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 STATUTORY INSTRUMENTS
 

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1981 No. 207

## MINISTERS OF THE CROWN

**The Transfer of Functions (Arts, Libraries and National Heritage) Order 1981***Made* - - - - 18th February 1981*Laid before Parliament* - 26th February 1981*Coming into Operation* - 1st April 1981

At the Court at Buckingham Palace, the 18th day of February 1981

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 (Arts, Libraries and National Heritage) Order 1981.

(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 having effect under that enactment.

(5) This Order comes into operation on 1st April 1981.

*Transfer of functions*

2.—(1) The functions under the enactments listed in Part I of Schedule 1 to this Order which are exercisable by the Chancellor alone or by the Chancellor jointly with the Secretary of State are hereby transferred to the Secretary of State; and the functions under those enactments which are exercisable by the Chancellor concurrently with the Secretary of State shall cease to be exercisable by the Chancellor.

(2) The functions of the Chancellor in relation to the institutions listed in Part II of that Schedule are hereby transferred to the Secretary of State.

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(a) 1975 c. 26.

*Trusteeships*

3. In any case where the Chancellor is, immediately before the coming into operation of this Order, the trustee of any property and—

(a) he is trustee by virtue of Article 7 of the Transfer of Functions (Arts and Libraries) Order 1979(a); or

(b) it may reasonably be inferred that he is trustee by reason of his being a Minister of the Crown with responsibility for the Arts,

the Secretary of State for Education and Science is hereby substituted for the Chancellor as trustee of that property.

*Consequential amendments and repeals*

4. The consequential amendments and repeals specified in Schedule 2 to this Order have effect.

*Supplementary provisions*

5.—(1) Subject to any express amendment or repeal made by this Order, any enactment or instrument passed or made before the coming into operation of this Order has 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 Chancellor or to his Office or to an officer of his (including any reference which is to be construed as such a reference) were a reference to the Secretary of State or to a Department or an officer of the Secretary of State, as the case may require.

(2) This Order does not affect the validity of anything done by or in relation to the Chancellor 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 Chancellor may, if it relates to any functions transferred by this Order, be continued by or in relation to the Secretary of State.

(3) Any authority, approval, consent or direction given or other thing whatsoever done by the Chancellor for the purpose of any functions transferred by this Order, if in force at the coming into operation of this Order, has effect as if made or done by the Secretary of State so far as that is required for continuing its effect after the commencement of this Order.

(4) In relation to the transfers effected by Article 3 references in this Article to the Secretary of State shall be construed as references to the Secretary of State for Education and Science.

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

## Article 2

## SCHEDULE 1

## FUNCTIONS TRANSFERRED

## PART I

## ENACTMENTS

- Patents and Designs Act 1907 (c. 29), section 47.
- Imperial War Museum Act 1920 (c. 16), sections 2(b), (c) and (d) and 3(2) and paragraphs (1) and (8) of the Schedule.
- National Maritime Museum Act 1934 (c. 43), sections 2(3), 4 and 6(2).
- Public Health Act 1936 (c. 49), section 324 as applied by section 10(5) of the Public Libraries and Museums Act 1964 (c. 75).
- National Theatre Act 1949 (c. 16).
- British Film Institute Act 1949 (c. 35), section 1.
- Finance Act 1953 (c. 34), section 30.
- National Gallery and Tate Gallery Act 1954 (c. 65), sections 2(4), 3 and 4(2), (3) and (4).
- Finance (Miscellaneous Provisions) Act (Northern Ireland) 1954 (c. 3) (N.I.), section 1.
- Imperial War Museum Act 1955 (1955 c. 14), section 2(1).
- Finance Act 1956 (c. 54), section 34(1).
- British Museum Act 1963 (c. 24), sections 1(1)(c) and 10.
- Public Libraries and Museums Act 1964 (c. 75).
- Museum of London Act 1965 (c. 17).
- British Library Act 1972 (c. 54).
- Finance (Northern Ireland) Order 1972 (S.I. 1972/1100 (N.I. 11)), Article 10.
- Finance Act 1973 (c. 51), section 46.
- Finance (Miscellaneous Provisions) (Northern Ireland) Order 1973 (S.I. 1973/1323 (N.I. 19)), Article 5.
- Finance Act 1975 (c. 7), paragraph 17 of Schedule 4.
- Theatres Trust Act 1976 (c. 27), the Schedule.
- Public Lending Right Act 1979 (c. 10).
- National Heritage Act 1980 (c. 17).

## PART II

## INSTITUTIONS

- The Arts Council of Great Britain.
- The British Film Institute.
- The Corporation of the Hall of Arts and Sciences.
- The National Film School.
- The National Theatre Board.
- The Science Museum.
- The South Bank Theatre Board.
- The Victoria and Albert Museum.

## Article 4

## SCHEDULE 2

## CONSEQUENTIAL AMENDMENTS AND REPEALS

1. In section 2(2) of the Public Libraries and Museums Act 1964(a) for “ the Department of Education and Science ” there is substituted “ a Department of the Secretary of State ”.

2.—(1) Paragraph 17 of Schedule 4 to the Finance Act 1975(b) is amended as follows.

(2) In sub-paragraph (1) for “ and the Ministers agree ” there is substituted “ and the Secretary of State agrees ”.

(3) In sub-paragraphs (3) and (4) for “ the Ministers ”, wherever occurring, there is substituted “ the Secretary of State ”.

(4) In sub-paragraph (5) the words from “ the Ministers ” to “ Duchy of Lancaster and ” are omitted.

3.—(1) In the Transfer of Functions (Arts and Libraries) Order 1979(c), Articles 8, 9 and 10 are revoked.

(2) Sub-paragraph (1) does not affect the operation of Article 9 in relation to documents issued before the coming into operation of this Order.

4.—(1) The National Heritage Act 1980(d) is amended as follows.

(2) The words “ the Secretary of State ” are substituted as follows—

(a) for “ the Ministers ” in sections 2(1), 7(1) and (2), 8(1), 9(4), (5) and (6), 10(1), (2) and (3) and 12(2) and paragraphs 5(2), 6 and 7(4) of Schedule 1;

(b) for “ either of the Ministers ” in sections 4(3), 5(3), 9(1), (3) and (4) and 16(1), (2)(e) and (5);

(c) for “ either Minister ” in section 9(2);

(d) for “ the Minister ” in sections 9(4) and 16(4); and

(e) for “ the Ministers or either of them ” in section 14(1).

(3) In section 16(3) and (4) for “ Neither Minister shall ” there is substituted “ The Secretary of State shall not ”.

(4) In sections 2(1), 9(5) and 10(1) for “ them ”, “ they ”, “ their ” and “ have ” there are substituted, respectively, “ him ”, “ he ”, “ his ” and “ has ”.

(5) The following provisions are repealed—

(a) in section 2(1), the words “ and the Chancellor of the Duchy of Lancaster (in this Act referred to as ‘ the Ministers ’ ) ”;

(b) in section 12(1), paragraphs (a), (b) and (c);

(c) in section 18(2), the definition of “ the Ministers ”;

(d) section 18(3).

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(a) 1964 c. 75; section 2(2) was amended by S.I. 1979/907, article 8.

(b) 1975 c. 7; paragraph 17 was amended by section 124 of the Finance Act 1976 (c. 40) and section 12(1) of the National Heritage Act 1980 (c. 17).

(c) S.I. 1979/907.

(d) 1980 c. 17.

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**EXPLANATORY NOTE**

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

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

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

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