Spent - see S.I. 1953/403.

The Defence Regulations (No. 3) Order, 1949

1949 No. 2350

Made - - - -	21*st December*, 1949
Laid before Parliament	22*nd December*, 1949
Coming into Operation	1*st January*, 1950

At the Court at Buckingham Palace, the 21st day of December, 1949

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section three of the Supplies and Services (Transitional Powers) Act, 1945(a), and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. Regulation sixty-eight of the Defence (General) Regulations, 1939, which, as modified by the Transfer of Functions (Various Commodities) Order, 1946(b), enables the Board of Trade to provide for regulating and restricting the felling of trees and the sale of growing trees for felling, shall be amended as follows:—

(*a*) in paragraph (1) for the word "his" there shall be substituted the word "their" and for the words "the Board of Trade" there shall be substituted the words "the Ministers";

(*b*) in paragraph (2) for the words "United Kingdom" there shall be substituted the words "part of the United Kingdom concerned";

(*c*) in paragraph (3) for the words "the Board of Trade" in the first place where those words occur, there shall be substituted the words "the appropriate Minister" and for the said words where they occur for the second and third time in the said paragraph, there shall be substituted the words "the Minister";

(*d*) in paragraph (4) for the words "the Board of Trade" there shall be substituted the words "the appropriate Minister", for the words "the Board" there shall be substituted the word "he", for the words "the Board's" there shall be substituted the word "his" and at the end of the said paragraph there shall be added the following proviso:—

"Provided that this paragraph shall not apply to Northern Ireland";

(*e*) after the said paragraph (4) there shall be added the following paragraph—

"(5) In this Regulation—

the expression 'the Ministers' means, as respects Great Britain, the Minister of Agriculture and Fisheries and the Secretary of State concerned with agriculture in Scotland acting jointly, and, as respects Northern Ireland, the Secretary of State concerned with agriculture in Northern Ireland;

the expression 'the appropriate Minister' means—

(*a*) as respects England and Wales, the Minister of Agriculture and Fisheries,

(a) 9 & 10 Geo. 6. c. 10. (b) S.R. & O. 1946 (No. 378) I, p. 1015.

(*b*) as respects Scotland, the Secretary of State concerned with agriculture in Scotland, and

(*c*) as respects Northern Ireland, the Ministry of Agriculture for Northern Ireland."

2.—(1) In the construction and for the purposes of any order, deed, contract or other document made before the coming into operation of this Order, any reference to, or which is to be construed as a reference to, the Board of Trade or the Board's officers or Department, shall, so far only as may be necessary for the purpose or in consequence of the amendments in the said Regulation sixty-eight effected by this Order, be construed as a reference to the appropriate Minister or his officers or Department.

(2) The amendments in the said Regulation sixty-eight effected by this Order shall not prejudice the operation of any order, direction, instruction, approval, requirement or authorisation made or given or other thing done by the Board of Trade under the said Regulation and before the coming into operation of this Order, but any such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given, or done under the said Regulation as amended by this Order.

(3) Anything commenced before the coming into operation of this Order by or under the authority of the Board of Trade may, so far as it relates to any function exercisable under the said Regulation sixty-eight be carried on or completed by or under the authority of the appropriate Minister.

(4) Where at the coming into operation of this Order any legal proceeding is pending to which the Board of Trade is a party, and the proceeding has reference to any functions exercisable under the said Regulation sixty-eight, the appropriate Minister shall be substituted in the proceeding for the Board of Trade, and the proceeding shall not abate by reason of the substitution.

(5) In this Article the expression " the appropriate Minister " has the same meaning as in the said Regulation sixty-eight as amended by this Order.

3. This Order may be cited as the Defence Regulations (No. 3) Order, 1949, and shall come into operation on the first day of January, nineteen hundred and fifty.

E. C. E. Leadbitter.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under Defence Regulation 68 (as amended), the Board of Trade has power to control the felling and sale for felling of growing trees, and the prices at which growing trees may be sold for felling. There is also power under this Regulation for the Board of Trade to take any necessary steps to identify (by marking or otherwise) any tree subject to control as aforesaid, and in certain circumstances to cause any growing trees to be felled. The exercise of these latter powers may be delegated, under the Regulation, to the Forestry Commissioners.

By virtue of the present Order in Council which comes into operation on 1st January, 1950, the powers of the Board of Trade under the above-mentioned Regulation are transferred (*a*) to the Minister of Agriculture and

Fisheries and the Secretary of State for Scotland (acting jointly for Great Britain, so far as concerns the making of orders controlling the felling and sale for felling of growing trees; and acting severally for England and Wales and for Scotland respectively, so far as concerns the powers of identifying and felling trees, and delegation to the Forestry Commissioners), and (*b*) to the Home Secretary or the Ministry of Agriculture for Northern Ireland—the former in respect of the power to make orders controlling the felling and sale for felling of growing trees in Northern Ireland, the latter in respect of the powers to identify and to fell growing trees in Northern Ireland. The power to delegate to the Forestry Commissioners is not applied to Northern Ireland.

This Order in Council does not affect the existing powers of the Board of Trade to control home-grown timber in the log, which arises under Defence Regulation 55 (as amended).

2. ORDERS, &c., UNDER DEFENCE REGULATIONS

(1) *Agriculture*, p. 23.
(2) *Apparel and Textiles*, p. 41.
(3) *Binder Twine*, p. 208.
(4) *Bolts, Nuts, &c.*, p. 209.
(5) *Building Operations*, p. 216.
(6) *Casein*, p. 219.
(7) *Check Trading*, p. 219.
(8) *Coal*, p. 220.
(9) *Coal Tar*, p. 225.
(10) *Consumer Rationing*, p. 226.
(11) *Containers and Packaging*, p. 228.
(12) *Contractors' Plant*, p. 233.
(13) *Copper, Lead and Zinc*, p. 234.
(14) *Cotton Industry*, p. 236.
(15) *Cutlery, Spoons and Forks*, p. 239.
(16) *Diamonds*, p. 239.
(17) *Dustbins*, p. 240.
(18) *Electricity*, p. 241.
(19) *Employment*, p. 245.
(20) *Encouragement of Exports*, p. 247.
(21) *Fertilisers*, p. 248.
(22) *Flax*, p. 250.
(23) *Food Control*, p. 251.
(24) *Furniture*, p. 567.
(25) *Gas*, p. 575.
(26) *Growing Trees and Home-Grown Round Timber in the Log*, p. 577.
(27) *Iron and Steel*, p. 578.
(28) *Jute*, p. 594.
(29) *Leather*, p. 598.
(30) *Matches*, p. 600.
(31) *Molasses*, p. 603.
(32) *Motor Fuel*, p. 606.
(33) *Narrow and Other Fabrics*, p. 611.
(34) *Navigation and Shipping*, p. 612.
(35) *Paper*, p. 620.
(36) *Pencils*, p. 629.
(37) *Plant (Rates of Hire)*, p. 630.
(38) *Road Traffic and Vehicles*, p. 636.
(39) *Rubber Gloves*, p. 658.
(40) *Sales by Auction and Tender*, p. 658.
(41) *Salvage of Waste Materials*, p. 661.
(42) *Sanitary Fireclay Ware*, p. 661.
(43) *Silk Bolting Cloth*, p. 662.
(44) *Soap and Soap Substitutes*, p. 663.
(45) *Sulphur*, p. 677.
(46) *Sulphuric Acid*, p. 679.
(47) *Timber*, p. 680.
(48) *Tin*, p. 706.
(49) *Willow Rods and Sticks*, p. 706.
(50) *Wiping Rags*, p. 707.
(51) *Wool*, p. 708.
(52) *Wool-Rags and Wool Wastes*, p. 709.