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STATUTORY INSTRUMENTS

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**1970 No. 1681**

**The Secretary of State for the Environment Order 1970**

*Citation, interpretation and commencement*

1.—(1) This Order may be cited as the Secretary of State for the Environment Order 1970.

(2) The Interpretation Act 1889 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 a Secretary of State from another Minister shall be construed, in relation to any of those functions which are already exercisable by the Secretary of State concurrently with that other Minister, as directing that the functions shall cease to be exercisable by the other Minister; and references in this Order to functions transferred or to a transfer by the Order shall be construed accordingly.

(4) For the purposes of this Order Monmouthshire is to be treated as part of Wales and not of England.

(5) This Order shall come into operation on 12th November 1970.

*Dissolution of Ministries, and transfer of functions and property*

2.—(1) The Ministry of Housing and Local Government, the Ministry of Public Building and Works and the Ministry of Transport are hereby dissolved, and all functions of the Minister of Housing and Local Government, of the Minister of Public Building and Works or of the Minister of Transport (including functions belonging to any of them jointly) are hereby transferred to the Secretary of State or, in the case of functions described in Schedule 1 to this Order, to the Secretary of State for the Environment.

(2) There are hereby transferred to the Secretary of State for the Environment all property, rights and liabilities to which any of the Ministers above-mentioned is entitled or subject immediately before the coming into operation of this Order, other than the immovable property outside the United Kingdom to which the Minister of Public Building and Works is so entitled and rights and liabilities of that Minister in relation to that property.

*Consequential provisions for management of property, etc*

3.—(1) The person from time to time holding office as Secretary of State for the Environment shall by virtue of that office—

(a) be Minister of Public Building and Works, so long as any property remains vested in that Minister; and

(b) be First Commissioner of Works, so long as the Commissioners of Works have not been dissolved by Order in Council under the Minister of Works Act 1942;

and section 5(1) to (3) and (5) of that Act as set out with adaptations in Schedule 2 to this Order shall continue to apply to him as Minister of Public Building and Works.

(2) The person who at the coming into operation of this Order is Secretary of State for the Environment and his successors shall be, by that name, a corporation sole (with a corporate seal), but so that anything done by or in relation to any other Secretary of State for the Secretary of State for the Environment as a corporation sole shall have effect as if done by or in relation to the Secretary of State for the Environment.

(3) The corporate seal of the Secretary of State for the Environment shall be authenticated by the signature of a Secretary of State, or of a Secretary to the Department of the Environment, or of a person authorised by a Secretary of State to act in that behalf.

(4) The corporate seal of the Secretary of State for the Environment shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Secretary of State for the Environment and to be sealed with that seal authenticated in the manner provided by paragraph (3) above, or to be signed or executed by a Secretary to the Department of the Environment or a person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(5) A certificate signed by the Secretary of State for the Environment that any instrument purporting to be made or issued by him or by any of the other Ministers mentioned in Article 2(1) above was so made or issued shall be conclusive evidence of that fact.

(6) No stamp duty shall be chargeable on any instrument made by, to or with the Secretary of State for the Environment.

4. In Schedule 2 to the Parliamentary Commissioner Act 1967, as amended by the Parliamentary Commissioner Order 1970(1), after the entry for the Department of Employment there shall be inserted the entry “Department of the Environment”.

#### *Consequential and supplemental*

5.—(1) The provisions of Schedule 3 to this Order shall have effect for the purpose of making consequential amendments in the enactments there mentioned or otherwise adapting them to the provisions of this Order.

(2) Subject to the provisions of Schedule 3 to this Order, where in connection with any functions of the Minister of Housing and Local Government transferred by this Order any enactment or instrument provides for anything to be done by or in relation to both that Minister and a Secretary of State, it shall be read as providing for it to be done by or in relation to both the Secretary of State for the time being discharging those functions and such other Secretary of State (if any) as may be concerned; and similarly with things to be done by or in relation to both the Minister of Public Building and Works or Minister of Transport and a Secretary of State.

(3) The enactments mentioned in Schedule 4 to this Order are hereby repealed to the extent specified in column 2 of the Schedule; but, without prejudice to the operation in relation to this repeal of any provision of the Interpretation Act 1889,—

- (a) the repeal by this Order of any enactment effecting or relating to any transfer of functions, property, rights or liabilities shall not affect any transfer made before the coming into operation of this Order nor the operation in connection therewith of any provision made by or under that enactment; and
- (b) the repeal by this Order of any enactment relating to evidence shall not affect the operation of that enactment in relation to documents made or issued before the coming into operation of this Order.

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(1) (1970 III, p. 5288).

6.—(1) This Order shall not affect the validity of anything done by or in relation to any existing Minister before the coming into operation of this Order; and anything which at the coming into operation of this Order is in process of being done by or in relation to an existing Minister, including in particular any legal proceedings to which an existing Minister is a party, may be continued by or in relation to the Secretary of State for the Environment.

(2) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by an existing Minister, or having effect as if so given, imposed or made, shall, if in force at the coming into operation of this Order, have effect as if given, imposed or made by the Secretary of State for the Environment in so far as that is required for continuing its effect after the coming into operation of this Order.

(3) Subject to any express amendment or repeal made by this Order any enactment, instrument or contract 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 an existing Minister or to a department or officer of his (including any reference which is to be construed as such a reference) were or included a reference to a Secretary of State (or to the Secretary of State for the Environment) or to his department or an officer of his, as the context may require.

(4) 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 an existing Minister, and those references shall be construed as reference to the Secretary of State for the Environment; and similarly with references to the department or an officer of an existing Minister.

(5) Where any instrument in force at the coming into operation of this Order requires a sign to be exhibited which embodies the name of an existing Ministry, nothing in this Order shall be taken to affect that requirement, but signs complying with that instrument as in force before the coming into operation of this Order shall continue to be used until provision is made to the contrary.

(6) In this Article “existing Minister” means the Minister of Housing and Local Government, the Minister of Public Building and Works or the Minister of Transport, and “existing Ministry” has a corresponding meaning.

*W.G. Agnew*