STATUTORY INSTRUMENTS

1971 No. 1243

MINISTERS OF THE CROWN

The Transfer of Functions (Development Fund) Order 1971

Made - - - -	28*th July* 1971
Laid before Parliament	3*rd August* 1971
Coming into Operation	4*th August* 1971

At the Court at Buckingham Palace, the 28th day of July 1971

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 Transfer of Functions (Development Fund) Order 1971.

(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 Warrants, Orders in Council, orders, regulations, schemes, memoranda and articles of association, agreements and other documents; and any reference in this Order to an enactment is a reference to it as amended by or under any other enactment.

(4) This Order shall come into operation on 4th August 1971.

Transfer of functions from Treasury to Secretary of State

2. There are hereby transferred to the Secretary of State the functions conferred on the Treasury by Part I and section 18 of the Development and Road Improvement Funds Act 1909(c) (which relate to the Development Commissioners and the development fund) except the functions conferred on the Treasury by section 2(5) of that Act (which provides for the management of the development fund to be regulated by Treasury minute).

Supplemental

3.—(1) There are hereby transferred to the Secretary of State—

(*a*) the development fund and all other property to which the Treasury were entitled immediately before the coming into operation of this Order in connection with any functions transferred by this Order; and

(*b*) all rights and liabilities to which the Treasury were then entitled or subject in connection with any such functions.

(2) Any enactment or instrument passed or made before the coming into operation of this Order shall have effect, so far as may be necessary for the

(a) 1946 c. 31. (b) 1889 c. 63. (c) 1909 c. 47.

purpose or in consequence of any transfer effected by this Order, as if for any reference to the Treasury or an officer of the Treasury there were substituted a reference to, or to an officer of, the Secretary of State.

(3) This Order shall not affect the validity of anything done by or in relation to the Treasury 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 the Treasury (including in particular any legal proceedings then pending to which the Treasury are a party) may, if it relates to any functions, property, rights or liabilities transferred by this Order, be continued by or in relation to the Secretary of State.

(4) Any approval, conditions, direction, regulations or terms given or made or other thing whatsover done by the Treasury in the exercise of any function 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, made or done by the Secretary of State; and any application made to the Treasury under Part I of the said Act of 1909 and pending immediately before the coming into operation of this Order shall have effect as if made to the Secretary of State.

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order transfers to the Secretary of State the functions of the Treasury relating to the development fund except the function of regulating the management of the fund by Treasury minute. The Order does not transfer any of the Development Commissioners' functions.