

1969 No. 383

**MINISTERS OF THE CROWN**
**The Transfer of Functions (Scottish Royal Parks and  
Ancient Monuments) Order 1969**

<i>Made</i>	- - -	18th March 1969
<i>Laid before Parliament</i>		24th March 1969
<i>Coming into Operation</i>		1st April 1969

At the Court at Buckingham Palace, the 18th day of March 1969

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), 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 (Scottish Royal Parks and Ancient Monuments) Order 1969.

(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 the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

“instrument” (without prejudice to the generality of that expression) includes in particular an Order in Council, order, rule, regulation, byelaw, judgment, decree, award, contract, agreement, scheme, certificate, licence or other document, and “made” in relation to an instrument shall be construed accordingly ;

“the Minister” means the Minister of Public Building and Works.

(4) Any reference in this Order to an enactment or instrument shall be construed as a reference thereto as amended by or under any other enactment or instrument.

(5) This Order shall come into operation on 1st April 1969.

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(a) 1946 c. 31.

(b) 1889 c.63.

*Transfer of functions*

2. The functions of the Minister under the enactments described in Part I of the Schedule to this Order in so far as conferred by those enactments in relation to the parks described in Part II of the said Schedule are hereby transferred to the Secretary of State.

3.—(1) The functions of the Minister under the Ancient Monuments Acts 1913 to 1953(a) (except section 16 of the Ancient Monuments Consolidation and Amendment Act 1913) together with—

(a) his functions under subsections (2) to (5) of section 5 and section 7 of the Historic Buildings and Ancient Monuments Act 1953 so far as relating to buildings mentioned in paragraph (b) of subsection (2) of section 5, and his functions under section 8 of that Act so far as relating to the upkeep of buildings mentioned in paragraph (c) of subsection (1) of section 8 (with or without other property), and

(b) his functions under section 9 of the Coal-Mining (Subsidence) Act 1957(b), and

(c) his functions under paragraph 12 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(c)

are in relation to Scotland hereby transferred to the Secretary of State.

(2) Accordingly (without prejudice to Article 5) in the following enactments that is to say (a) subsection (2) of section 34 of the Finance Act 1956(d) and (b) subsection (8) of section 7 of the Mines (Working Facilities and Support) Act 1966(e), any reference to the Minister (including any reference which is to be construed as such a reference) shall include a reference to the Secretary of State.

*Transfer of property etc.*

4. With the functions transferred under the foregoing provisions of this Order there are also hereby transferred to the Secretary of State for Scotland all property, rights and liabilities to which the Minister is entitled or subject at the coming into operation of this Order in connection only with those functions.

*Supplementary and consequential provisions*

5.—(1) Any enactment or instrument shall have effect, so far as may be necessary for or in consequence of the transfers effected by this Order as if references to, or which are to be construed as references to, the Minister were references to the Secretary of State.

(2) This Order shall not affect the validity of anything done in the exercise of powers transferred by this Order by or in relation to the Minister 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 Minister as aforesaid may be continued by or in relation to the Secretary of State.

(a) 1913 c. 32; 1931 c. 16; 1953 c. 49.

(b) 1957 c. 59.

(d) 1956 c. 54.

(c) 1947 c. 42.

(e) 1966 c. 4.

(3) Any approval, authority, notice or licence given, scheme prepared or confirmed, order made or other thing done by the Minister in the exercise of the powers transferred by this Order shall, if in force at the time of the coming into operation of this Order, continue in force as if given or done by the Secretary of State.

*W. G. Agnew.*

## SCHEDULE

*Article 2*

### PART I

- The Crown Lands Act 1851 (1851 c. 42)
- The Parks Regulation Act 1872 (1872 c. 15)
- The Works and Public Buildings Act 1874 (1874 c. 84)
- Universities (Scotland) Act 1889 (1889 c. 55)
- The Parks Regulation (Amendment) Act 1926 (1926 c. 36)

### PART II

- Holyrood Park
- The Peel or Park and Loch of Linlithgow
- Royal Botanic Garden, Edinburgh

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## EXPLANATORY NOTE

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

Under this Order the functions of the Minister of Public Building and Works, in so far as they relate to Royal Parks and Ancient Monuments in Scotland, are transferred to the Secretary of State for Scotland.