

1967 No. 156

MINISTERS OF THE CROWN**The Ministry of Land and Natural Resources
(Dissolution) Order 1967***Laid before Parliament in draft**Made - - - - 10th February 1967**Coming into Operation 16th February 1967*

At the Court at Buckingham Palace, the 10th day of February 1967

Present,**The Queen's Most Excellent Majesty in Council**

Whereas it is expedient that certain functions of the Minister of Land and Natural Resources be transferred to the Secretary of State, that certain other functions of that Minister be transferred to the Minister of Agriculture, Fisheries and Food, and that the remainder of those functions be transferred to the Minister of Housing and Local Government:

And 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(a), 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 that Act, 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 Ministry of Land and Natural Resources (Dissolution) Order 1967.

(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) In this Order—

“instrument”, without prejudice to the generality of that expression, includes in particular an Order in Council, judgment, scheme, decree, order, rule, regulation, byelaw, award, covenant, agreement, certificate and any other document;

“Wales” includes Monmouthshire;
and any reference in this Order to functions exercisable by a Minister is a reference to functions exercisable by him immediately before the coming into operation of this Order.

(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 16th February 1967.

Dissolution of Ministry of Land and Natural Resources and transfer of functions

2.—(1) The Ministry of Land and Natural Resources is hereby dissolved.

(2) There are hereby transferred to the Secretary of State the functions exercisable by the Minister of Land and Natural Resources in relation to Wales by virtue of—

(a) Article 2(1) of the Minister of Land and Natural Resources Order 1965(a) (which among other things relates to allotments, commons and glebe land); and

(b) the Commons Registration Act 1965(b), any instrument made under that Act, and the Commons Rules 1966(c).

(3) There are hereby transferred to the Minister of Agriculture, Fisheries and Food the functions exercisable by the Minister of Land and Natural Resources by virtue of Article 4 of the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965(d) (which relates to forestry).

(4) The Water Resources Act 1963(e) shall have effect subject to the amendments specified in Schedule 1 to this Order, being amendments transferring to the Secretary of State and the Minister of Housing and Local Government certain functions conferred by that Act on the Minister of Land and Natural Resources and adapting that Act in consequence of the transfers.

(5) Subject to the foregoing provisions of this Article, the functions of the Minister of Land and Natural Resources are hereby transferred to the Minister of Housing and Local Government.

(6) With any function transferred by this Article to any Minister there are also transferred to him all property, rights and liabilities to which the Minister of Land and Natural Resources was, in connection with that function, entitled or subject immediately before the coming into operation of this Order.

Consequential amendment and repeal of enactments

3.—(1) Any enactment or instrument passed or made before the coming into operation of this Order shall be construed, so far as may be necessary for the purpose or in consequence of the foregoing provisions of this Order, as if for any reference to, or to the department or an officer of, the Minister of Land and Natural Resources (including any reference which is to be construed as such a reference) there were substituted a reference to, or to the department or an officer of, the Secretary of State, the Minister of Housing and Local Government or the Minister of Agriculture, Fisheries and Food, as the case may be.

(2) In Schedule 1 to the Ministerial Salaries Consolidation Act 1965(f) the references to the Minister of Land and Natural Resources and the Parliamentary Secretary to the Ministry of Land and Natural Resources shall

(a) S.I. 1965/143 (1965 I, p. 432). (b) 1965 c. 64.

(c) S.I. 1966/96 (1966 I, p. 201). (d) S.I. 1965/319 (1965 I, p. 785).

(e) 1963 c. 38. (f) 1965 c. 58.

be omitted; and in section 2(2) of that Act (which, as amended by the Ministry of Aviation (Dissolution) Order 1967(a), provides that the number of persons to whom salaries may be paid as Ministers of State shall not exceed twenty), for the word "twenty" there shall be substituted the words "twenty-one".

(3) Without prejudice to the generality of paragraph (1) of this Article, the enactments and order mentioned in Schedule 2 to this Order shall be amended as provided by that Schedule; and the enactments and orders mentioned in Schedule 3 to this Order are hereby repealed to the extent specified in the third column of the said Schedule 3.

Supplemental

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Minister of Land and Natural Resources 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 him (including in particular any legal proceedings 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 Minister to whom the functions, property, rights or liabilities are transferred.

(2) Any authority, appointment, approval or direction given or made or other thing done by any Minister for the purposes of any functions transferred by this Order shall, if in force at the coming into operation of this Order, continue in force and have effect as if similarly given, made or done by the Minister to whom the functions are transferred.

W. G. Agnew.

SCHEDULES

Article 2(4)

SCHEDULE 1

AMENDMENTS OF WATER RESOURCES ACT 1963(b)

1. In section 1(1) the words "together with the Minister of Land and Natural Resources" are hereby repealed.

2. In section 1(4) after the figures "82" there shall be inserted the figures "89, 90".

3. In section 6(4) the words from "and in the case" onwards are hereby repealed.

4. In section 12(2) for the words from "the Minister of Housing" to "Resources" there shall be substituted the words "and the Minister of Housing and Local Government" and for the word "any" in the second place where it occurs there shall be substituted the word "either".

5. In section 12(3) the words "and the Minister of Land and Natural Resources" in paragraphs (a) and (b) and the words from "In paragraph (d)" onwards are hereby repealed.

6. In section 13(1) for the words "the Minister, and he shall appoint one of them" there shall be substituted the words "the Secretary of State and the Minister of Housing and Local Government acting jointly, and they shall appoint one of the members"; in section 13(6) for the words "the Minister" in both places where they occur there shall be substituted the words "the Secretary of

State and the Minister of Housing and Local Government acting jointly" and for the word "is" where it first occurs there shall be substituted the word "are"; and section 13(12) and the words "by the Minister" in section 13(2) are hereby repealed.

7. In section 16(3)(b) for the words "the Minister of Land and Natural Resources" there shall be substituted the words "the Secretary of State and the Minister of Housing and Local Government acting jointly".

8. In section 81(2), paragraph (a) and the words "(b) save as aforesaid" are hereby repealed.

9. In sections 89 and 90 the words "of Land and Natural Resources" in each place where they occur are hereby repealed.

10. In sections 93(1) and 104 for the words "Land and Natural Resources" there shall be substituted the words "Housing and Local Government".

11. In section 107(3) for the words from the beginning to "Natural Resources" there shall be substituted the words "The Secretary of State and the Minister of Housing and Local Government acting jointly", for the words "he considers" and "their" there shall be substituted respectively the words "they consider" and "the Board's", and at the end of the subsection there shall be inserted the words ", so however that the power to give such directions relating to Wales only shall be exercisable by the Secretary of State and the power to give such directions which do not relate to Wales shall be exercisable by the said Minister"; and in section 107(7) the words from "shall" where it first occurs to "Minister" in the third place where it occurs are hereby repealed.

12. In section 108, subsection (9) is hereby repealed.

13. In section 109 the words "the Minister of Land and Natural Resources" wherever they occur and in section 109(2) and (3) the word "and" preceding those words are hereby repealed.

14. In section 110(3) for the words "Minister of Land and Natural Resources" there shall be substituted the words "Secretary of State and the Minister of Housing and Local Government"; in section 110(4) for the word "Minister" wherever it occurs there shall be substituted the words "Secretary of State and the Minister of Housing and Local Government acting jointly or either of them", and for the words "has" and "his" wherever they occur there shall be substituted respectively the words "have or has" and "their or his"; and in section 110(5) for the words "Minister of Land and Natural Resources" there shall be substituted the words "Secretary of State and the Minister of Housing and Local Government", and for the word "him" where it last occurs there shall be substituted the word "them".

15. In section 111(2) the words "the Minister of Land and Natural Resources" are hereby repealed.

16. In Schedule 6, in paragraph 2, after the word "by" there shall be inserted the words "the Secretary of State and" and in paragraph 6 for the words "Land and Natural Resources" there shall be substituted the words "Housing and Local Government".

SCHEDULE 2

Article 3(3)

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

1. References in section 24(4) of the Small Holdings and Allotments Act 1908(a) and section 20 of the Allotments Act 1922(b) which have effect as references to such officers of the Ministry of Land and Natural Resources as the Minister thereof may appoint shall be construed—

(a) in the application of those provisions to Wales, as references to such officers of the Secretary of State as he may appoint; and

(b) in the application of those provisions otherwise than to Wales, as references to such officers of the Ministry of Housing and Local Government as the Minister thereof may appoint.

2. In section 147 of the Local Government Act 1933(a), for so much of subsection (5) as follows the word "State" there shall be substituted the words "and the Minister of Housing and Local Government".

3. References in section 10(2) of the Forestry Act 1945(b) to the Minister of Land and Natural Resources shall be construed as references to the Minister of Agriculture, Fisheries and Food.

4. References to the Minister of Land and Natural Resources in section 21(2) of the Agriculture Act 1947(c) as applied by the definition of "owner" in section 27(1) of the Forestry Act 1951(d) shall as respects the giving or withdrawing of approval after the coming into operation of this Order, be construed as references to the Minister of Agriculture, Fisheries and Food.

5. In section 95 of the National Parks and Access to the Countryside Act 1949(e) for subsection (1) there shall be substituted the following subsection:—

"(1) The expenses of the Commission incurred in accordance with proposals approved by the Minister of Housing and Local Government or the Secretary of State shall be defrayed by the Minister."

6. In Article 6 of the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965(f) for the words "Land and Natural Resources" there shall be substituted the words "Housing and Local Government".

Article 3(3)

SCHEDULE 3

REPEALS

Chapter or number	Short title	Extent of repeal
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 2, the words "Minister of Land and Natural Resources" and the words "Parliamentary Secretary to the Ministry of Land and Natural Resources".
1964 c. 98.	The Ministers of the Crown Act 1964.	In section 1, the words "the Minister of Land and Natural Resources". In Parts I and II of Schedule 2, the words "Minister of Land and Natural Resources" and "Parliamentary Secretary to the Ministry of Land and Natural Resources".
1965 c. 58.	The Ministerial Salaries Consolidation Act 1965.	In Schedule 1, the entries relating to the Minister and Ministry of Land and Natural Resources.
S.I. 1965/143.	The Minister of Land and Natural Resources Order 1965.	Article 2(4) and (5).
S.I. 1965/319.	The Secretary of State for Wales and Minister of Land and Natural Resources Order 1965.	In paragraph 2 of Schedule 3, subparagraphs (3), (7) and (25). Paragraph 3 of Schedule 4.

(a) 1933 c. 51.

(b) 1945 c. 35.

(c) 1947 c. 48.

(d) 1951 c. 61.

(e) 1949 c. 97.

(f) S.I. 1965/319 (1965 I, p. 785).

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, dissolves the Ministry of Land and Natural Resources and transfers to the Minister of Housing and Local Government all the functions of the Minister of Land and Natural Resources except certain functions in respect of Wales which are transferred to the Secretary of State and functions relating to forestry which are transferred to the Minister of Agriculture, Fisheries and Food.