1964 No. 490

MINISTERS OF THE CROWN

The Secretary of State for Education and Science Order 1964

Laid before Parliament in draft

Made - - - - 26*th March* 1964
Coming into Operation 1*st April* 1964

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

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty has been pleased to appoint a principal Secretary of State by the style and title of Secretary of State for Education and Science (in this Order referred to as the Secretary of State):

And whereas it is expedient that all functions of the Minister of Education and of the Minister for Science, and certain other functions hereinafter described be transferred to the Secretary of State:

And whereas copies of the draft of this Order have been laid before Parliament in pursuance of section 3 of the Ministers of the Crown (Transfer of Functions) Act 1946(a), and each House has presented an Address to Her Majesty praying that the Order be made:

Now, therefore, Her Majesty, in pursuance of section 1 of the said Act, 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 Secretary of State for Education and Science 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) In this Order "instrument" (without prejudice to the generality of that expression) includes in particular Royal Charters, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts, memoranda and articles of association, certificates and other documents.

(4) This Order shall come into operation on 1st April 1964.

Transfer of functions and dissolution of existing departments

2.—(1) There are hereby transferred to the Secretary of State all functions of the Minister of Education and all functions of the Minister for Science; and the Ministry of Education and the Office of the Minister for Science are hereby dissolved.

(a) 9 & 10 Geo. 6. c. 31. (b) 52 & 53 Vict. c. 63.

(2) Without prejudice to the foregoing paragraph, the Secretary of State is hereby substituted for the Minister of Education and the Minister for Science respectively as member or chairman of any council, committee or other body, and as trustee of any trust, of which either of the said Ministers was by virtue of his office a member or chairman or trustee, as the case may be, immediately before the coming into operation of this Order.

(3) There are also hereby transferred to the Secretary of State the functions of the Lord President of the Council under paragraph 6 of Part I of Schedule 3 to the Agriculture Act 1957(a) and under the constitution of any research institute or other body in receipt of a grant from the Agricultural Research Council under section 1 of the Agricultural Research Act 1956(b).

(4) With the functions hereby transferred, there are also hereby transferred to the Secretary of State all property, rights and liabilities to which the Minister of Education and the Minister for Science were respectively entitled or subject immediately before the date of the coming into operation of this Order subject, in the case of property held in a fiduciary capacity, to the trusts affecting that property immediately before that date.

Amendment, repeal and adaptation of enactments and instruments

3.—(1) The enactments described in Part I of the Schedule to this Order shall have effect subject to the amendments set out in relation thereto in column 2 of that Part; and the enactments described in Part II of that Schedule are hereby repealed to the extent specified in column 3 of that Part.

(2) Subject to paragraph (1) of this Article, 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 Education, the Minister for Science or the Lord President of the Council (including any reference which is to be construed as such a reference) there were substituted a reference to the Secretary of State; and

(*b*) for any reference to the Ministry of Education or any officer of the Minister or Ministry of Education (including any reference which is to be construed as such a reference) there were substituted a reference to the department of the Secretary of State or, as the case may be, an officer of that department.

Supplemental

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Minister of Education or the Minister for Science 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 those Ministers (including in particular any legal proceedings then pending to which either of them is a party) may be continued by or in relation to the Secretary of State.

(2) Any authority, appointment or direction given or made by the Minister of Education or the Minister for Science, or given or made by the Lord President of the Council 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 Secretary of State.

(a) 5 & 6 Eliz. 2. c. 57. (b) 4 & 5 Eliz. 2. c. 28.

(3) Nothing in this Order affects the construction of any reference to the Secretary of State in the Charities Act 1960(a), or in any other enactment or instrument in force at the coming into operation of this Order which applies or refers to a Secretary of State as well as to the Minister of Education or the Minister for Science.

W. G. Agnew.

SCHEDULE

Amendments and Repeals

Part I

Enactments Amended

The Documentary Evidence Act 1868 (c. 37).	The Act shall apply in relation to the Secretary of State for Education and Science as if references to orders and regulations included references to any instrument, and as if the officers as mentioned in Schedule 2, column 2, included any officer authorised to act on behalf of the Secretary of State.
The Ministers of the Crown Act 1937 (c. 38).	In Schedule 2, for the words " Board of Education " there shall be substituted the words " Department of Education and Science ".
The Education Act 1944 (c. 31).	In section 1(1), for the words from the beginning to " whose duty it shall be " there shall be substituted the words " It shall be the duty of the Secretary of State for Education and Science ". For section 1(2) there shall be substituted the following: (2) The Secretary of State for Education and Science shall for all purposes be a corporation sole under the name of Secretary of State for Education and Science. In section 3(1) to (3), for the words " the Minister " and the words " the Ministry of Education " or " the Ministry ", wherever those words occur, there shall be substituted respectively the words " the Secretary of State for Education and Science " and the words " the Department of the Secretary of State ".

Part II

Enactments Repealed

Chapter	Short Title	Extent of Repeal
1 Edw. 8 & 1 Geo. 6. c. 38.	The Ministers of the Crown Act 1937.	In Schedule 1, the words " President of the Board of Education ".
7 & 8 Geo. 6. c. 31.	The Education Act 1944	Section 1(3) and (4). Section 3(4), except in relation to documents issued before the coming into operation of this Order.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 2, Part I, the words " Minister of Education ". In Schedule 2, Part II, the words " Parliamentary Secretary to the Ministry of Education ".
9 & 10 Eliz. 2. c. 6.	The Ministers of the Crown (Parliamentary Secretaries) Act 1960.	Section 2. In Schedule 1, the amendment of the Education Act 1944.

(a) 8 & 9 Eliz. 2. c. 58.

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 Secretary of State for Education and Science all the functions of the Minister of Education and the Minister for Science, and certain residuary research functions of the Lord President of the Council. The Order also dissolves the Ministry of Education and the Office of the Minister for Science.