
 STATUTORY INSTRUMENTS

1978 No. 274

MINISTERS OF THE CROWN

The Transfer of Functions (Wales) (No. 2) Order 1978

<i>Made</i> - - - -	1st March 1978
<i>Laid before Parliament</i>	9th March 1978
<i>Coming into Operation</i>	1st April 1978

At the Court at Buckingham Palace, the 1st day of March 1978

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(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 (Wales) (No. 2) Order 1978.

(2) In this Order—

“further education” has the meaning given by section 41 of the Education Act 1944(b);

“the Minister” means the Secretary of State for Education and Science; and

“university” includes a university college.

(3) The Interpretation Act 1889(c) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(4) 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.

(5) This Order shall come into operation on 1st April 1978.

Transfer of functions

2.—(1) Subject to the provisions of this Order, the functions of the Minister in connection with further education are, in relation to Wales, hereby transferred to the Secretary of State.

(2) The functions of the Minister in relation to the training and supply of teachers for primary and secondary education are, in relation to Wales, hereby transferred to the Secretary of State.

(3) The Minister's function of nominating a person for appointment to the Ancient Monuments Board for Wales (constituted under section 15(1) of the

(a) 1975 c. 26. (b) 1944 c. 31. (c) 1889 c. 63.

Ancient Monuments Consolidation and Amendment Act 1913(a)), is hereby transferred to the Secretary of State.

(4) The powers to make regulations which were transferred by Article 3(1) of the Transfer of Functions (Wales) Order 1970 (b) to the Minister and the Secretary of State for Wales, jointly, are hereby transferred to the Secretary of State.

(5) The functions conferred on the Secretary of State by this Order do not include any functions relating to the qualification (including medical fitness), probation, misconduct, remuneration or superannuation of teachers, or to the appointment of Her Majesty's Inspectors; and any such functions (whether relating to further education or to primary or secondary education) shall, in relation to Wales as well as in relation to England, be exercisable by the Minister.

(6) This Order does not transfer any functions of the Minister in relation to universities in Wales, except those under section 84 of the Education Act 1944(c) (consents to payment of grants by local education authorities).

(7) This Order does not transfer any functions of the Minister under the Education Act 1962(d), except the power to make regulations under section 3(a), (c) and (d), in respect of persons ordinarily resident in Wales, and to pay grants under any such regulations.

Supplemental

3.—(1) With any functions transferred to the Secretary of State by this Order there are hereby transferred to the Secretary of State for Wales all rights and liabilities to which the Minister is entitled or subject in connection with those functions at the coming into operation of this Order.

(2) This Order shall not affect the validity of anything done by or in relation to the Minister before the coming into operation of this Order; and anything which at the coming into operation of this Order is in the process of being done by or in relation to the Minister (including in particular any legal proceedings to which he is a party) may, if it relates to functions, rights or liabilities transferred by this Order to the Secretary of State, be continued by or in relation to the Secretary of State for Wales.

(3) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by the Minister in connection with functions transferred by this Order to the Secretary of State, 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 Wales in so far as that is required for continuing its effect after the coming into operation of this Order.

(4) 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 transfer of functions, rights or liabilities effected by this Order to the Secretary of State as if any reference to the Minister or an officer of his (including any reference which is to be construed as such a reference) were or included a reference to the

(a) 1913 c. 32. (b) S.I. 1970/1536. (c) 1944 c. 31. (d) 1962 c. 12.

Secretary of State for Wales or to his Department or an officer of his, as the case may be.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order enables the Secretary of State for Wales to exercise in relation to Wales the functions of the Secretary of State for Education and Science—

- (i) in connection with further education, excluding universities ;
- (ii) as regards teachers, their training and supply but not matters relating to their qualification (including medical fitness), probation, misconduct, remuneration or superannuation ;
- (iii) with regard to making regulations and to his paying grants thereunder to certain persons training as teachers and to certain mature students ;
and
- (iv) regarding nominations to the Ancient Monuments Board for Wales.

The Secretary of State for Education and Science remains responsible for the appointment of Her Majesty's Inspectors.

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