
STATUTORY INSTRUMENTS

1985 No. 1778

MINISTERS OF THE CROWN

**The Transfer of Functions (Tourism and Small Businesses) Order
1985**

<i>Made - - - -</i>	<i>18th November 1985</i>
<i>Laid before Parliament</i>	<i>26th November 1985</i>
<i>Coming into Operation</i>	<i>16th December 1985</i>

At the Court at Buckingham Palace, the 18th day of November 1985

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1 and 2 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 (Tourism and Small Businesses) Order 1985.

(2) In this Order “the tourism and small businesses functions” means such functions of the Secretary of State relating to tourism and small businesses as—

- (a) were exercisable before 2nd September 1985 by the Secretary of State for Trade and Industry; and
- (b) have been entrusted, before the making of this Order, to the Secretary of State for Employment;

and any reference in this Order to the transfer of those functions shall be construed accordingly.

(3) This Order shall come into operation on 16th December 1985.

Transfer of functions and property

2.—(1) There are hereby transferred to the Secretary of State—

- (a) the functions of the Secretary of State for Trade and Industry and of the Board of Trade under the Development of Tourism Act 1969(b) (which are exercisable concurrently); and
- (b) the functions of the Secretary of State for Trade and Industry under Article 7 of the Tourism (Sleeping Accommodation Price Display) Order 1977(c).

(a) 1975 c.26.

(b) 1969 c.51, amended by S.I. 1970/1537, Schedule 2, paragraph 12 and by S.I. 1974/692 and 1983/1127.

(c) S.I. 1977/1877, amended by S.I. 1983/1127.

(2) There are hereby transferred to the Secretary of State for Employment all property, rights and liabilities to which the Secretary of State for Trade and Industry was, immediately before the coming into operation of this Order, entitled or subject in connection with any of the tourism and small businesses functions.

Supplemental

3.—(1) The Development of Tourism Act 1969 shall have effect, so far as may be necessary for the purpose or in consequence of the transfer of functions effected by Article 2(1) above, as if references in that Act to the Board of Trade or the Secretary of State for Trade and Industry were references to the Secretary of State.

(2) The Tourism (Sleeping Accommodation Price Display) Order 1977 shall have effect as if the reference in Article 7 of the Order to the Secretary of State for Trade and Industry were a reference to the Secretary of State.

4.—(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 the Order.

(2) Anything which at the coming into operation of this Order is in the process of being done by or in relation to the Secretary of State for Trade and Industry or his Department (including in particular any legal proceedings) may, if it relates—

(a) to any of the functions transferred by Article 2(1) above; or

(b) to any of the tourism and small businesses functions or any property, rights or liabilities transferred by Article 2(2) above,

be continued by or in relation to the relevant Minister or, as the case may be, the Department of Employment.

(3) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by the Secretary of State for Trade and Industry or the Board of Trade in connection with—

(a) any of the functions transferred by Article 2(1) above; or

(b) any of the tourism and small businesses functions or any property, rights or liabilities transferred by Article 2(2) above,

and any authorisation, requirement or appointment which has effect as if so given, imposed or made shall have effect, so far as may be necessary for continuing its effect, as if given, imposed or made by the relevant Minister.

(4) Subject to Article 3(2) above, any instrument or contract made before the coming into force of this Order shall have effect, so far as may be necessary for the purpose or in consequence of—

(a) the transfer of functions effected by Article 2(1) above; or

(b) the transfer of any of the tourism and small businesses functions or the transfer by Article 2(2) above of any property, rights or liabilities,

as if any reference to the Secretary of State for Trade and Industry or to his Department or to any officer of his (including a reference which is to be construed as such a reference) were a reference to the relevant Minister or to the Department of Employment or to an officer of the Secretary of State for Employment, as the case may be.

(5) In this Article “the relevant Minister”—

- (a) in relation to any of the functions transferred by Article 2(1) above, means the Secretary of State; and
- (b) in relation to any of the tourism and small businesses functions or any property, rights or liabilities transferred by Article 2(2) above, means the Secretary of State for Employment.

5. Documents or forms printed for use in connection with any of the tourism or small businesses functions may be so used notwithstanding that they contain, or are to be construed as containing, references to the Secretary of State for Trade and Industry; and those references shall be construed as references to the Secretary of State for Employment.

G.I. de Deney,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order:—

(a) transfers to the Secretary of State the functions of the Secretary of State for Trade and Industry and the Board of Trade under the Development of Tourism Act 1969 and subordinate legislation made under that Act; and

(b) transfers to the Secretary of State for Employment the property, rights and liabilities to which the Secretary of State for Trade and Industry was entitled or subject in connection with the functions exercisable by him in relation to tourism and small businesses before 2nd September 1985 and entrusted before the making of the Order to the Secretary of State for Employment.

This Order also makes supplemental and consequential provision in relation to such transfers.

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