

## 1968 No. 1200

## MINISTERS OF THE CROWN

## The Transfer of Functions (Prohibited Weapons) Order 1968

Made - - - - 26th July 1968  
 Laid before Parliament 1st August 1968  
 Coming into Operation 1st November 1968

At the Court at Buckingham Palace, the 26th day of July 1968

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), as amended by the Defence (Transfer of Functions) (No. 1) Order 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 (Prohibited Weapons) Order 1968.

(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 “instrument” (without prejudice to the generality of that expression) includes in particular Orders in Council, judgments, decrees, orders, rules, regulations, byelaws, agreements, authorities, notices, certificates and other documents.

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

(5) This Order shall come into operation on 1st November 1968.

*Transfer to Secretary of State of functions with respect to prohibited weapons and ammunition.*

2. There are hereby transferred to the Secretary of State the functions of the Defence Council under the following enactments—

(a) sections 5 and 12(2) of the Firearms Act 1968(d);

(b) section 6 of the Firearms Act 1920(e) and section 7 of the Firearms (Amendment) Act 1936(f) as those sections have effect in Northern Ireland.

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(a) 1946 c. 31.  
 (c) 1889 c. 63.  
 (e) 1920 c. 43.

(b) S.I. 1964/488 (1964 I, p. 769).  
 (d) 1968 c. 27.  
 (f) 1936 c. 39.

*Supplementary*

3.—(1) Any enactment or instrument passed or made before the coming into operation of this Order (and in particular the enactments specified in Article 2 of this Order and the following provisions of the Firearms Act 1968, namely sections 31, 34(3) and 38(2) and Schedule 6, Part 1) shall have effect, 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 the Defence Council (including any reference which is to be construed as such a reference) there were substituted a reference to the Secretary of State.

(2) This Order shall not affect the validity of anything done, or having effect as if done, by or in relation to the Defence Council 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 the Defence Council may, if it relates to any functions transferred by this Order, be continued by or in relation to the Secretary of State.

(3) Any authority or notice given or other thing whatsoever done, or having effect as if given or done, 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 or done by the Secretary of State.

*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, transfers to the Secretary of State the functions of the Defence Council under sections 5 and 12(2) of the Firearms Act 1968 (and the corresponding provisions in force in Northern Ireland) with respect to prohibited weapons and prohibited ammunition within the meaning of those provisions.