

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—

- (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;

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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(1) 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;

(1) (1963 I, p. 1176.)

- (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:—

“(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(2) 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

(2) (1965 I, p. 785).

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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
 - (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.

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

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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

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- (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.