

1966 No. 741

**MINISTERS OF THE CROWN**
**The Transfer of Functions (Civil Aviation) Order 1966**

<i>Made</i> - - - - -	22nd June 1966
<i>Laid before Parliament</i>	28th June 1966
<i>Coming into Operation</i>	1st July 1966

At the Court at Buckingham Palace, the 22nd day of June 1966

Present,

The Queen's Most Excellent Majesty in Council.

Her Majesty, in pursuance of the Ministers of the Crown (Transfer of Functions) Act 1946(a) and of section 4 of the Ministers of the Crown Act 1964(b), 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 (Civil Aviation) Order 1966.

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

(3) In this Order the expression “instrument” (without prejudice to the generality of that expression) includes in particular Orders in Council, judgments, decrees, schemes, orders, rules, regulations, byelaws, awards, covenants, agreements, certificates, licences, permits, exemptions and other documents.

(4) Any reference in this Order to any enactment or instrument is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment or instrument.

(5) This Order shall come into operation on 1st July 1966.

*Transfer to Board of Trade of functions relating to civil aviation*

2.—(1) Except as provided by paragraph (2) below, there are hereby transferred to the Board of Trade the functions of the Minister of Aviation with respect to civil aviation, that is to say—

(a) the functions transferred to that Minister by virtue of Article 2 of the Minister of Aviation Order 1959(d); and

(b) the functions conferred or imposed on that Minister by any enactment or instrument passed or made after the date on which that Order came into operation, not being an enactment or instrument relating to functions under the Ministry of Supply Act 1939(e).

(2) The transfer effected by paragraph (1) above does not include the following, that is to say—

(a) functions under the Air Corporations Acts 1949 to 1966(f) or under the Civil Aviation (Licensing) Act 1960(g);

(a) 1946 c. 31.

(b) 1964 c. 98.

(c) 1889 c. 63.

(d) S.I. 1959/1768 (1959, I, p. 1793).

(e) 1939 c. 38.

(f) 1949 c. 91; 1953 c. 7 (2 &amp; 3 Eliz. 2); 1962 c. 5 (11 &amp; 12 Eliz. 2); 1966 c. 11.

(g) 1960 c. 38.

(b) functions under section 1 of the Civil Aviation Act 1949(a) with respect to measures for the designing, development and production of civil aircraft, or of equipment for promoting safety and efficiency in the use of such aircraft ;

but the functions referred to in sub-paragraph (b) of this paragraph shall be exercisable by the Board of Trade concurrently with the Minister of Aviation.

(3) With the functions transferred by this Article there are also hereby transferred to the Board of Trade all property, rights and liabilities to which the Minister of Aviation was entitled or subject, immediately before the coming into operation of this Order, in connection with those functions.

### *Supplementary*

3.—(1) In any enactment or instrument passed or made before the coming into operation of this Order any reference to the Minister of Aviation or his officers or department (including any reference which is to be construed as such a reference) shall, so far as may be necessary for or in consequence of the foregoing provisions of this Order, be construed as or as including a reference to the Board of Trade or the officers or department of the Board.

(2) This Order shall not affect the validity of anything done by or in relation to the Minister of Aviation 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 that Minister (including, in particular, any legal proceeding then pending to which he is a party) may, if it relates to any functions, property, rights or liabilities transferred by this Order, be continued by or in relation to the Board of Trade.

(3) Any authority, direction, consent, approval, certificate, licence, permit or exemption given, any appointment made and any other thing done by the Minister of Aviation, in exercise of any function transferred by this Order, shall, if in force at the coming into operation of this Order, continue in force and have effect as if made, given or done by the Board of Trade.

(4) Anything to be done by, to or before the Board of Trade by virtue of this Order may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

*W. G. Agnew.*

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## EXPLANATORY NOTE

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

This Order in Council, made under the Ministers of the Crown (Transfer of Functions) Act 1946 and the Ministers of the Crown Act 1964, provides for the transfer to the Board of Trade of certain functions of the Minister of Aviation in the field of civil aviation.