

## 1986 No. 600

## MINISTERS OF THE CROWN

**The Transfer of Functions (Arts, Libraries and National Heritage) Order 1986**

<i>Made - - - -</i>	<i>26th March 1986</i>
<i>Laid before Parliament</i>	<i>8th April 1986</i>
<i>Coming into Operation</i>	<i>29th April 1986</i>

At the Court at Buckingham Palace, the 26th day of March 1986  
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 1986.

(2) In this Order—

“the 1984 Order” means the Transfer of Functions (Arts, Libraries and National Heritage) Order 1984(b);

“the Chancellor” means the Chancellor of the Duchy of Lancaster;

“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 29th April 1986.

*Transfer of functions*

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

(3) The functions under the deed of 27th February 1981 concerning the Royal Opera House Development Land Trust which were transferred to the

(a) 1975 c.26.

(b) S.I. 1984/1814.

Chancellor by Article 2(3) of the 1984 Order are hereby transferred to the Lord President.

(4) The functions of the Secretary of State and of the Board of Trade under section 15(5) of the Copyright Act 1911 (a) are hereby transferred to the Lord President.

*Trusteeships and other property*

3.—(1) 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 3(1) of the 1984 Order, 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 the Chancellor as trustee of that property.

(2) The property in the chattels vested in the Chancellor by virtue of the Wellington Museum Act 1947 (b) and Article 3(2) of the 1984 Order is hereby transferred to the Lord President.

*Supplemental*

4. The Documentary Evidence Act 1868 (c) 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.

5. In Note 2 to Schedule 2 to the Parliamentary Commissioner Act 1967 (d) (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".

6.—(1) The consequential amendment and repeals specified in Schedule 2 to this Order shall have effect.

(2) Section 2(2) of the Public Libraries and Museums Act 1964 (e) (as amended by the Transfer of Functions (Arts, Libraries and National Heritage) Order 1981 (f)) 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.

7.—(1) Subject to any express repeal 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 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 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 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

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(a) 1911 c.46.  
(d) 1967 c.13.

(b) 1947 c.46.  
(e) 1964 c.75.

(c) 1868 c.37.  
(f) S.I. 1981/207.

Chancellor may, if it relates to any functions transferred by this Order, be continued by or in relation to the Lord President.

(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 Chancellor for the purpose of any functions transferred by this Order, if in force at the coming into operation of this Order, shall have 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.

(4) Any regulations made by the Board of Trade under section 15(5) of the Copyright Act 1911 and in force at the coming into operation of this Order shall continue in force as if made by the Lord President.

*G. I. de Doney,*  
Clerk of the Privy Council.

Article 2

SCHEDULE 1

FUNCTIONS TRANSFERRED

PART I

ENACTMENTS

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.

Wellington Museum Act 1947 (c.46).

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.

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. 18)), 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).  
National Heritage Act 1983 (c.47), sections 1 to 16 and Parts I and II of Schedule 1.  
Capital Transfer Tax Act 1984 (c.51), section 230.  
Local Government Act 1985 (c.51), sections 46 and 47.

## PART II

### INSTITUTIONS

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

## SCHEDULE 2

Article 6(1)

### CONSEQUENTIAL AMENDMENT AND REPEALS

1. In section 15(5) of the Copyright Act 1911, for the words from “made by” onwards substitute “made by the Lord President of the Council.”
- 2.—(1) Articles 4, 5 and 6(2) of the 1984 Order are revoked.  
(2) Sub-paragraph (1) does not affect the operation of Article 4 of the 1984 Order in relation to documents issued before the coming into operation of this Order.

## EXPLANATORY NOTE

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

This Order transfers to the Lord President of the Council functions presently exercised by the Chancellor of the Duchy of Lancaster—

- (a)* under specified enactments relating to the arts, to libraries and museums and to the national heritage (*Article 2(1) and Part I of Schedule 1*);
- (b)* in relation to the following institutions, namely the Arts Council of Great Britain, the British Film Institute, the Corporation of the Hall of Arts and Sciences, the Crafts Council, 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 Part II of Schedule 1*); and
- (c)* under a deed relating to the development of land adjacent to the Royal Opera House, Covent Garden (*Article 2(3)*).

It also transfers to the Lord President the functions presently exercisable concurrently by the Secretary of State and the Board of Trade with respect to the making of regulations under section 15(5) of the Copyright Act 1911 (*Article 2(4)*).

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