1964 No. 489

MINISTERS OF THE CROWN

The Defence (Transfer of Functions) (No. 2) Order 1964

Made - - - -	*26th March* 1964
Laid before Parliament	*31st March* 1964
Coming into Operation	*1st April* 1964

At the Court at Buckingham Palace, the 26th day of March 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1(7) and 3(1) of the Defence (Transfer of Functions) Act 1964(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 Defence (Transfer of Functions) (No. 2) Order 1964.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on the 1st April 1964, being the appointed day for the purposes of the Defence (Transfer of Functions) Act 1964.

Amendments and revocations of instruments

2.—(1) In the instruments mentioned in Part I of the Schedule to this Order there shall be made the amendments specified in relation to them in the second column of the Schedule.

(2) The instruments mentioned in Part II of the Schedule to this Order shall be revoked to the extent specified in the third column of the Schedule.

W. G. Agnew.

(a) 1964 c. 15. (b) 52 & 53 Vict. c. 63.

SCHEDULE

AMENDMENTS AND REVOCATIONS OF INSTRUMENTS

PART I

AMENDMENTS

Instrument	*Amendment*
Order in Council making Regulations as to Registration as British Ships of Vessels in the Service of the Admiralty, S.R. & O. 1911/338 (Rev. XIV, p. 51: 1911, p. 238).	For references to the service of the Admiralty there shall be substituted references to the service of the Ministry of Defence, and save as is otherwise hereinafter provided, for references to the Admiralty, and for references to the Lords Commissioners of the Admiralty, there shall be substituted references to the Secretary of State for Defence. In Article 1— (*a*) for the words from "the Secretary or Assistant Secretary" to the words "of the Admiralty)" there shall be substituted the words "an Under Secretary of State of the Ministry of Defence". (*b*) for the words "by or for the Admiralty", in both places there shall be substituted the words "by or for the Ministry of Defence". In Article 2, for the reference to the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland there shall be substituted a reference to the Secretary of State for Defence. In Article 4, for the words from "any two of" to the words "the transferors" there shall be substituted the words "the Secretary of State for Defence shall be the transferor". In Article 5, for the words "the Secretary or Assistant Secretary of the Lords Commissioners of the Admiralty" there shall be substituted the words "an Under Secretary of State of the Ministry of Defence". In Article 6, for the reference to the Secretary of the Admiralty there shall be substituted a reference to the Secretary of State for Defence.
The Royal Warrant dated the 29th January 1929 providing for the restoration of forfeited Air Force pensions.	For the words "who is President of the Air Council" there shall be substituted the words "for Defence".
The Motor Vehicles (Variation of Speed Limit) Regulations 1947, S.R. & O. 1947/2192 (Rev. XX, p. 380: 1947 I, p. 1982).	In Regulation 3, for the words "the Admiralty, the War Department or the Air Ministry" there shall be substituted the words "the Secretary of State for Defence".

Instrument	*Amendment*
The National Insurance (Members of the Forces) Regulations 1949, as amended by the National Insurance (Members of the Forces) Amendment Regulations 1961, S.I. 1949/875, 1961/2352 (1949 I, p. 2731; 1961 III, p. 4345).	In Regulation 5A(2), for the words "force or organisation under the control of the Admiralty" there shall be substituted the words "naval or marine force or organisation mentioned in the said First Schedule".
The National Service (Transfer during Part-time Service) Regulations 1949, S.I. 1949/1447 (1949 I, p. 2818).	For Regulation 4 there shall be substituted the following Regulation:— "4. Any direction which under these Regulations may be given by the Defence Council may be given by any person authorised by the Defence Council to give that direction.". For Regulations 5, 6 and 7 there shall be substituted the following Regulation:— "5. A national service man serving in the Royal Naval Special Reserve, the Territorial Army, the Army Reserve or the Air Force Reserve may, if the Defence Council so direct, be transferred to another of those forces.". In Regulation 8, for the words "paragraphs 5, 6 or 7" there shall be substituted the words "Regulation 5". For Regulations 9, 10 and 11 there shall be substituted the following Regulation:— "9. A volunteer serving in the Royal Naval Reserve, the Royal Naval Volunteer Reserve, the Royal Marine Forces Volunteer Reserve, the Territorial Army, the Army Reserve, the Royal Air Force Volunteer Reserve or the Royal Auxiliary Air Force may at his request, and if the Defence Council so direct, be transferred to serve as a volunteer in another of those forces.". In Regulation 12, for the words "paragraphs 9, 10 or 11" there shall be substituted the words "Regulation 9".
The Courts-Martial Appeal Rules 1952, S.I. 1952/194 (1952 I, p. 648).	In Rules 3 and 6(1), for the words "appropriate authority", there shall be substituted the words "Defence Council". In Rule 9, for the word "Admiralty", in both places there shall be substituted the words "Defence Council". In Rule 12, the words "Admiralty or" shall be omitted. In Rule 17, the words "the Admiralty or" shall be omitted. In Rule 18(2), for the words "Admiralty or Secretary of State as the case may be", in both places there shall be substituted the words "Secretary of State".

Instrument	*Amendment*
Rules of Procedure (Army) 1956, S.I. 1956/162 (1956 I, p. 213).	In Rule 101(2) the words "to the Army Council" shall be omitted. In Schedule 7 in the form of "Appeal Petition to the Army Council (after promulgation)" in the title and in the form for the words "Army Council" there shall be substituted the words "Army Board" and the following note shall be inserted at the end of the form— "The appeal petition may if desired be addressed to the Defence Council. The Army Board is however empowered to deal with appeal petitions even if they are so addressed (s. 1(5) Defence (Transfer of Functions) Act 1964).".
Rules of Procedure (Air Force) 1956, S.I. 1956/163 (1956 II, p. 2020).	In Rule 101(2) the words "to the Air Council" shall be omitted. In Schedule 7 in the form of "Appeal Petition to the Air Council (after promulgation)" in the title and in the form for the words "Air Council" there shall be substituted the words "Air Force Board" and the following note shall be inserted at the end of the form— "The appeal petition may if desired be addressed to the Defence Council. The Air Force Board is however empowered to deal with appeal petitions even if they are so addressed (s. 1(5) Defence (Transfer of Functions) Act 1964).".
The Navy and Marines (Property of Deceased) Order 1956, S.I. 1956/1217 (1956 II, p. 2176).	In Article 6, for the words "stamped with the official seal of the Admiralty" there shall be substituted the words "officially stamped".
The Imprisonment and Detention (Army) Rules 1956, S.I. 1956/1914 (1956 I, p. 310).	In Rule 2(2)— (*a*) in the definition of "air-force establishment" for the words "for Air" there shall be substituted the words "maintained for the air force service"; (*b*) in the definition of "naval establishment" for the word "Admiralty" there shall be substituted the words "Secretary of State maintained for the naval service".
The Imprisonment and Detention (Air Force) Rules 1956, S.I. 1956/1981 (1956 II, p. 2118).	In Rule 2 (2)— (*a*) in the definition of "military establishment" for the words "for War" there shall be substituted the words "maintained for the military service"; (*b*) in the definition of "naval establishment" for the word "Admiralty" there shall be substituted the words "Secretary of State maintained for the naval service".

Instrument	*Amendment*
The Naval Courts-Martial (Procedure) Order 1957, S.I. 1957/2225 (1957 II, p. 2198).	For each reference to the Admiralty a reference to the Defence Council shall be substituted, and in Article 2240 of the Schedule the references to Queen's Regulations and Admiralty Instructions and to Admiralty Fleet Orders shall include references to Queen's Regulations for the naval forces and to Defence Council Instructions.
The Naval Detention Quarters Rules 1959, S.I. 1959/61 (1959 II, p. 2436).	In Rule 2(2), in the definitions of "naval detention quarters" and "commanding officer", and in Rules 5, 6, 37 and 90, for the references to the Admiralty there shall be substituted references to the Secretary of State. In Rules 40 and 42 the words "and Admiralty Instructions" shall be omitted. Save as aforesaid for references to the Admiralty there shall be substituted references to the Defence Council.
The Execution of Sentences of Death (Navy) Regulations 1959, S.I. 1959/62 (1959 II, p. 2427).	In Regulations 5(1) and 11(2), for the references to the Admiralty there shall be substituted references to the Defence Council.
The Air Navigation (Investigation of Combined Military and Civil Air Accidents) Regulations 1959 as amended by the Air Navigation (Investigation of Combined Military and Civil Air Accidents) (Amendment) Regulations 1960, S.I. 1959/1388, 1960/1526 (1959 I, p. 671; 1960 I, p. 708).	In Regulation 3(2)(*c*) the words "the Admiralty," shall be omitted. In Regulation 4, the words "any one or more of the following authorities, that is to say, the Admiralty," shall be omitted in both places and for the words "acting jointly with any one or more of them, the Admiralty," there shall be substituted the words "acting jointly with".
The Air Navigation Order 1960, S.I. 1960/972 (1960 I, p. 599).	In Articles 56(3) and 77(4), for the reference to Air Ministry Flying Orders there shall be substituted a reference to Ministry of Defence Flying Orders.
The Teachers Superannuation (Royal Air Force (Civilian)) Scheme 1961, S.I. 1961/2418 (1961 III, p. 4468).	In Clause 2(2), for the definition of "Royal Air Force teaching service" there shall be substituted the following definition:— "'Royal Air Force teaching service' means full-time service in the employment of the Ministry of Defence in the capacity of a civilian teacher with the Royal Air Force.".
The Road Vehicles Lighting Regulations 1964, S.I. 1964/205 (1964 I, p. 345).	In Regulation 8(2)(*b*), for the words "the Admiralty, the War Department, the Air Ministry" there shall be substituted the words "the Secretary of State for Defence".

PART II

REVOCATIONS

Reference	*Title or Description*	*Extent of Revocation*
S.R. & O. 1918/658 (Rev. XIV, p. 67: 1918 I, p. 525).	Order in Council making Regulations as to Registration as British Ships of Vessels in the Service of the War Department.	The whole
S.R. & O. 1925/510 (Rev. XIV, p. 57: 1925, p. 1076).	The Air Council Ships (Application of Enactments) Order 1925.	The whole
S.R. & O. 1938/136 (Rev. I, p. 1329: 1938 I, p. 72).	The Aircraft (Wreck and Salvage) Order 1938.	Article 2(*i*)
S.I. 1951/144 (1951 I, p. 64).	The Air Council (Membership, Business, &c.) Order 1951.	The whole

EXPLANATORY NOTE

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

This Order makes adaptations in legislative instruments which arise out of the transfers of functions and property effected by the Defence (Transfer of Functions) Act 1964 or out of the re-organisation of the Defence Departments referred to in that Act. The Order also repeals provisions no longer required.