SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 31.

An Act to facilitate the redistribution of functions between Ministers of the Crown, and the alteration of the style and title of such Ministers; and to make further provision with respect to the Minister of Food, the Minister of Labour and National Service, the Minister of Transport and the Secretary of the Department of Overseas Trade. [6th March 1946.]

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:—

General power to redistribute functions of Ministers.

Power by Order in Council to transfer functions of Ministers.

1.—(1) His Majesty may by Order in Council provide for the transfer to any Minister of the Crown of any functions theretofore exercisable by another Minister of the Crown.

(2) His Majesty may by Order in Council provide for the dissolution of the Government Department in the charge of any Minister of the Crown and the transfer to or distribution among such other Minister or Ministers of the Crown as may be specified in the Order of any functions theretofore exercisable by the Minister in charge of that Department.

(3) An Order in Council under this section may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Order, including provisions—

(*a*) for the transfer of any property, rights and liabilities held, enjoyed or incurred by any Minister of the Crown in connection with any functions transferred or distributed;

(*b*) for the carrying on and completion by or under the authority of the Minister to whom any functions are transferred of anything commenced by or under the authority of a Minister of the Crown before the date when the Order takes effect;

(*c*) for such adaptations of the enactments relating to any functions transferred as may be necessary to enable them to be exercised by the Minister to whom they are transferred and his officers;

(*d*) for making in the enactments regulating the number of offices in respect of which salaries may be paid or the number of office holders who may be elected, and sit and vote, as members of the House of Commons such modifications as may be expedient by reason of any transfer of functions or dissolution of a Department effected by the Order, so, however, that such modifications shall not increase the amount of any salary which may be paid or the aggregate number of persons to whom such salaries may be paid under such enactments or the aggregate number of persons capable thereunder of being elected, and of sitting and voting, as aforesaid;

(*e*) for the substitution of the Minister to whom functions are transferred for any other Minister of the Crown in any instrument, contract, or legal proceedings made or commenced before the date when the Order takes effect.

(4) Where by any Order made under this section provision is made for the transfer of functions in respect of which any Minister may sue or be sued by virtue of any enactment, the Order shall make any provision which may be required for enabling the Minister to whom those functions are transferred to sue or be sued in like manner.

(5) A certificate issued by a Minister of the Crown that any property vested in any other Minister immediately before an Order under this section takes effect has been transferred by virtue of the Order to the Minister issuing the certificate shall be conclusive evidence of the transfer.

Change of title of Ministers.

2. If His Majesty is pleased by Order in Council to direct that any change shall be made in the style and title of a Minister of the Crown, the Order may contain provisions substituting the new style and title—

(*a*) in the enactments (including such enactments as are mentioned in paragraph (*d*) of subsection (3) of the last foregoing section) relating to the Minister;

(*b*) in any instrument, contract, or legal proceedings made or commenced before the date when the Order takes effect.

Section 6.

SECOND SCHEDULE.

AMENDMENTS OF MINISTRY OF TRANSPORT ACT, 1919.

Provision of 9 & 10 Geo. 5. c. 50.	*Amendments.*
Section 23 ...	In subsection (1) thereof after the word "duties" there shall be inserted the words "under this Act".
Section 26 ...	In subsection (1) thereof for the word "office" there shall be substituted the words "powers and duties under this Act or any enactment relating to highways" and after the word "shall" there shall be inserted the words "in relation to such powers and duties as aforesaid".
	In subsection (3) thereof for the words "the purpose of acquiring and holding land" there shall be substituted the words "all purposes".
	Subsection (4) shall be omitted.

Printed by Sir NORMAN GIBB SCORGIE, C.V.O., C.B.E.,
Controller of His Majesty's Stationery Office
and
King's Printer of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House Kingsway, London, W.C.2; 13a Castle Street, Edinburgh 2;
39-41 King Street, Manchester 2; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any bookseller

Price 1*d.* net

(P 4155)

SCHEDULES.

Section 4.

FIRST SCHEDULE.

PROVISIONS AS TO MINISTER OF FOOD.

1. The office of the Minister or of a secretary appointed by the Minister shall not render the holder thereof incapable of being elected to, or sitting or voting as a member of, the House of Commons, but not more than one secretary in the Ministry shall sit as a member of that House at the same time.

2. The Minister shall take the oath of allegiance and the official oath, and shall be deemed to be included in the First Part of the Schedule to the Promissory Oaths Act, 1868. 31 & 32 Vict. c. 72.

3.—(1) The Minister may appoint 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.

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

4.—(1) The Minister may adopt an official seal and describe himself generally by such style and title as may be specified in his appointment, and the seal of the Minister shall be officially and judicially noticed, and shall be authenticated by his signature or that of a secretary or some person authorised by the Minister to act in that behalf.

(2) Every document purporting to be an order or other instrument issued by the Minister, and either to be sealed with the seal of the Minister authenticated in manner provided by this section, or to be signed by the secretary or any person authorised by the Minister to sign it, shall be received in evidence and be deemed to be an order or instrument issued by the Minister without further proof, unless the contrary is shown.

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

(4) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Minister in like manner as if he were mentioned in the first column of the Schedule to the first mentioned Act, and as if he or a secretary of the Ministry, or any person authorised by the Minister to act on his behalf, were mentioned in the second column of that Schedule, and as if the regulations referred to in those Acts included any document issued by the Minister. 31 & 32 Vict. c. 37. 45 & 46 Vict. c. 9.

Minister of Labour and National Service.

5. If the Ministers of the Crown (Emergency Appointments) Act, 1939, is repealed by virtue of an Order in Council made at a time when any functions are exercisable by the Minister of Labour and National Service, the said Act of 1939, as applied by the Minister of National Service Order, 1939, together with that Order shall, notwithstanding the repeal, continue in force until such date as may be appointed by an Order in Council made under section one of this Act.

Minister of Transport.

9 & 10 Geo. 5. c. 50.

6. If by an Order in Council made under section one of this Act the functions of the Minister of War Transport are transferred to a Minister of Transport appointed in accordance with the provisions of the Ministry of Transport Act, 1919, the provisions of that Act specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments set out in the second column of that Schedule.

Provisions as to Department of Overseas Trade.

7.—(1) If an Order in Council is made under section one of this Act dissolving the Department of Overseas Trade (Development and Intelligence), paragraph (*d*) of subsection (3) of that section shall not apply to the Order, but an additional Parliamentary Secretary may be appointed to the Board of Trade, to be known as the Secretary for Overseas Trade, and on the coming into operation of the Order—

8 & 9 Geo. 5. c. 3.

(*a*) the Overseas Trade Department (Secretary) Act, 1918, shall cease to have effect, and

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

(*b*) in the Ministers of the Crown Act, 1937, in paragraph (*b*) of subsection (2) of section one and in paragraph (*b*) of subsection (2) of section two for the words "of the Department of Overseas Trade" there shall be substituted the words "for Overseas Trade", and subsection (2) of section ten shall cease to have effect.

(2) Nothing in the last foregoing subsection or in any such Order as is mentioned therein shall affect the continuance of the office of Secretary of the Department of Overseas Trade (Development and Intelligence) so far as concerns the exercise of the functions under the Imperial Institute Act, 1925, of the holder of that office, or (so long as he is the same person as the Secretary for Overseas Trade) his capacity to be elected, sit and vote as a member of the House of Commons.

15 & 16 Geo. 5. c. xvii.

Short title and interpretation.

8.—(1) This Act may be cited as the Ministers of the Crown (Transfer of Functions) Act, 1946.

(2) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

"functions" includes powers and duties;

"Minister of the Crown" means the holder of an office in His Majesty's Government in the United Kingdom, and includes the Treasury, the Admiralty, the Board of Trade, the Army Council, and the Air Council.

Supplementary provisions as to Orders.

3.—(1) No Order in Council which provides for the dissolution of a Government Department shall be made under this Act unless, after copies of the draft thereof have been laid before Parliament, each House presents an Address to His Majesty praying that the Order be made.

(2) An Order in Council under this Act, not being an Order made in pursuance of such an Address as aforesaid, shall not come into operation until copies thereof have been laid before Parliament, and if either House, within the period of forty days beginning with the day on which a copy thereof is laid before it, resolves that an Address be presented to his Majesty praying that the Order in Council be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the Order, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done thereunder or to the making of a new Order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(3) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, an Order under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies. 56 & 57 Vict. c. 66.

(4) Any Order under this Act may be varied or revoked by a subsequent Order thereunder made in the like manner and subject to the like conditions, so however that the variation or revocation of an Order providing for the dissolution of a Government Department shall not affect the dissolution thereof.

(5) No provision in any Act passed before the commencement of this Act shall be construed as limiting the powers conferred by this Act.

(6) Nothing in this Act shall prejudice any power exercisable by virtue of the prerogative of the Crown in relation to the functions of Ministers of the Crown.

(7) Any reference in the foregoing provisions of this Act to a Minister of the Crown shall include a reference to Ministers acting jointly.

Provisions as to particular Ministers.

Minister of Food.

4.—(1) The provisions set out in the First Schedule to this Act, being provisions applied by the Ministers of the Crown (Emergency Appointments) Act, 1939, in relation to the Minister of Food, shall continue so to apply notwithstanding the repeal of that Act. 2 & 3 Geo. 6. c. 77.

(2) In the said Schedule the expression " the Minister " means the Minister of Food, and the expression " Ministry " shall be construed accordingly.