STATUTORY INSTRUMENTS

1965 No. 143

MINISTERS OF THE CROWN

The Minister of Land and Natural Resources Order 1965

Made - - - -	*29th January* 1965
Laid before Parliament	*4th February* 1965
Coming into Operation	*5th February* 1965

At the Court at Buckingham Palace, the 29th day of January 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946(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 Minister of Land and Natural Resources Order 1965.

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

(3) Any reference in this Order to an enactment is a reference thereto as amended, and includes a reference thereto as applied, by or under any other enactment.

(4) This Order shall come into operation on 5th February 1965.

Transfer of functions

2.—(1) There are hereby transferred to the Minister of Land and Natural Resources the functions of the Minister of Agriculture, Fisheries and Food under—

(*a*) the Allotments Acts 1908 to 1950(c), and the provisions of the Small Holdings and Allotments Act 1926(d) which relate to allotments;

(*b*) the enactments specified in the Schedule to this Order (which relate to commons, to the exchange of lands, and to the apportionment and redemption of rents), and any provision relating to commons of a local Act or provisional order or scheme, including a provision whereby the

(a) 9 & 10 Geo. 6. c. 31.
(b) 52 & 53 Vict. c. 63.
(c) These consist of: the provisions of 8 Edw. 7. c. 36 and 9 & 10 Geo. 5. c. 59 which relate to allotments; 12 & 13 Geo. 5. c. 51; 15 & 16 Geo. 5. c. 61; so much of Part II of 21 & 22 Geo. 5. c. 41 as relates to allotments; 14 Geo. 6. c. 31.
(d) 16 & 17 Geo. 5. c. 52.

consent of the Minister of Agriculture, Fisheries and Food is required for any dealing with land which consists or forms part of a common, or formerly consisted or formed part of a common;

(*c*) the Glebe Lands Act 1888(a).

(2) There are hereby transferred to the Minister of Land and Natural Resources the functions of the Minister of Housing and Local Government under—

(*a*) the following provisions of the National Parks and Access to the Countryside Act 1949(b), that is to say—

(i) Part II (National Parks) other than sections 6(4)(*f*) and (*h*) and 9(2); sections 51 to 55 (long-distance routes); and so much of Part V (access to open country) other than provisions authorising the making of regulations and Part VI (general, financial and supplementary) other than sections 95, 97, 103 and 105, as is applicable in relation to land in National Parks; but excluding the aforesaid provisions in so far as they apply to Wales and Monmouthshire;

(ii) sections 2, 4 and 95(2) (appointment, etc., of National Parks Commission);

(iii) section 3 (directions to National Parks Commission), so far as applicable for the purposes of any provision included in paragraph (i) above or any such provision in so far as it applies to Wales and Monmouthshire;

(iv) sections 6(4)(*h*), 103 and 105, so far as applicable for the purposes of any provision included in paragraph (i) above;

(*b*) section 13 of the Forestry Act 1951(c) and section 29 of the Town and Country Planning Act 1962(d) (tree preservation orders); and the provisions of sections 3, 207, 211, 213, 215 and 217 of the said Act of 1962 so far as applicable in relation to tree preservation orders; but excluding the aforesaid provisions in so far as they apply to Wales and Monmouthshire.

(3) The reference in paragraph (2)(*a*)(i) above to land in National Parks shall include any such land as the following, namely,—

(*a*) land proposed to be acquired for the purposes of section 12 of the National Parks and Access to the Countryside Act 1949, being land in the neighbourhood of a National Park;

(*b*) land proposed to be included in an access agreement or order under section 64 or 65 of the said Act of 1949, or proposed to be acquired for the purposes of section 76 thereof, being in either case land any part of which is in a National Park.

(4) In section 95 of the National Parks and Access to the Countryside Act 1949 the following shall be substituted for subsection (1)—

"(1) The expenses of the Commission incurred in accordance with proposals approved by the Minister of Housing and Local Government or the Minister of Land and Natural Resources shall be defrayed by the Minister of Land and Natural Resources."

(5) The power to make regulations conferred by subsection (1) of section 97 of the National Parks and Access to the Countryside Act 1949 shall be exercisable by the Minister of Housing and Local Government and the

(a) 51 & 52 Vict. c. 20. (b) 12, 13 & 14 Geo. 6. c. 97. (c) 14 & 15 Geo. 6. c. 61. (d) 10 & 11 Eliz. 2. c. 38.

Minister of Land and Natural Resources acting jointly, and, except in relation to Wales and Monmouthshire,—

(*a*) the second reference in that subsection, and the reference in subsection (3) of that section, to the Minister of Housing and Local Government shall be construed as a reference to that Minister or the Minister of Land and Natural Resources;

(*b*) the reference in the proviso to subsection (2) of that section to the Minister of Housing and Local Government shall be construed as a reference to the Minister of Land and Natural Resources.

(6) With the functions hereby transferred, there are also hereby transferred to the Minister of Land and Natural Resources all property, rights and liabilities to which the Minister of Agriculture, Fisheries and Food and the Minister of Housing and Local Government were, in connection with any of those functions, respectively entitled or subject immediately before the coming into operation of this Order.

Amendment of enactments and instruments

3.—(1) Any enactment or instrument in force at the coming into operation of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the foregoing provisions of this Order, as if—

(*a*) for any reference to the Minister of Agriculture, Fisheries and Food or the Minister of Housing and Local Government (including any reference which is to be construed as such a reference) there were substituted a reference to the Minister of Land and Natural Resources; and

(*b*) for any reference to the Ministry of Agriculture, Fisheries and Food or the Ministry of Housing and Local Government or any officer of either of those Ministries or of the Minister thereof (including any reference which is to be construed as such a reference) there were substituted a reference to the Ministry of Land and Natural Resources or, as the case may be, an officer of that Ministry.

(2) Without prejudice to the generality of paragraph (1) of this Article, references in section 24(4) of the Small Holdings and Allotments Act 1908(**a**) and section 20 of the Allotments Act 1922(**b**) which have effect as references to such officers of the Ministry of Agriculture, Fisheries and Food as the Minister thereof may appoint shall be construed as references to such officers of the Ministry of Land and Natural Resources as the Minister thereof may appoint.

(3) In this Article " instrument " (without prejudice to the generality of that expression) includes in particular Orders in Council, judgments, decrees, orders, rules, regulations, byelaws, awards, covenants, agreements, certificates and other documents.

Supplemental

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Minister of Agriculture, Fisheries and Food or the Minister of Housing and Local Government 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 that Minister (including in particular any legal proceedings pending to which he is a party) may, if

(**a**) 8 Edw. 7 c. 36. (**b**) 12 & 13 Geo. 5. c. 51.

it relates to any functions, property, rights or liabilities transferred by this Order, be continued by or in relation to the Minister of Land and Natural Resources.

(2) Any authority, appointment or direction given or made by the Minister of Agriculture, Fisheries and Food or the Minister of Housing and Local Government in the exercise of any functions transferred by this Order shall, if in force at the coming into operation of this Order, continue in force and have effect as if given or made by the Minister of Land and Natural Resources.

5. The charges coming in course of payment during the period beginning with 5th February 1965 and ending with 31st March 1965 of the services to which functions transferred by paragraphs (2) to (5) of Article 2 of this Order appertain shall be defrayed as if—

(*a*) those functions had remained functions of the Minister of Housing and Local Government exclusively; and

(*b*) anything done by or under the authority of the Minister of Land and Natural Resources in the exercise of any of those functions had been done by or under the authority of the Minister of Housing and Local Government exclusively;

and the appropriation accounts of the expenditure of grants appropriated for the services and purposes expressed in Vote 1 mentioned in Part 15 of Schedule (B) of the Appropriation Act 1964(a), or in any Vote supplementary to that Vote, shall be prepared, framed and rendered accordingly.

W. G. Agnew.

SCHEDULE

ENACTMENTS RELATING TO COMMONS, ETC.

8 & 9 Vict. c. 118.	...	The Inclosure Act 1845.
9 & 10 Vict. c. 70.	...	The Inclosure Act 1846.
10 & 11 Vict. c. 111.	...	The Inclosure Act 1847.
11 & 12 Vict. c. 99.	...	The Inclosure Act 1848.
12 & 13 Vict. c. 83.	...	The Inclosure Act 1849.
14 & 15 Vict. c. 53.	...	The Inclosure Commissioners Act 1851.
15 & 16 Vict. c. 79.	...	The Inclosure Act 1852.
17 & 18 Vict. c. 97.	...	The Inclosure Act 1854.
20 & 21 Vict. c. 31.	...	The Inclosure Act 1857.
22 & 23 Vict. c. 43.	...	The Inclosure Act 1859.
29 & 30 Vict. c. 122.	...	The Metropolitan Commons Act 1866.
31 & 32 Vict. c. 89.	...	The Inclosure, &c. Expenses Act 1868, except so far as it applies in relation to any other Act comprised in the Tithe Acts 1836 to 1951.
32 & 33 Vict. c. 107.	...	The Metropolitan Commons Amendment Act 1869.

(a) 1964 c. 62.

36 & 37 Vict. c. 19.	...	The Poor Allotments Management Act 1873, section 9.
39 & 40 Vict. c. 56.	...	The Commons Act 1876.
41 & 42 Vict. c. 56.	...	The Commons (Expenses) Act 1878.
45 & 46 Vict. c. 15.	...	The Commonable Rights Compensation Act 1882.
56 & 57 Vict. c. 57.	...	The Law of Commons Amendment Act 1893.
56 & 57 Vict. c. 73.	...	The Local Government Act 1894, section 26(2).
59 & 60 Vict. c. 48.	...	The Light Railways Act 1896, section 21.
62 & 63 Vict. c. 30.	...	The Commons Act 1899.
8 Edw. 7. c. 44.	...	The Commons Act 1908.
9 & 10 Geo. 5. c. 59.	...	The Land Settlement (Facilities) Act 1919, section 28.
15 & 16 Geo. 5. c. 20.	...	The Law of Property Act 1925, sections 191, 193 and 194.
15 & 16 Geo. 5. c. 24.	...	The Universities and College Estates Act 1925, section 42, except so far as it provides for the payment of money to the Minister of Agriculture, Fisheries and Food.
17 & 18 Geo. 5. c. 36.	...	The Landlord and Tenant Act 1927, section 20.
22 & 23 Geo. 5. c. lxiv.	...	The Kendal Corn Rent Act 1932, sections 11 and 12.
6 & 7 Geo. 6. No. 1.	...	The New Parishes Measure 1943, section 15.
9 & 10 Geo. 6. c. 49.	...	The Acquisition of Land (Authorisation Procedure) Act 1946, paragraph 11 of Schedule 1.
5 & 6 Eliz. 2. c. 56.	...	The Housing Act 1957, section 150.

EXPLANATORY NOTE

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

This Order in Council, made under the Ministers of the Crown (Transfer of Functions) Act 1946, transfers to the Minister of Land and Natural Resources the statutory functions of the Minister of Agriculture, Fisheries and Food relating to allotments, commons, exchanges of land, and apportionments and redemptions of rents, and his functions under the Glebe Lands Act 1888. The Order also transfers to the Minister of Land and Natural Resources functions of the Minister of Housing and Local Government as to the appointment, etc., of the National Parks Commission under Part I of the National Parks and Access to the Countryside Act 1949 and, in relation to England except Monmouthshire, further functions under that Act relating to National Parks and long-distance routes and under the Town and Country Planning Act 1962 and the Forestry Act 1951 relating to tree preservation orders.