SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 23.

An Act to make provision in connection with the appointment of a Minister of Works and Planning, to provide for the transfer to that Minister of the functions and property of the Commissioners of Works, of the functions and property of the Commissioners of Public Works in Ireland, and of functions of the Minister of Health in relation to town and country planning; and for purposes connected with the matters aforesaid. [24th June 1942.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Functions of Minister of Works and Planning.

1.—(1) If His Majesty is pleased to appoint any person to be a Minister of the Crown by the name of Minister of Works and Planning, then, subject to and in accordance with the provisions of this Act, there shall be transferred to that Minister—

(*a*) all functions exercisable under any enactment by the Commissioners of Works and by the Commissioners of Public Works in Ireland;

(*b*) all property rights and liabilities held enjoyed or incurred by the Commissioners of Works and by the Commissioners of Public Works in Ireland; and

(*c*) all functions exercisable by the Minister of Health under the Town and Country Planning Act, 1932, except the functions exercisable by the Minister of Health under section thirty-two of that Act (which relates to the application of sums received by a responsible authority by way of betterment). 22 & 23 Geo. 5. c. 48.

(2) Until, by virtue of an Order in Council under this Act, the office of First Commissioner of His Majesty's Works and Public Buildings ceases to exist, any person appointed to hold office as Minister of Works and Planning shall by virtue of that office also hold office as First Commissioner of His Majesty's Works and Public Buildings.

(3) The person for the time being holding the office of Minister of Works and Planning is hereinafter referred to as "the Minister".

Oath of allegiance and official oath. 31 & 32 Vict. c. 72.

2. The Minister shall take the oath of allegiance and the official oath, and the Promissory Oaths Act, 1868, shall have effect as if the name of the Minister were included in the First Part of the Schedule to that Act.

Officers, remuneration and expenses.

3.—(1) The Minister may employ such secretaries, officers and servants as he may with the consent of the Treasury determine, and there shall be paid out of moneys provided by Parliament to the Minister and to the secretaries, officers and servants appointed by him, such salaries or remuneration as the Treasury may determine.

1 Edw. 8 and 1 Geo. 6. c. 38.

(2) For the purposes of section six of the Ministers of the Crown Act 1937 (which makes provision against duplicate salaries) an salary payable under this Act to the Minister and to any pers appointed by him to be a Parliamentary Secretary shall deemed to be a salary payable under that Act.

(3) The expenses of the Minister, to such amount as may sanctioned by the Treasury, shall be paid out of moneys provi by Parliament.

Capacity to sit in House of Commons.

4. Neither the Minister, nor any parliamentary secret appointed by the Minister shall, by reason of his office as such, incapable of being elected as a member of the Commons House Parliament, or of sitting or voting as such a member:

Provided that during any period during which the Minister is a member of that House not more than one such parliamentary secretary shall sit as a member thereof, and, during any other period, not more than two such parliamentary secretaries shall sit as members thereof.

Seal style and acts of Minister.

5.—(1) The Minister shall for all purposes be a corporation sole and shall have an official seal, which shall be authenticated by the signature of the Minister or of a secretary of the Ministry of Works and Planning or any person authorised by the Minister to act in that behalf.

(2) The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and to be sealed with the seal of

the Minister authenticated in the manner provided by this section, or to be signed by a secretary of the Ministry of Works and Planning or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(3) A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

(4) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Minister as if his name were included in the first column of the Schedule to the first-mentioned Act, and as if he or a secretary of the Ministry of Works and Planning or any person authorised by him 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 Minister. 31 & 32 Vict. c. 37. 45 & 46 Vict. c. 9.

(5) No stamp duty shall be chargeable on any instrument made by, to, or with the Minister.

Provisions as to Orders in Council.

6.—(1) The functions, property, rights and liabilities to be transferred to the Minister under this Act shall be so transferred by such Orders in Council as may from time to time be made by His Majesty for transferring to the Minister, as from such dates as may be specified in the Order,—

(*a*) any of the powers conferred or duties imposed by or under any enactment on the Commissioners of Works;

(*b*) any property rights and liabilities held enjoyed or incurred by the said Commissioners;

(*c*) any of the powers conferred or duties imposed by or under any enactment on the Commissioners of Public Works in Ireland;

(*d*) any property rights and liabilities held enjoyed or incurred by the said Commissioners of Public Works in Ireland;

(*e*) any of the powers conferred or duties imposed by or under the Town and Country Planning Act, 1932, on the Minister of Health, except the functions exercisable by the Minister of Health under section thirty-two of that Act:

Provided that any such powers duties property rights or liabilities conferred, imposed, held, enjoyed or incurred under the Emergency Powers (Defence) Acts, 1939 and 1940, shall be transferred to the Minister by Orders in Council made under those Acts.

(2) In relation to any powers duties property rights or liabilities transferable or transferred by Orders in Council under

this Act, the Commissioners of Works the Commissioners of Public Works in Ireland and the Minister of Health are in this section respectively referred to as " the transferors ".

(3) His Majesty may, by Order in Council, make such incidental, consequential and supplemental provisions as appear to His Majesty to be necessary or expedient having regard to any transfer effected under this Act, and in particular, but without prejudice to the generality of the foregoing provisions, any such Order in Council may—

(*a*) repeal, modify or adapt any enactment, order, regulation, scheme, deed, agreement or other instrument relating to the transferors or their functions or property, to such extent as appears to be necessary or expedient as aforesaid ;

(*b*) provide for the transfer to the Minister of any powers conferred or duties imposed on the Minister of Health by or under any enactment other than the Town and Country Planning Act, 1932, to such extent as appears to be necessary or expedient as aforesaid ;

(*c*) provide for the transfer to the Minister of any function exercisable by any of the Commissioners of Works or by any of the Commissioners of Public Works in Ireland ;

(*d*) provide for the carrying on and completion by, to, before, or under the authority of the Minister or of any person appointed by him of anything begun by, to, before, or under the authority of the transferors or any person appointed by them before the date when the Order takes effect, and for the substitution of the Minister for the transferors in any contract or legal proceeding made or begun before that date ;

(*e*) provide for securing that any order, regulation, direction, approval, appointment, requirement or authorisation made or given by the transferors shall continue in force to the like extent and subject to the like conditions as if it had been duly made or given by the Minister.

(4) As soon as it appears to His Majesty that by reason of the transfer of powers duties property rights and liabilities from the Commissioners of Works it is no longer necessary that the said Commissioners shall continue to exist, His Majesty may by Order in Council provide for the dissolution of the Commissioners, and on the coming into force of any such Order in Council the office of Commissioner of His Majesty's Works and Public Buildings shall cease to exist.

(5) As soon as it appears to His Majesty that by reason of the transfer of powers duties property rights and liabilities from the

Commissioners of Public Works in Ireland it is no longer necessary that the said Commissioners shall continue to exist, His Majesty may by Order in Council provide for the dissolution of the Commissioners, and on the coming into force of any such Order in Council the office of Commissioner of Public Works in Ireland shall cease to exist.

(6) A certificate issued by the Minister that any property has been transferred to him by virtue of an Order in Council made under this section shall be conclusive evidence of that fact.

(7) Any Order in Council made under this Act may be varied or revoked by a subsequent Order in Council made by His Majesty.

(8) Any Order in Council under this Act repealing, modifying or adapting any enactment shall be laid before Parliament as soon as may be after it is made:

Provided that no such Order in Council shall be deemed for the purposes of section one of the Rules Publication Act, 1893, to be a statutory rule to which that section applies. 56 & 57 Vict. c. 66.

7.—(1) This Act may be cited as the Minister of Works and Planning Act, 1942. Short title and extent.

(2) It is hereby declared that this Act extends to Northern Ireland, and this Act shall extend to the Isle of Man.

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