STATUTORY INSTRUMENTS

1964 No. 2050

MINISTERS OF THE CROWN

The Minister of Overseas Development (No. 2) Order 1964

Made - - - -	22*nd December* 1964
Laid before Parliament	31*st December* 1964
Coming into Operation	1*st January* 1965

At the Court at Buckingham Palace, the 22nd day of December 1964

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 Overseas Development (No. 2) Order 1964.

(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 1st January 1965.

Transfer of functions

2.—(1) There are hereby transferred to the Minister of Overseas Development the functions which, under any enactment mentioned in the Schedule to this Order, are exercisable by the Secretary of State or, in pursuance of the Department of Technical Co-operation Order 1961(c), by the Secretary for Technical Co-operation concurrently with the Secretary of State.

(2) With the functions hereby transferred, there are also hereby transferred to the Minister of Overseas Development all rights and liabilities to which the Secretary of State and the Secretary for Technical Co-operation 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 Secretary of State or the Secretary for Technical Co-operation (including any reference which is to be construed

(a) 9 & 10 Geo. 6. c. 31. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1961/1501 (1961 II, p. 3053).

as such a reference) there were substituted a reference to the Minister of Overseas Development; and

(*b*) for any reference to the department of the Secretary of State or the Department of Technical Co-operation or an officer of either of those departments or of the Secretary of State or the Secretary for Technical Co-operation (including any reference which is to be construed as such a reference) there were substituted a reference to the Ministry of Overseas Development or, as the case may be, an officer of that Ministry.

(2) 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, contracts, certificates and other documents.

Supplemental

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Secretary of State or the Secretary for Technical Co-operation 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 either of them (including in particular any legal proceedings pending to which either of them is a party) may, if it relates to any functions, rights or liabilities transferred by this Order, be continued by or in relation to the Minister of Overseas Development.

(2) Any authority, appointment or direction given or made by the Secretary of State or the Secretary for Technical Co-operation 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 Overseas Development.

(3) The Department of Technical Co-operation Order 1961(**a**) is hereby revoked, but without prejudice to the operation of the Minister of Overseas Development (No. 1) Order 1964(**b**).

W. G. Agnew.

SCHEDULE Section 2.

ENACTMENTS CONFERRING FUNCTIONS TRANSFERRED

10 & 11 Geo. 6. c. 9.	The Malta (Reconstruction) Act 1947.
12, 13 & 14 Geo. 6. c. 50.	The Colonial Loans Act 1949, section 1, the following: subsection (2) and so much of subsection (3) as empowers the Secretary of State to grant approval as mentioned in paragraph (*b*) thereof.
7 & 8 Eliz. 2. c. 23.	The Overseas Resources Development Act 1959.
7 & 8 Eliz. 2. c. 71.	The Colonial Development and Welfare Act 1959, except the following in so far as they confer functions on the Secretary of State, namely— (*a*) in section 2, so much of subsection (1) as relates to the approval of development programmes and so much of subsection (3) as relates to provision for the matters referred to in paragraphs (*a*) and (*b*) thereof; (*b*) section 5.
8 & 9 Eliz. 2. c. 6.	The Commonwealth Scholarships Act 1959.
8 & 9 Eliz. 2. c. 40.	The Commonwealth Teachers Act 1960.
9 & 10 Eliz. 2. c. 1.	The Indus Basin Development Fund Act 1960.
1963 c. 40.	The Commonwealth Development Act 1963.

(**a**) S.I. 1961/1501 (1961 II, p. 3053). (**b**) S.I. 1964/1849 (1964 III, p. 4032).

EXPLANATORY NOTE

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

This Order in Council, made under section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946, transfers to the Minister of Overseas Development the functions under the Acts specified in the Schedule which are exercisable by the Secretary of State or by the Secretary of Technical Co-operation concurrently with the Secretary of State, with the exception of certain functions under section 1 of the Colonial Loans Act 1949 and sections 2 and 5 of the Colonial Development and Welfare Act 1959.