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 STATUTORY INSTRUMENTS
 

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1979 No. 907

## MINISTERS OF THE CROWN

## The Transfer of Functions (Arts and Libraries) Order 1979

*Made* - - - - - 26th July 1979  
*Laid before Parliament* 3rd August 1979  
*Coming into Operation* 1st September 1979

At the Court of Saint James, the 26th day of July 1979

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 16th day of July 1979, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth the Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by sections 1 and 2 of the Ministers of the Crown Act 1975(a), and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

*Citation, interpretation and commencement*

1.—(1) This Order may be cited as the Transfer of Functions (Arts and Libraries) Order 1979.

(2) In this Order, "the Chancellor" means the Chancellor of the Duchy of Lancaster.

(3) In this Order "instrument" (without prejudice to the generality of that expression) includes in particular Royal Charters, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts, memoranda and articles of association, certificates and other documents.

(4) Any reference in this Order to a function of a Minister under an enactment includes a reference to the functions of that Minister under any instrument made under that enactment.

(5) This Order shall come into operation on 1st September 1979.

*Transfer of functions*

2.—(1) The functions of the Secretary of State under the enactments specified in Part I of the Schedule to this Order are hereby transferred to the Chancellor.

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 (a) 1975 c. 26.

(2) The functions of the Secretary of State for Education and Science under the enactments specified in Part II of that Schedule are hereby transferred to the Chancellor.

(3) The functions of the Secretary of State for Education and Science so far as they are exercisable in relation to the museums and corporations specified in Part III of the Schedule to this Order are hereby transferred to the Chancellor.

(4) The power of the Secretary of State under section 10 of the British Museum Act 1963(a) to amend Part I of Schedule 3 to that Act is hereby transferred to the Chancellor.

3.—(1) Subject to paragraph (3) below, the functions of the Secretary of State under the Public Libraries and Museums Act 1964(b) are, so far as they are exercisable in relation to England, hereby transferred to the Chancellor.

(2) Without prejudice to paragraph (1) above, the functions of the Secretary of State under paragraph 4 of Schedule 1 to the Act of 1964 are, so far as exercisable on the dissolution of a joint board whose area does not include any part of Wales, hereby transferred to the Chancellor.

(3) The functions of the Secretary of State under section 9 of the Act of 1964 shall be exercisable concurrently with the Chancellor.

4. The functions of the Secretary of State under section 324 of the Public Health Act 1936(c) so far as they are exercisable by virtue of section 10(5) of the Act of 1964 and are so exercisable in relation to England are hereby transferred to the Chancellor.

5. The function of the Secretary of State under section 4(4) of the National Gallery and Tate Gallery Act 1954(d) of consenting to loans under section 4(1)(b) of that Act is hereby transferred to the Chancellor.

6. The functions originally conferred on the Chancellor of the Exchequer by the Articles of Association of the British Film Institute are hereby transferred to the Chancellor of the Duchy of Lancaster.

#### *Trusteeships*

7. In any case where the Secretary of State for Education and Science is immediately before the coming into operation of this Order the trustee of any property and it may reasonably be inferred that he is a trustee of that property by reason of his being a Minister of the Crown with responsibility for the Arts, the Chancellor is hereby substituted for the Secretary of State for Education and Science as trustee of that property.

#### *Amendment of s. 2 of the Public Libraries and Museums Act 1964*

8. Section 2(2) of the Public Libraries and Museums Act 1964 shall be construed in relation to the Library Advisory Council for England as if the reference to the Department of Education and Science were a reference to the Office of the Chancellor and in relation to the Library Advisory Council for Wales as if that reference were a reference to a Department of the Secretary of State.

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(a) 1963 c. 24; s. 10 was amended by S.I. 1965/603. (b) 1964 c. 75. (c) 1936 c. 49.  
(d) 1954 c. 65; s. 4(4) was amended by S.I. 1965/603.

*Supplemental*

9. The Documentary Evidence Act 1868(a) shall apply to the Chancellor as if his name were included in the first column of the Schedule to that Act and as if he or any person authorised to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Chancellor.

10. Schedule 2 to the Parliamentary Commissioner Act 1967(b) (departments and authorities subject to investigation by the Commissioner) shall have effect as if the Office of the Chancellor were included in the list of departments and other authorities set out therein.

11.—(1) This Order shall not affect the validity of anything done by or in relation to a Secretary of State 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 a Secretary of State may if it relates to any functions transferred by this Order be continued by or in relation to the Chancellor.

(2) Any authority, approval, consent or direction given or other thing whatsoever done by any Minister for the purpose of any functions transferred by this Order shall if in force at the coming into operation of this Order have effect as if made or done by the Chancellor so far as that is required for continuing its effect thereafter.

(3) 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 a Secretary of State or to the Department or an officer of a Secretary of State (including any reference which is to be construed as such a reference) were or included a reference to the Chancellor or to his Office or to an officer of his as the case may require.

*N. E. Leigh,*

Clerk of the Privy Council.

## SCHEDULE

## FUNCTIONS TRANSFERRED

## PART I

## FUNCTIONS OF THE SECRETARY OF STATE

Sections 2(b), (c) and (d) and 3(2) of, and paragraph (8) of the Schedule to the Imperial War Museum Act 1920 (c.16).  
 Sections 2(3), 4 and 6(2) of the National Maritime Museum Act 1934 (c.43).  
 The National Theatre Act 1949 (c.16).  
 Section 1 of the British Film Institute Act 1949 (c.35).  
 Sections 2(4), 3 and 4(2) and (3) of the National Gallery and Tate Gallery Act 1954 (c.65).  
 Section 2(1) of the Imperial War Museum Act 1955 (3 & 4 Eliz. 2 c.14).  
 Section 1(1)(c) of the British Museum Act 1963 (c.24).  
 The Museum of London Act 1965 (c.17).  
 The British Library Act 1972 (c.54).  
 The Schedule to the Theatres Trust Act 1976 (c.27).  
 The Public Lending Right Act 1979 (c.10).

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(a) 1868 c. 37. (b) 1967 c. 13.

## PART II

## FUNCTIONS OF THE SECRETARY OF STATE FOR EDUCATION AND SCIENCE

Section 47 of the Patents and Designs Act 1907 (c.29).

Section 3(2) of and paragraph (1) of the Schedule to the Imperial War Museum Act 1920 (c.16).

## PART III

## MUSEUMS AND CORPORATIONS

The Victoria and Albert Museum.

The Science Museum.

The Corporation of the Hall of Arts and Sciences.

The Arts Council of Great Britain.

The National Theatre Board.

The National Film School.

The South Bank Theatre Board.

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## EXPLANATORY NOTE

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

This Order transfers to the Chancellor of the Duchy of Lancaster functions presently exercised by the Secretary of State for Education and Science—

- (a) under certain enactments relating to the arts and to libraries and museums (Articles 1(1), (2) and (4), 3, 4 and 5 and Parts I and II of the Schedule); and
- (b) in relation to the following institutions, namely, the Victoria and Albert Museum, the Science Museum, the Royal Albert Hall, the Arts Council, the National Theatre Board, the National Film School, the South Bank Theatre Board and the British Film Institute (Articles 2(3) and 6 and Part III of the Schedule).

SI 1979/907

ISBN 0-11-093907-7



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