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 STATUTORY INSTRUMENTS
 

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1974 No. 692

## MINISTERS OF THE CROWN

## The Secretary of State (New Departments) Order 1974

*Made* - - - - - 10th April 1974  
*Laid before Parliament* 11th April 1974  
*Coming into Operation* 16th April 1974

At the Court at Windsor Castle, the 10th day of April 1974

Present,

The Queen's Most Excellent Majesty in Council

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 Secretary of State (New Departments) Order 1974.

(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 reference in this Order to an enactment or instrument is a reference to that enactment or instrument as amended or extended by or under any other enactment or instrument.

(4) This Order shall come into operation on 16th April 1974.

*Transfer of functions and property*

2.—(1) The functions of the Secretary of State for Trade and Industry under the provisions in column 1 of Schedule 1 to this Order shall be transferred as follows—

Functions under provisions in respective Parts of the Schedule	Transferred to Secretary of State for—
Part I    ...    ...    ...    ...    ...	Energy
Part II    ...    ...    ...    ...    ...	Industry
Part III    ...    ...    ...    ...    ...	Trade
Part IV    ...    ...    ...    ...    ...	Prices and Consumer Protection

(2) The functions of the Secretary of State for Trade and Industry under any local Act passed before the making of this Order, other than a local Act in Part I of Schedule 1 to this Order, shall be transferred to the Secretary of State for Trade.

(a) 1946 c. 31.

(b) 1964 c. 98.

(c) 1889 c. 63.

(3) Subject to the preceding provisions of this Article, any functions conferred on the Secretary of State for Trade and Industry by any enactment or instrument passed or made before the coming into operation of this Order shall be transferred to the Secretary of State.

(4) With any functions transferred by this Order to a Secretary of State, or to the Secretary of State, there shall be transferred to him all property, rights and liabilities to which the Secretary of State for Trade and Industry is entitled or subject in connection with the relevant functions at the coming into operation of this Order.

*Style, seal and acts of Secretary of State*

3.—(1) The person who at the coming into operation of this Order is the Secretary of State for each one of the new Departments and his successors shall be, by the name of his office as Secretary of State for that new Department, 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 that new Department as a corporation sole shall have effect as if done by or in relation to the Secretary of State for that new Department.

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

(3) The corporate seal of the Secretary of State for any of the new Departments shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Secretary of State for that Department, and to be sealed with that seal authenticated in the manner provided by paragraph (2) above, or to be signed or executed by a Secretary to that Department, or a person authorised as above, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Secretary of State for any of the new Departments that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

(5) In this Article “ new Department ” means the Department of Energy, the Department of Industry, the Department of Trade and the Department of Prices and Consumer Protection.

4.—(1) In Schedule 2 to the Parliamentary Commissioner Act 1967(a) there shall be inserted at the appropriate places in alphabetical order the entries—

“ Department of Energy ”.

“ Department of Industry ”.

“ Department of Trade ”.

“ Department of Prices and Consumer Protection ”.

(2) In the said Schedule 2 the words “ Department of Trade and Industry ” shall be repealed.

*Supplemental*

5.—(1) This Order shall not affect the validity of anything done by or in relation to the Secretary of State for Trade and Industry 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 the Secretary of

State for Trade and Industry (including in particular any legal proceedings to which he is a party) may be continued by or in relation to the Secretary of State.

(2) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by the Secretary of State for Trade and Industry in connection with functions transferred by this Order, 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 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 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 the Secretary of State for Trade and Industry or to his Department or an officer of his (including any reference which is to be construed as such a reference) were or included a reference to the Secretary of State to whom the transfer is made or to his Department, or an officer of his, as the case may be.

(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 the Secretary of State for Trade and Industry, and those references shall be construed as references to the Secretary of State to whom the functions are transferred; and similarly with references to the Department or an officer of the Secretary of State for Trade and Industry.

(5) Schedule 2 to this Order, which contains consequential amendments, shall have effect.

(6) In paragraph 1 of Schedule 3 to the Secretary of State for the Environment Order 1970(a) sub-paragraphs (1), (2), (3) and (5) (which are spent) shall be revoked.

*W. G. Agnew.*

## SCHEDULE 1

## Article 2

### PART I

### ENERGY

*Enactment referring to Secretary of State for Trade and Industry*

*Subject matter*

Section 49(2) of the Public Health Act 1961(b) as amended by paragraph 19(2) of Schedule 3 to the Secretary of State for the Environment Order 1970. Use of local authority vehicles on paths and bridleways.

Section 5(1)(b) of the Science and Technology Act 1965(c) as amended by paragraph 7 of the Schedule to the Ministry of Aviation Supply (Dissolution) Order 1971(d). Powers as respects scientific research.

(a) S.I. 1970/1681 (1970 III, p. 5551).  
(c) 1965 c. 4.

(b) 1961 c. 64.  
(d) S.I. 1971/719 (1971 II, p. 1943).

<i>Enactment referring to Secretary of State for Trade and Industry</i>	<i>Subject matter</i>	
Section 18(4)(b) of the Local Government (Scotland) Act 1966(a) as amended by paragraph 16(1)(b) of Schedule 6 to the Gas Act 1972(b).	Rating of British Gas Corporation.	
In the General Rate Act 1967(c)—		
Paragraph 12 of Schedule 6 as amended by paragraph 2 of Schedule 5 to the Gas Act 1972.	Rating of British Gas Corporation.	
Paragraph 15 of Schedule 7, as amended by paragraph 23(2) of Schedule 3 to the Secretary of State for the Environment Order 1970.	Rating of Electricity Boards.	
The Town and Country Planning Act 1971(d)—		
Section 224(1)(a) ... ..	Appropriate Minister for electricity, gas and hydraulic power.	
Section 273(1) ... ..	Application of Act to National Coal Board.	
The Town and Country Planning (Scotland) Act 1972(e)—		
Section 213(1)(a) ... ..	Appropriate Minister for gas and hydraulic power.	
Section 259(1) ... ..	Application of Act to National Coal Board.	
The Gas Act 1972(f)—		
Section 26(6) ... ..	Standards of quality for gas.	
Section 29(8) (two references) ... ..	Supply of gas by persons other than Corporation.	
Section 35(2) ... ..	Terms and conditions of employment.	
In Schedule 3 to the Secretary of State for the Environment Order 1970, paragraph—		
1(4).	Definitions of “appropriate Minister” in relation to electricity, gas or hydraulic power.	
6(1)(i).		
6(2)(i).		
9(2)(b).		
<i>Local Acts</i>		
Section 54 of the Trent and Lincolnshire Water Act 1971(g).	Trial borings for water: functions of appropriate Minister.	
Section 34 of the Cumberland River Authority Act 1971(h).	Trial borings for water: functions of appropriate Minister.	
Section 10(8) of the Tyneside Metropolitan Railway Act 1973(i).	Approval of underground electric cable.	
(a) 1966 c. 51.	(b) 1972 c. 60.	(c) 1967 c. 9.
(d) 1971 c. 78.	(e) 1972 c. 52.	(f) 1972 c. 60.
(g) 1971 c. xiii.	(h) 1971 c. xvii.	(i) 1973 c. xxxii.

<i>Enactment referring to Secretary of State for Trade and Industry</i>	<i>Subject matter</i>
The North Wales Hydro Electric Power Act 1973(a)—	
Section 21(2)     ...     ...     ...     ...	Approval of plans for generating station.
Section 49(6)     ...     ...     ...     ...	Determination of questions concerning amenities.

## PART II

## INDUSTRY

Section 5(1)(b) of the Science and Technology Act 1965 as amended by paragraph 7 of the Schedule to the Ministry of Aviation Supply (Dissolution) Order 1971.	Powers as respects scientific research.
The Industry Act 1971(b)     ...     ...     ...	Functions as respects property, rights and liabilities vesting under the Act.
Section 265(1) of the Town and Country Planning Act 1971.	Modification of Mines (Working Facilities and Support) Act 1966(c).
Section 252(1) of the Town and Country Planning (Scotland) Act 1972.	Modification of Mines (Working Facilities and Support) Act 1966.

## PART III

## TRADE

Sections 1(1) and 2 of the Coastguard Act 1925(d), as amended by paragraph 1 of Schedule 2 to the Secretary of State for Trade and Industry Order 1970(e).	Control of coastguard.
Section 41(7) of the Land Drainage Act 1930(f) as amended by paragraph 13 of Schedule 3 to the Secretary of State for the Environment Order 1970.	Variation of navigation rights in tidal waters.
The Harbours, Piers and Ferries (Scotland) Act 1937(g), as amended by paragraph 2 of Schedule 2 to the Secretary of State for Trade and Industry Order 1970.	Construction of works.
In the Water Resources Act 1963(h), as amended by paragraph 9 of Schedule 3 to the Secretary of State for the Environment Order 1970—	
Section 19(4)(d)(e).	Minimum flows for inland waters.
Paragraphs 4(e)(f) and 17 of Schedule 7.	
Section 18(4) of the Airports Authority Act 1965(i), as amended by paragraph 22 of Schedule 3 to the Secretary of State for the Environment Order 1970.	Planning decisions.

(a) 1973 c. xxxvi.

(b) 1971 c. 17.

(c) 1966 c. 4.

(d) 1925 c. 88.

(e) S.I. 1970/1537 (1970 III, p. 5293).

(f) 1930 c. 44.

(g) 1937 c. 28.

(h) 1963 c. 38.

(i) 1965 c. 16.

<i>Enactment referring to Secretary of State for Trade and Industry</i>	<i>Subject matter</i>
Sections 6 and 8 of the Sea Fish (Conservation) Act 1967(a), as amended by paragraph 10 of Schedule 2 to the Secretary of State for Trade and Industry Order 1970.	Regulation of landing of sea fish.
The Development of Tourism Act 1969(b), as amended by paragraph 12 of the Schedule 2 mentioned above.	Relevant Minister in England.
Section 224(1)(b) of the Town and Country Planning Act 1971.	Appropriate Minister for lighthouses.
Section 213(1)(b) of the Town and Country Planning (Scotland) Act 1972.	Appropriate Minister for lighthouses.
In the Insurance Companies Amendment Act 1973(c) sections 22(1)(b), 23(1)(b), 33(3)(b) and 34(2)(b).	Powers of intervention and changes of director, controller or manager.
In Schedule 3 to the Secretary of State for the Environment Order 1970, paragraph—	
6(1)(ii).	Definitions of "appropriate Minister" in relation to airports and lighthouses.
6(2)(ii).	
11(3)(a).	

## PART IV

## PRICES AND CONSUMER PROTECTION

Section 9(11) of the Agriculture Act 1967(d), as amended by Article 2(3) of the Secretary of State for Trade and Industry Order 1970. Exception of certain agreements from Part I of the Restrictive Trade Practices Act 1956.

*Note:* The amendments noted in column 1 of this Schedule are those which introduced references to the Secretary of State for Trade and Industry.

Article 5(5)

## SCHEDULE 2

## CONSEQUENTIAL AMENDMENTS

*The Science and Technology Act 1965*

1. For section 5(1)(b) of the Science and Technology Act 1965 substitute—  
 “(b) as regards the Secretary of State for Defence, the Secretary of State for Energy and the Secretary of State for Industry, in furthering the practical application of the results of scientific research.”

*The Town and Country Planning Acts*

2. In section 224(1) of the Town and Country Planning Act 1971 (definition of appropriate Minister)—  
 (a) in paragraph (a) for the words “Trade and Industry” substitute “Energy”,  
 (b) in paragraph (b) for the words “the said Secretary of State” substitute “the Secretary of State for Trade”.
3. In section 213(1) of the Town and Country Planning (Scotland) Act 1972 (definition of appropriate Minister)—  
 (a) in paragraph (a) for the words “Trade and Industry” substitute “Energy”,  
 (b) in paragraph (b) for the words “the said Secretary of State” substitute “the Secretary of State for Trade”.

(a) 1967 c. 84.

(b) 1969 c. 51.

(c) 1973 c. 58.

(d) 1967 c. 22.

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*The Local Employment Act 1972*

4. In section 8(6) and section 9(1)(c) of the Local Employment Act 1972(a) the words “ for Trade and Industry ” shall be repealed.

*The Insurance Companies Amendment Act 1973*

5. In the Insurance Companies Amendment Act 1973, in sections 22(1)(b), 23(1)(b), 33(3)(b) and 34(2)(b), the words “ and Industry ” shall be repealed.

*The Secretary of State for the Environment Order 1970*

6. In paragraph 6 of Schedule 3 to the Secretary of State for the Environment Order 1970, in sub-paragraph (1)(ii) and paragraph 2(ii) for the words “ that Secretary of State ” substitute the words “ the Secretary of State for Trade ”.

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EXPLANATORY NOTE

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

This Order transfers all functions conferred on the Secretary of State for Trade and Industry. Functions under the provisions in the four Parts of Schedule 1 go respectively to the Secretaries of State for Energy, Industry, Trade, and Prices and Consumer Protection. Functions under local Acts not specified in the Schedule go to the Secretary of State for Trade, and any other functions go to the Secretary of State.

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(a) 1972 c. 5.

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