULE 2

Article 3(1)

### SECTION 5(1) TO (3) AND (5) OF THE MINISTER OF WORKS ACT 1942, AS ADAPTED

(1) The Minister of Public Building and Works shall for all purposes be a corporation sole and shall have an official seal, which shall be authenticated by the signature of the Minister or any person authorised by the Minister to act in that behalf.

(2) The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and to be sealed with the seal of the Minister authenticated in the manner provided by this section, or to be signed by any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(3) A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

(5) No stamp duty shall be chargeable on any instrument made by, to or with the Minister.

## SCHEDULE 3

Article 5(1)

### AMENDMENTS AND ADAPTATIONS OF ENACTMENTS

#### *Town and Country Planning Acts and related enactments*

1.—(1) The Town and Country Planning Acts 1962 to 1968 and the Town and Country Planning (Scotland) Acts 1947 to 1969 shall have effect as if references to the Minister and the appropriate Minister—

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(2) 1945c42 and 1948c22

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- (a) were references to the Minister and the appropriate Minister, if the appropriate Minister is not the one concerned as the Minister; and
- (b) were references to the one concerned as the Minister alone, if he is also the appropriate Minister;

and as if in the Acts applying to Scotland references to the Secretary of State and the appropriate Minister were to have a corresponding construction; and similarly with references to a Minister and the appropriate Minister, and with any provision requiring the Minister, or in Scotland the Secretary of State, to act jointly with the appropriate Minister.

(2) For any purpose of the Town and Country Planning Acts 1962 to 1968 “the appropriate Minister” shall be—

- (a) in relation to undertakings for the supply of electricity, gas or hydraulic power, the Secretary of State for Trade and Industry and, in relation to aerodromes of the British Airports Authority and to lighthouse undertakings, the Board of Trade or that Secretary of State; and
- (b) in relation to undertakings for the supply of water, in the application of the Acts to Wales the Secretary of State for Wales; and
- (c) in all other cases, except that of the Post Office, the Secretary of State for the Environment.

(3) For any purpose of the Town and Country Planning (Scotland) Acts 1947 to 1969 “the appropriate Minister” shall be—

- (a) in relation to undertakings for the supply of gas or hydraulic power, the Secretary of State for Trade and Industry and, in relation to aerodromes of the British Airports Authority and to lighthouse undertakings, the Board of Trade or that Secretary of State; and
- (b) in relation to undertakings for the supply of electricity or water, the Secretary of State for Scotland; and
- (c) in all other cases, except that of the Post Office, the Secretary of State for the Environment.

(4) For any purpose of the Opencast Coal Act 1958 “the appropriate Minister” , in relation to undertakings for the supply of gas or hydraulic power or (except in Scotland) electricity, shall be the Secretary of State for Trade and Industry and in other cases, except that of the Post Office, shall be—

- (a) in England, the Secretary of State for the Environment or, in relation to a river board or other drainage authority, the Minister of Agriculture, Fisheries and Food;
- (b) in Wales, the Secretary of State for Wales or, in relation to a river board or other drainage authority, the Minister of Agriculture, Fisheries and Food;
- (c) in Scotland, the Secretary of State for the Environment or, in relation to any undertaking for the supply of electricity or water or any river purification authority, the Secretary of State for Scotland;

and in section 13(1)(c) of that Act for the words “as defined by this Act” there shall be substituted the words “within the meaning of this Act”.

(5) Subject to sub-paragraph (4) above, sub-paragraphs (2) and (3) shall apply in relation to any enactment applying provisions of the Acts there mentioned, and to any other enactment or instrument in so far as the meaning therein of “the appropriate Minister” depends on its meaning in those Acts, as they apply in relation to those Acts.

**2.** In section 204 of the Town and Country Planning Act 1962 the reference (as originally enacted) to the Minister and the Minister of Power shall have effect as a reference to the Secretary of State for the Environment and the Secretary of State for Trade and Industry.

3.—(1) In the following provisions of the Town and Country Planning Act 1968, that is to say sections 26(2), 61(6), 62(7) and 105(4) and (5) and the Table in Schedule 6, the references to the Minister of Housing and Local Government and to the Secretary of State shall respectively have effect as references to the Secretaries of State for the time being having general responsibility in planning matters in relation to England and in relation to Wales; and references in section 26(2) to the Ministry of Housing and Local Government shall have effect accordingly.

(2) In the Town and Country Planning (Scotland) Act 1969 the references in section 64 and in Schedule 6 to the Secretary of State and to the Minister of Housing and Local Government shall respectively have effect as references to the Secretaries of State for the time being having general responsibility in planning matters in relation to Scotland and in relation to England.

4. References (as originally enacted) to the Board of Trade in section 20 of the Industrial Development Act 1966, and to the Minister in sections 2 and 4 of the Local Employment Act 1970, shall have effect as references to the Secretary of State for Trade and Industry; and references to the Minister in section 20 of the 1966 Act, and to the Minister of Housing and Local Government or to the Secretary of State in sections 2 and 4 of the 1970 Act, shall have effect as references to the Secretary of State for the time being having general responsibility in planning matters in relation to England, Wales or Scotland, as the case may be.

5. The Location of Offices Bureau Order 1963(3) shall have effect as originally made, and as if section 88 of the Town and Country Planning Act 1968 had not been enacted, but with the substitution for references to the Minister of Housing and Local Government of references to the Secretary of State and for references in paragraph 3 of the Schedule to the Treasury of references to the Minister for the Civil Service.

*Enactments relating to new towns*

6.—(1) The New Towns Act 1965 shall have effect as if section 54(3) had read as follows:—

“(3) References in this Act to the Minister and the appropriate Minister shall have effect—

- (a) as references to the Minister and the appropriate Minister, if the appropriate Minister is not the one concerned as the Minister; and
- (b) as references to the one concerned as the Minister alone, if he is also the appropriate Minister;

and similarly with references to the Minister of Transport and the appropriate Minister.”;

and for purposes of that Act the “appropriate Minister” —

- (i) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, shall be the Secretary of State for Trade and Industry;
- (ii) in relation to aerodromes of the British Airports Authority, shall be the Board of Trade or that Secretary of State;
- (iii) in relation to statutory undertakers carrying on an undertaking for the supply of water, shall in the application of the Act to Wales be the Secretary of State for Wales;
- (iv) in all other cases, except that of the Post Office, shall be the Secretary of State for the Environment.

(2) The New Towns (Scotland) Act 1968 shall have effect as if for section 47(3) there were substituted the following subsection:—

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(3) (1963 I, p. 1176.)

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“(3) Any reference in this Act to the Secretary of State and the appropriate Minister shall, in a case where the Secretary of State for Scotland is the appropriate Minister, be construed as a reference to that Secretary of State and, in any other case, be construed as a reference to the Secretary of State for Scotland and the appropriate Minister.”;

and for purposes of that Act the “appropriate Minister” —

- (i) in relation to statutory undertakers carrying on an undertaking for the supply of gas or hydraulic power, shall be the Secretary of State for Trade and Industry;
- (ii) in relation to aerodromes of the British Airports Authority, shall be the Board of Trade or that Secretary of State;
- (iii) in relation to statutory undertakers carrying on an undertaking for the supply of water or electricity, shall be the Secretary of State for Scotland;
- (iv) in other cases, except that of the Post Office, shall be the Secretary of State for the Environment.

#### *Enactments relating to housing*

7.—(1) The functions expressed to be conferred on the Minister by section 138(3) of the Housing Act 1957 in relation to authorities or councils of which one or more but not all are in Wales, and the functions expressed to be conferred on him by section 143(1) of that Act, shall be exercised jointly by the Secretaries of State respectively concerned with housing in England and Wales.

(2) Paragraph 10(1) in Part II of Schedule 1 to the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965(4) shall cease to have effect.

8. The power under section 1(2) of the Housing Act 1964 to give directions of either a general or a particular character as to the exercise and performance of the functions of the Housing Corporation shall be exercised—

- (a) where the directions concern the exercise and performance of those functions in England and Wales but not in Scotland, by the Secretaries of State respectively concerned with housing in England and in Wales jointly; and
- (b) where the directions concern the exercise or performance of those functions in England only, in Wales only or in Scotland only, by the Secretary of State concerned with housing in England, Wales or Scotland, as the case may be.

#### *Enactments relating to water*

9.—(1) In the Water Acts 1945 and 1948 as amended by or under any other enactment and in the Water Resources Act 1963 as so amended any reference to the Secretary of State (including any reference which is to be construed as such a reference) shall have effect as a reference to the Secretary of State for Wales; but in the Water Resources Act 1963 the references (as originally enacted) to the Minister of Transport in section 19(4) (d) and (e) and in paragraph 4(e) and (f) of Schedule 7 shall have effect as references to the Board of Trade or Secretary of State for Trade and Industry.

(2) For purposes of the Water Act 1948 the “appropriate Minister” shall be—

- (a) in relation to statutory undertakers being statutory water undertakers, in the application of the Act to Wales the Secretary of State for Wales; and
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Secretary of State for Trade and Industry; and

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(4) (1965 I, p. 785).

- (c) in any other case, the Secretary of State for the Environment.
- (3) In Schedule 7 to the Water Resources Act 1963—
  - (a) in paragraph 16 there shall be omitted sub-paragraph (a) and sub-paragraph (c)(i) together with the preceding “either”, and in sub-paragraph (b)(i) for the words “as so applied” there shall be substituted the words “as applied by section 19 or section 20 of this Act or by Part III of this Schedule”; and
  - (b) in paragraph 17, at the end of sub-paragraph (1) there shall be added the words “in relation to a case falling within sub-paragraph (b), and a reference to the Minister acting jointly with the Board of Trade or Secretary of State for Trade and Industry in relation to a case falling within sub-paragraph (c)(ii)”, and sub-paragraph (2) shall be omitted.

**10.**—(1) In section 28(1) of the Gas Act 1965, in the definition of “Minister concerned with water resources” the references in paragraphs (a), (b) and (c) to the Minister of Housing and Local Government and to the Secretary of State shall have effect respectively as references to the Secretary of State for the Environment and to the Secretary of State for Wales, and the reference in paragraph (d) to the Secretary of State shall have effect as a reference to the Secretary of State for Scotland.

(2) In section 15(8) of the Gas Act 1965, and in paragraph 7 of Schedule 4 to that Act, in the expression “the Minister and the Minister concerned with water resources”, the reference to the Minister shall have effect as a reference to the Secretary of State for the time being discharging the functions expressed to be conferred on the Minister by that Act; and regulations under paragraph 7 of Schedule 3 to that Act shall be made jointly by that Secretary of State and the Secretary of State concerned as planning Minister.

*Enactments relating to docks and harbours*

**11.**—(1) In section 16(1)(b) and (3)(b) of the Harbours Act 1964, and in the definition of “marine work” in section 57(1) of that Act, references to the Minister and to the Secretary of State shall have effect as references to the Secretary of State for the time being concerned with harbours generally and the Secretary of State for Scotland; and section 17(1)(d), (f) and (i) and section 17(4) shall have effect only in relation to the procedure for making orders under the powers relating to marine works.

(2) This Order shall not be taken to exclude from the operation of section 26(5)(c) or 36(c) of the Harbours Act 1964 any person within it at the coming into operation of this Order.

(3) For purposes of Schedules 3 and 5 to the Harbours Act 1964 the “appropriate Minister” within the meaning of paragraph 6 of Schedule 3 shall be—

- (a) in relation to lighthouse undertakings, the Board of Trade or Secretary of State;
- (b) in relation to an undertaking the activities whereof consist in the improvement, maintenance or management of a fishery harbour, the Minister of Agriculture, Fisheries and Food or, in relation to Wales, that Minister and the Secretary of State acting jointly;
- (c) in any other case, except that of the Post Office, the Secretary of State.

**12.** In the Docks and Harbours Act 1966—

- (a) in section 8(1) and (3) the references (as originally enacted) to the Minister of Labour shall have effect as references to the Secretary of State for Employment;
- (b) in section 30(1) the reference to the Minister of Transport shall have effect as a reference to the Secretary of State for the Environment;
- (c) in section 58(2) the reference to the Secretary of State shall have effect as a reference to the Secretary of State for Scotland.

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### *Other enactments*

**13.** In the Land Drainage Act 1930, in section 41, the reference in subsection (1) to the Minister of Transport shall have effect as a reference to the Secretary of State for the Environment, and the reference in subsection (7) to the Board of Trade as a reference to the Board of Trade or the Secretary of State for Trade and Industry.

**14.** In the Local Government Act 1933 there shall be substituted for section 249(2) and (3) the following subsections:—

“(2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State and, as respects byelaws relating to public health or to any other matter which in the opinion of the Secretaries of State in question concerns the functions of the Secretary of State for the Environment rather than those of the Secretary of State otherwise concerned, shall be the Secretary of State for the Environment.

(3) The validity of a byelaw made under this section and confirmed by a Secretary of State shall not be questioned in any legal proceedings on the ground that it ought to have been, or on the ground that it ought not to have been, confirmed by the Secretary of State for the Environment.”;

and in section 250(10) the references to the Minister shall accordingly have effect as references to the Secretary of State for the Environment.

**15.—**(1) For purposes of the Acquisition of Land (Authorisation Procedure) Act 1946 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 the “appropriate Minister” in relation to lighthouse undertakings shall be the Board of Trade or the Secretary of State and in any other case, except that of the Post Office, shall be the Secretary of State.

(2) In Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 the words “the Secretary of State” shall be substituted—

(a) in paragraph 11(1) for the words “the Minister of Agriculture and Fisheries (in the case of a common or of a fuel or field garden allotment) or the Minister of Town and Country Planning (in the case of an open space not being a common or such an allotment)”, and in paragraph 11(2) for the words “the Minister having jurisdiction to give the certificate” and for the words “the said Minister”; and

(b) in paragraph 12 for the words “the Minister of Works” and the words “the Minister”.

**16.** For purposes of the Civil Aviation Act 1949 the “appropriate Minister” in relation to lighthouse undertakings shall be the Board of Trade or the Secretary of State and in any other case, except that of the Post Office, shall be the Secretary of State.

**17.** In the Rag Flock and Other Filling Materials Act 1951 the references (as originally enacted) in sections 8(1) and 30 to the Minister of Local Government and Planning and the Secretary of State shall have effect as references to the Secretary of State for the Environment and the Secretary of State for Scotland, and section 15(4) and (5) shall apply accordingly.

**18.—**(1) In section 81(12)(a) of the Highways Act 1959 (which provides that in certain cases a highway authority shall not serve a notice without the consent of the Minister of Works) after the word “service” there shall be inserted the words “by a local highway authority”.

(2) For purposes of section 254(6) of the Highways Act 1959 the “appropriate Minister” shall be, except in relation to the Post Office, the Secretary of State.

**19.—**(1) In section 9(1) of the Public Health Act 1961 the first reference to the Minister shall have effect as a reference to the Secretary of State for the time being charged with the exercise of the power to make building regulations and the Secretary of State for Wales acting jointly.

(2) In section 49 of the Public Health Act 1961 the references (as originally enacted) to the Minister of Transport and to the Minister of Power shall have effect as references respectively to the Secretary of State for the Environment and to the Secretary of State for Trade and Industry.

**20.**—(1) In section 63(7) of the Transport Act 1962 any reference to the Secretary of State shall have effect as a reference to the Secretary of State for Scotland.

(2) In section 86 of the Transport Act 1962 after subsection (6), there shall be inserted as a new subsection:—

“(6A) In Scotland any question to be determined by the Minister under subsection (4) above and any appeal under subsection (5) shall be determined by the Secretary of State for the Environment and the Secretary of State for Scotland jointly.”

**21.**—(1) For purposes of the Pipe-lines Act 1962 the “appropriate Minister” in relation to lighthouse undertakings shall be the Board of Trade or the Secretary of State and in any other case, except that of the Post Office, shall be the Secretary of State.

(2) In section 15(6) of the Pipe-lines Act 1962 the reference to the Minister and the Minister of Transport acting jointly shall have effect as a reference to the Secretary of State for the time being discharging the functions expressed to be conferred on the Minister by that Act acting jointly with the Secretary of State for the Environment (as regards England), with the Secretary of State for Wales (as regards Wales) or with the Secretary of State for Scotland (as regards Scotland).

**22.** In section 18(4) of the Airports Authority Act 1965 the reference to the Minister shall have effect as a reference to the Board of Trade or Secretary of State for Trade and Industry, and the reference to the Minister of Housing and Local Government or Secretary of State as a reference to the Secretary of State for the time being having general responsibility in planning matters in relation to England, Wales or Scotland, as the case may be.

**23.**—(1) In section 115(2) of the General Rate Act 1967 references to the Secretary of State shall have effect as references to the Secretary of State for Wales, and the reference to the Minister of Housing and Local Government shall have effect as a reference to such other Secretary of State as may for the time being be discharging functions expressed to be conferred by that Act on the Minister.

(2) In paragraphs 13(b) of Schedule 6 and 15(b) of Schedule 7 to the General Rate Act 1967 the references (as originally enacted) to the Minister of Power shall have effect as references to the Secretary of State for Trade and Industry.

**24.** In the Road Traffic Regulation Act 1967—

- (a) in section 7(2) the reference to the Secretary of State shall have effect as a reference to the Secretary of State for the Home Department; and
- (b) in sections 54(1), 55(1) and 71(2) references to the Minister and the Secretary of State acting jointly shall have effect as references to those Secretaries of State acting jointly that are for the time being charged with general responsibility under the Act in relation to England, Wales and Scotland respectively, and section 107 shall apply accordingly.

**25.** In the Transport Act 1968—

- (a) in section 137(3)(a) the reference to the Minister shall have effect as a reference to the Secretary of State for the Environment or, in relation to the Scottish Group, the Secretary of State for Scotland; and
- (b) in section 144 any reference to the Minister shall have effect as a reference to the Secretary of State for the Environment.

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## SCHEDULE 4

Article 5(3)

## REPEALS

<i>Enactment</i>	<i>Extent of repeal</i>
The Crown Lands Act 1851 (c. 42)	In section 15 the words from “in conjunction” to “such person”, except the words “and shall”.
The Promissory Oaths Act 1868 (c. 72).	In the Schedule, in Part I, the words “Chief Commissioner of Works and Public Buildings”.
The Ministry of Transport Act 1919 (c. 50).	Sections 1 and 2, but without prejudice to the operation of the reference in section 20(1) to the purposes of that Act.  In section 24 the words “or of the Minister of Health”.  Sections 25, 26 and 28.  Section 30(2), except the definition of “tramway” and that of “transport services by water”, and so much of the latter definition as follows the word “sea”.
The Ancient Monuments Act 1931 (c. 16).	In section 7(3) the words “after consultation with the Commissioners”.  In Schedule 1, in paragraph 3, the words from “and after” to “Transport” and, in paragraph 6, the words “after consulting the Minister of Health”.
The Minister of Works Act 1942 (c. 23).	Sections 1 to 3.  Section 5(4).  Section 6, except subsection (4).
The Minister of Town and Country Planning Act 1943 (c. 5).	Sections 1 to 7.  Section 9 down to the words “him, and”.  Section 11.  Schedule 2.
The Ministers of the Crown (Transfer of Functions) Act 1946 (c. 31).	Section 6 and Schedule 2.
The Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49).	In section 8(1) the definition of “appropriate Minister”.
The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42).	In section 7(1) the definition of “appropriate Minister”.
The Crown Proceedings Act 1947 (c. 44).	Section 39(2).

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<i>Enactment</i>	<i>Extent of repeal</i>
The Town and Country Planning (Scotland) Act 1947 (c. 53).	In section 113(1) the definition of “appropriate Minister”.
The Water Act 1948 (c. 22)	In section 15(1) the definition of “appropriate Minister”.
The Civil Aviation Act 1949 (c. 67)	In section 63(1) the definition of “appropriate Minister”.
The Rag Flock and Other Filling Materials Act 1951 (c. 63).	In section 6(5) and in section 7(5) the words “in England or Wales, to the Minister of Local Government and Planning and, in Scotland,”.
The House of Commons Disqualification Act 1957 (c. 20).	In Schedule 2, as amended, the entries for the Ministers of Housing and Local Government, of Public Building and Works and of Transport and for the Parliamentary Secretaries to those Ministers.
The Opencast Coal Act 1958 (c. 69)	In sections 51(1) and 52(1) the definitions of “appropriate Minister”.
The Highways Act 1959 (c. 25)	Section 16(2)(b), together with the “and” at the end of paragraph (a).  Section 17(2).  Section 225(3).  Section 254(7).
The Ministers of the Crown (Parliamentary Secretaries) Act 1960 (9 & 10 Eliz. 2. c. 6).	In Schedule 1 the entry for the Ministry of Transport Act 1919.
The Town and Country Planning Act 1962 (c. 38).	In section 19, in subsection (2)(a) the words “(or, in the case of development falling within the next following subsection, the Minister of Transport)” and subsection (3), but without prejudice to the continuance in force of any order made or having effect as if made by virtue of subsection (3).  Section 155(2) from “with the substitution” onwards.  In section 217, the subsection (3A) inserted by the Town and Country Planning Act 1968.  In section 221(1) the definition of “the appropriate Minister”.
The Transport Act 1962 (c. 46)	In section 86, in subsection (4) and in subsection (6) the words “and the Minister of Transport”, in subsection (5) the words “and any such appeal shall be determined by the Minister and the Minister of Transport”, and in

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<i>Enactment</i>	<i>Extent of repeal</i>
	subsection (8) the words “‘Minister' and”, the words “respectively the Minister of Housing and Local Government and” and the words “the Secretary of State and”.
The Pipe-lines Act 1962 (c. 58)	In section 66(1) the definition of “appropriate Minister”.
The Harbours Act 1964 (c. 40)	In Schedule 3 in paragraph 6(2) the definition of “the appropriate Minister,” and in paragraphs 10(2), 11(2), 15(2) and 16(2) the words “(except in paragraph 6(2))”.
The Ministers of the Crown Act 1964 (c. 98).	In Schedule 2, in Part II, in the Schedule there set out, the entries for the Ministers of Housing and Local Government, of Public Building and Works and of Transport, and for the Parliamentary Secretaries to those Ministries.
The Ministerial Salaries and Members' Pensions Act 1965 (c. 11).	In Schedule 4 the entries for the Minister of Works Act 1942 and the Minister of Town and Country Planning Act 1943.
The Airports Authority Act 1965 (c. 16).	Section 19(1) from “and in” onwards.
The Ministerial Salaries Consolidation Act 1965 (c. 58).	In Schedule 1 the entries for the Ministers, and in relation to Parliamentary Secretaries Ministries, of Housing and Local Government, of Public Building and Works and of Transport.
The New Towns Act 1965 (c. 59)	In section 54(1) the definition of “the appropriate Minister”.
The Industrial Development Act 1966 (c. 34).	In section 20(4) the words from the first “the” to the last “and”.
The Parliamentary Commissioner Act 1967 (c. 13).	In Schedule 2, the entries for the Ministries of Housing and Local Government, of Public Building and Works and of Transport.
The New Towns (Scotland) Act 1968 (c. 16).	In section 47(1) the definition of “the appropriate Minister”.
The Town and Country Planning Act 1968 (c. 72).	Section 77.  Sections 88 and 89.  In section 90(6) the words from the first “means” to the last “Wales”.
	In Schedule 9, paragraph 52(c).

### EXPLANATORY NOTE

This Order transfers to the Secretary of State the following functions:—

- (a) all the functions of the Minister of Housing and Local Government;
- (b) all the functions of the Minister of Public Building and Works;
- (c) all the functions of the Minister of Transport.

In connection with the above transfers of functions, the Order provides for the dissolution of the Ministries of Housing and Local Government, of Public Building and Works, and of Transport.