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STATUTORY INSTRUMENTS

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**1983 No. 879**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Arts, Libraries  
and National Heritage) Order 1983**

<i>Made</i>	- - - -	<i>22nd June 1983</i>
<i>Laid before Parliament</i>		<i>30th June 1983</i>
<i>Coming into Operation</i>		<i>1st July 1983</i>

At the Court at Buckingham Palace, the 22nd day of June 1983

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975, 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 1983.

(2) In this Order “the Lord President” means the Lord President of the Council.

(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, byelaws, 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 shall come into operation on 1st July 1983.

*Transfer of functions*

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

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

(3) The following functions of the Secretary of State for Education and Science, namely—

- (a) his functions under the Wellington Museum Act 1947,
- (b) his functions under section 4(6) of the National Heritage Act 1983, and
- (c) his functions in relation to the Crafts Council,

are hereby transferred to the Lord President.

**3.—**(1) The following functions of the Secretary of State, namely—

- (a) his functions under sections 2(1), 7, 8(1) and 9(6) of, and paragraphs 5(2), 6 and 7(4) of Schedule 1 to, the National Heritage Act 1980<sup>(1)</sup>,
- (b) his function of nominating persons under section 9(4) of that Act,
- (c) the functions conferred on him by virtue of section 12(2) of that Act in relation to the provisions mentioned in section 8(3) of that Act, and
- (d) his functions under paragraph 17 of Schedule 4 to the Finance Act 1975<sup>(2)</sup>,

are hereby transferred to the Secretary of State and the Lord President jointly.

(2) The following functions of the Secretary of State under the said Act of 1980, namely—

- (a) his functions under sections 4(3), 5(3), 9(1), (2) and (3) and 16(1) and (2)(e), and
- (b) his function under section 9(4) of giving directions for the transfer of property,

shall be exercisable by the Lord President concurrently with the Secretary of State.

(3) The function of the Secretary of State of giving directions under subsection (4) of section 9 of the said Act of 1980 with respect to the holding or management of any property is, in the case of property transferred in pursuance of a direction under that subsection given by the Lord President or given before the coming into operation of this Order by the Secretary of State for Education and Science or the Chancellor of the Duchy of Lancaster, hereby transferred to the Lord President.

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

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

(3) The functions of the Secretary of State under section 9 of that Act shall be exercisable by the Lord President concurrently with the Secretary of State.

**5.** The functions of the Secretary of State under section 324 of the Public Health Act 1936, so far as they are exercisable by virtue of section 10(5) of the Public Libraries and Museums Act 1964 and are so exercisable in relation to England, are hereby transferred to the Lord President.

**6.—**(1) The Secretary of State's function of making orders under section 41 (commencement) of the National Heritage Act 1983 is hereby transferred to the Lord President so far as the bringing into force of the following provisions of that Act is concerned, namely—

- (a) sections 1 to 16 and Parts I and II of Schedule 1;
- (b) paragraphs 1, 2, 5 and 7 of Schedule 5;
- (c) paragraphs 3 and 4 of that Schedule, so far as they relate to the Science Museum or the Victoria and Albert Museum;

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(1) the Act was amended by , Schedule 2.

(2) paragraph 17 was amended by section 124 of the Finance Act 1976 (c. 40) and S.I. 1981/207, Schedule 2.

(d) Schedule 6, so far as it relates to the Patents and Designs Act 1907, the National Gallery and Tate Gallery Act 1954 and the Public Records Act 1958.

(2) The Secretary of State's function of making orders under section 41 of the said Act of 1983 shall, so far as the bringing into force of section 40 of that Act is concerned, be exercisable by the Lord President concurrently with the Secretary of State.

#### *Trusteeships and other property*

7.—(1) 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—

- (a) he is trustee by virtue of S.I. 1981/207 Article 3 of the Transfer of Functions (Arts, Libraries and National Heritage) Order 1981, 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 Lord President is hereby substituted for that Secretary of State as trustee of that property.

(2) The property in the chattels vested in the Secretary of State for Education and Science by virtue of the Wellington Museum Act 1947 is hereby transferred to the Lord President.

#### *Supplemental*

8. The Documentary Evidence Act 1868 shall apply to the Lord President 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 Lord President.

9. In Note 2 to Schedule 2 to the Parliamentary Commissioner Act 1967 (by virtue of which the reference to the Lord President's Office in the list of departments subject to investigation does not include the Privy Council Office), after “Office”, in the first place where it occurs, insert “includes the Office of Arts and Libraries but”.

10.—(1) The consequential amendments specified in Schedule 2 to this Order shall have effect.

(2) Section 2(2) of the Public Libraries and Museums Act 1964 (as amended by the Transfer of Functions (Arts, Libraries and National Heritage) Order 1981) shall be construed in relation to the Library Advisory Council for England as if the reference to a Department of the Secretary of State were a reference to the Office of the Lord President.

11.—(1) Subject to any express amendment made by this Order, 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 the Secretary of State or to his Department or to an officer of his (including any reference which is to be construed as such a reference) were a reference to the Lord President or to his Office or to an officer of his, as the case may require.

(2) This Order shall not affect the validity of anything done (or having effect as if done) by or in relation to the 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 the Secretary of State may, if it relates to any functions transferred by this Order, be continued by or in relation to the Lord President or, as the case may be, the Lord President and the Secretary of State.

(3) Any authority, approval, consent or direction given (or having effect as if given) or other thing whatsoever done (or having effect as if done) by the Secretary of State for the purpose of any functions transferred by this Order, if in force at the coming into operation of this Order, shall have

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effect, so far as required for continuing its effect after the coming into operation of this Order, as if made or done by the Lord President or the Lord President and the Secretary of State.

(4) In relation to the transfers effected by Article 2(3) or 7 above, 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

## SCHEDULE 1

Article 2

### 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).
- 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 (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.
- 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. 18)), Article 5.
- Theatres Trust Act 1976 (c. 27), the Schedule.
- Public Lending Right Act 1979 (c. 10).
- National Heritage Act 1983 (c. 47), sections 1 to 16 and Parts I and II of Schedule 1.

#### 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 and Television School.
- The National Theatre Board.
- The Science Museum.
- The South Bank Theatre Board.
- The Victoria and Albert Museum.

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## SCHEDULE 2

Article 10

### CONSEQUENTIAL AMENDMENTS

1.—(1) Paragraph 17 of Schedule 4 to the Finance Act 1975<sup>(3)</sup> shall be amended as follows.

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

(3) In sub-paragraph (3), for “the Secretary of State”, in the second place where it occurs, substitute “the Ministers”.

(4) In sub-paragraph (4), for “the Secretary of State”, wherever occurring, substitute “the Ministers”.

(5) In sub-paragraph (5), after “In this paragraph” insert ““the Ministers” means the Secretary of State and the Lord President of the Council and”.

2.—(1) The National Heritage Act 1980<sup>(4)</sup> shall be amended as follows.

(2) In sections 2(1), 7(1) and (2), 8(1), 9(5) and (6), 10(1), (2) and (3) and 12(2) and in paragraphs 5(2), 6 and 7(4) of Schedule 1, for “the Secretary of State”, wherever occurring, substitute “the Ministers”.

(3) In sections 4(3), 5(3), 9(1) and (3) and 16(1), (2)(e) and (5), for “the Secretary of State”, wherever occurring, substitute “either of the Ministers”.

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

(5) In section 9(2), for “the Secretary of State”, in the first place where it occurs, substitute “either Minister”.

(6) In section 9(4), for “the Secretary of State”, substitute—

(a) in the first place where it occurs, “Either of the Ministers”;

(b) in the second place where it occurs, “the Ministers”; and

(c) in the third place where it occurs, “the Minister”.

(7) In section 14(1), for “the Secretary of State” substitute “the Ministers or either of them”.

(8) In section 16—

(a) in subsections (3) and (4), for “The Secretary of State shall not” substitute “Neither of the Ministers shall”; and

(b) in subsection (4), for “the Secretary of State”, in the second place where it occurs, substitute “the Minister”.

(9) In section 18(2), at the end insert the following definition:—

““the Ministers” means the Secretary of State and the Lord President of the Council.”

<sup>(3)</sup> paragraph 17 was amended by section 124 of the Finance Act 1976 (c. 40) and by S.I. 1981/207, Sch. 2.

<sup>(4)</sup> the Act was amended by S.I. 1981/207, Sch. 2.

## EXPLANATORY NOTE

This Order relates to certain functions exercisable by the Secretary of State for Education and Science in respect of the arts, libraries and museums and the national heritage.

It transfers to the Lord President of the Council—

- (a) functions under specified enactments (Articles 2(1) and (3)(a) and (b), 3(3), 4(1) and (2), 5 and 6(1) and Part I of Schedule 1) and
- (b) functions in relation to the following institutions, namely, the Arts Council of Great Britain, the British Film Institute, the Crafts Council, the Corporation of the Hall of Arts and Sciences, the National Film and Television School, the National Theatre Board, the Science Museum, the South Bank Theatre Board and the Victoria and Albert Museum (Article 2(2) and (3)(c) and Part II of Schedule 1).

Functions under other specified enactments are transferred so as to be exercisable by one of Her Majesty's Principal Secretaries of State and the Lord President either jointly (Article 3(1)) or concurrently (Articles 3(2), 4(3) and 6(2))