

1969 No. 1498

MINISTERS OF THE CROWN

The Minister of Technology Order 1969

Laid before Parliament in draft

Made - - - - 22nd October 1969

Coming into Operation 23rd October 1969

At the Court at Buckingham Palace, the 22nd day of October 1969

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(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 the Ministers of the Crown (Transfer of Functions) Act 1946(a) and 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 Minister of Technology Order 1969.

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

(4) In this Order "instrument" includes instruments, contracts and documents of any kind.

(5) This Order shall come into operation on 23rd October 1969.

Dissolution of Ministry of Power, and transfer of functions of Minister

2.—(1) There are hereby transferred to the Minister of Technology all functions of the Minister of Power, and the Ministry of Power is hereby dissolved.

(2) Accordingly in section 1(1) of the Ministry of Fuel and Power Act 1945(a) (which makes provision as to the appointment and general duty of a Minister of Fuel and Power) the words "The Minister of Technology" shall be substituted for the words preceding "shall be charged with the general duty".

(3) In section 2(2) of the Ministerial Salaries Consolidation Act 1965(b) (which, as amended by the Secretary of State for Social Services Order 1968(c), provides that the number of persons to whom salaries may be paid as Ministers of State shall not exceed twenty-three), in place of the words "twenty-three" substituted by that Order there shall be substituted the words "twenty-four".

Transfer of certain functions of Board of Trade

3.—(1) The functions of the Board of Trade under the enactments mentioned in Schedule 1 to this Order, or under any scheme, order or similar instrument having effect under any of those enactments are hereby transferred, subject to any limitation expressed in relation to any of those enactments, to the Minister of Technology.

(2) There are hereby transferred to the Minister of Housing and Local Government and to the Secretary of State (concurrently) the functions of the Board of Trade under Part I of the Control of Office and Industrial Development Act 1965(d), and to the Minister of Housing and Local Government the functions of the Board of Trade under section 88(2) of the Town and Country Planning Act 1968(e) and the Location of Offices Bureau Order 1963(f) as amended by that section.

Transfer of certain functions of Secretary of State

4.—(1) There are hereby transferred to the Minister of Technology the functions of a Secretary of State under the Industrial Reorganisation Corporation Act 1966(g), as amended by section 3 of the Miscellaneous Financial Provisions Act 1968(h).

(2) There are hereby transferred to the Treasury the functions of a Secretary of State under section 3 (disclosure of information by Commissioners of Customs and Excise) of the Finance Act 1967(i).

Supplemental

5.—(1) The following provisions of this Article shall have effect in connection with any transfer by this Order to any Minister or the Treasury (in those provisions referred to as "the recipient") of functions of any other Minister or of the Board of Trade (in those provisions referred to as "the transferor").

(2) With any functions transferred by this Order there shall be transferred to the recipient all property, rights and liabilities to which the transferor is entitled or subject in connection with those functions at the coming into operation of this Order.

(a) 8 & 9 Geo. 6. c. 19.

(d) 1965 c. 33.

(g) 1966 c. 50.

(b) 1965 c. 58.

(e) 1968 c. 72.

(h) 1968 c. 75.

(c) S.I. 1968/1699 (1968 III, p. 4585).

(f) S.I. 1963/792 (1963 I, p. 1176).

(i) 1967 c. 54.

(3) This Order shall not affect the validity of anything done by or in relation to the transferor before the coming into operation of the Order; and anything which at the coming into operation of the Order is in process of being done by or in relation to the transferor (including in particular any legal proceedings to which the transferor 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 recipient.

(4) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by the transferor in connection with any functions transferred by this Order shall, if in force at the coming into operation of this Order, have effect as if given, imposed or made by the recipient in so far as that is required for continuing its effect after the coming into operation of this Order.

(5) In section 17 (3) of the Statistics of Trade Act 1947(a), after the words "Board of Trade" there shall be inserted the words "the Minister of Technology"; and, subject to paragraph (3) above, the enactments mentioned in Schedule 2 to this Order are hereby repealed to the extent specified in column 3 of the Schedule.

(6) Subject to paragraph (5) above any enactment or instrument 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 the transferor or to the department or an officer of the transferor (including any reference which is to be construed as such a reference) were or included a reference to the recipient or to the department or an officer of the recipient, as the case may require.

(7) 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 the transferor, and those references shall be construed as references to the recipient, and similarly with references to the department or an officer of the transferor.

W. G. Agnew.

SCHEDULE 1

ENACTMENTS CONFERRING OR RELATING TO TRANSFERRED FUNCTIONS OF BOARD OF TRADE

1.—(a) The Industrial Organisation and Development Act 1947 (c. 40), so far only as relates to functions under or in connection with the following orders made by the Board of Trade under section 1 or 9 of the Act, that is to say,—

- (i) the Cotton Industry Development Council Order 1948, together with any order amending it(b); and
- (ii) the Furniture Industry Development Council Order 1948, together with any order amending it(c); and
- (iii) the Wool Textile Industry (Export Promotion Levy) Order 1957, together with any order amending it(d); and

(a) 10 & 11 Geo. 6. c. 39.

(b) S.I. 1948/629 (Rev. V, p. 87; 1948 I, p. 1623), and S.I. 1951/2173, 1953/421, 1957/508, 1961/899, 1964/662, 1966/1578 (1951 I, p. 1125; 1953 I, p. 862; 1957 I, p. 1174; 1961 II, p. 1713; 1964 II, p. 1236; 1966 III, p. 4862).

(c) S.I. 1948/2774 (Rev. X, p. 765; 1948 I, p. 1633), and S.I. 1958/1126, 1964/1085, 1967/1130 (1958 I, p. 1283; 1964 II, p. 2400; 1967 II, p. 3289).

(d) S.I. 1957/1379 (1957 I, p. 1176), and S.I. 1966/202 (1966 I, p. 397).

- (iv) the Wool Textile Industry (Scientific Research Levy) Order 1957, together with any order amending it(a); and
- (v) the Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) Order 1962, together with any order amending it(b); and
- (vi) the Hosiery and Knitwear Industry (Scientific Research Levy) Order 1969(c);
- (b) the Cotton Industry Act 1959 (c. 48), including any enactment as applied by that Act;
 - (c) the Cotton Industry War Memorial Trust Act 1947 (c.v.);
 - (d) section 463 of the Income Tax Act 1952 (c. 10) (schemes for rationalizing industry);
 - (e) the Fort William Pulp and Paper Mills Act 1963 (c. 15);
 - (f) the Industrial Expansion Act 1968 (c. 32), so far only as relates to functions under or in connection with the following schemes made under section 1 of the Act, that is to say,—
 - (i) the Aluminium Industry (Anglesey Project) Scheme 1968(d); and
 - (ii) the Aluminium Industry (Invergordon Project) Scheme 1968(e);
 - (g) sections 2 and 4 of the Ministry of Supply Act 1939 (c. 38), as amended by Schedule 3 to the Industrial Expansion Act 1968 (c. 32);
 - (h) section 17(2) of the Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60).

2. Part I of the Local Employment Act 1960 (c. 18) and Part II of the Industrial Development Act 1966 (c. 34), together with—

- (a) section 60 of the Landlord and Tenant Act 1954 (c. 56), as amended by section 26(2) of the Local Employment Act 1960 (c. 18); and
- (b) sections 27 and 28(2) and (3)(a) of the Local Employment Act 1960 (c. 18).

3.—(a) As regards England and Wales, sections 38 and 39 (industrial development certificates) of the Town and Country Planning Act 1962 (c. 38), together with—

- (i) Part II of the Control of Office and Industrial Development Act 1965 (c. 33); and
- (ii) Part III of the Industrial Development Act 1966 (c. 34); and
- (iii) section 83(1) of the Town and Country Planning Act 1968 (c. 72);
- (b) as regards Scotland, section 12(4) (industrial development certificates) of the Town and Country Planning (Scotland) Act 1947 (c. 53), together with—
 - (i) Part II of the Local Employment Act 1960 (c. 18); and
 - (ii) Part II of the Control of Office and Industrial Development Act 1965 (c. 33); and
 - (iii) Part III of the Industrial Development Act 1966 (c. 34); and
 - (iv) section 84(1) of the Town and Country Planning (Scotland) Act 1969 (c. 30).

4. Part I (investment grants) of the Industrial Development Act 1966 (c. 34), together with—

- (a) section 11(1) of the Iron and Steel Act 1969 (c. 45); and
- (b) paragraph 36 of Schedule 9 to the Post Office Act 1969 (c. 48).

(a) S.I. 1957/1378 (1957 I, p. 1183), and S.I. 1962/214, 1966/203 (1962 I, p. 196; 1966 I, p. 399).

(b) S.I. 1962/2576 (1962 III, p. 3461), and S.I. 1964/1900 (1964 III, p. 4235).

(c) S.I. 1969/882 (1969 II, p. 2511)

(d) S.I. 1968/1874 (1968 III, p. 4942).

(e) S.I. 1968/1875 (1968 III, p. 4953).

SCHEDULE 2

REPEALS

Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 6. c. 19.	The Ministry of Fuel and Power Act 1945.	Sections 2 and 3. Section 5, except as respects documents made or issued before the coming into operation of this Order.
10 & 11 Geo. 6. c. 39.	The Statistics of Trade Act 1947.	In section 17(3), the words "the Minister of Fuel and Power" and the words "the Minister of Supply".
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 2, the words "Minister of Power" and the words "Parliamentary Secretary to the Ministry of Power".
1964 c. 87.	The Shipping Contracts and Commercial Documents Act 1964.	In section 2(2), the words "the Minister of Power".
1964 c. 98.	The Ministers of the Crown Act 1964.	In Schedule 2, in Part II, the words "Minister of Power" and the words "Parliamentary Secretary to the Ministry of Power".
1965 c. 4.	The Science and Technology Act 1965.	Section 5(2).
1965 c. 11.	The Ministerial Salaries and Members' Pensions Act 1965.	In Schedule 4, the entry amending the Ministry of Fuel and Power Act 1945.
1965 c. 58.	The Ministerial Salaries Consolidation Act 1965.	In Schedule 1, the entries for the Minister of Power and the Parliamentary Secretary to the Ministry of Power.
1966 c. 34.	The Industrial Development Act 1966.	Section 18(3).
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the words "Ministry of Power".
1968 c. 32.	The Industrial Expansion Act 1968.	In section 1(3), the words "the Minister of Power".
1968 c. 66.	The Restrictive Trade Practices Act 1968.	In section 2(7), the words "the Minister of Power".

EXPLANATORY NOTE

(This Note is not part of the Order.)

The principal provisions of this Order transfer to the Minister of Technology the following functions:—

- (a) all the functions of the Minister of Power ; and
- (b) certain functions of the Board of Trade relating to industrial development and the distribution of industry ; and
- (c) the functions of the Secretary of State (formerly the Secretary of State for Economic Affairs) in relation to the Industrial Reorganisation Corporation.

In connection with the transfer of the functions of the Minister of Power, the Order provides for the dissolution of the Ministry of Power ; and in consequence of the transfer of the Board of Trade's functions in relation to industrial development certificates, it transfers the Board's functions in connection with office development to the Minister of Housing and Local Government or Secretary of State. It also transfers to the Treasury certain functions of the Secretary of State (formerly the Secretary of State for Economic Affairs) under section 3 of the Finance Act 1967 in relation to the disclosure of information in the possession of H.M. Customs and Excise.