(*b*) If such an examination has not been made, the circumstances which have prevented the practitioner from making one should be stated .....

.....

.....

.....

Signature of practitioner.....

Address of practitioner.....

.....

* Insert name of the local supervising authority under the Midwives (Scotland) Acts, 1915 and 1927, for the area in which the patient was attended.

† The entry should state the condition found by the practitioner himself whether or not it agrees with the reason given by the midwife for calling in medical aid.

‡ This information is only required when a fee will be claimed under paragraphs (i) to (iii) of the First Schedule to the regulations.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

The regulations prescribe the fees to be paid by local supervising authorities under the Midwives (Scotland) Acts to medical practitioners called in to the assistance of midwives in cases of emergency and also prescribe the conditions subject to which the fees are to be payable.

The scale of fees set out in the First Schedule to these Regulations supersedes the Scale of Fees fixed by the Scottish Board of Health on 20th June, 1928.

MINISTERS OF THE CROWN (TRANSFER OF FUNCTIONS)

1. *Food and Drugs.*
2. *Minister of Health and Minister of Transport*, p. 1970.
3. *Secretary of State and Minister of Health*, p. 1972.

1. FOOD AND DRUGS

The Transfer of Functions (Food and Drugs) Order, 1948

1948 No. 107

Made - - - - *26th January*, 1948
Laid before Parliament *27th January*, 1948
Coming into Operation *1st March*, 1948

At the Court at Buckingham Palace, the 26th day of January, 1948

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of subsection (1) of section one of the Ministers of the Crown (Transfer of Functions) Act, 1946, is pleased,

9 & 10 Geo. 6. c. 31.

by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

Short title, interpretation, commencement and extent.

1.—(1) This Order may be cited as the Transfer of Functions (Food and Drugs) Order, 1948.

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

" the Act of 1936 " means the Public Health Act, 1936, as incorporated in the Food and Drugs Act, 1938, by section ninety-six of the last-mentioned Act, 26 Geo. 5. & 1 Edw. 8. c. 49.

" the Act of 1938 " means the Food and Drugs Act, 1938, and 1 & 2 Geo. 6. c. 56.

" the Act of 1944 " means the Food and Drugs (Milk and Dairies) Act, 1944; 7 & 8 Geo. 6. c. 29.

and the Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(3) This Order shall come into operation on the first day of March, nineteen hundred and forty-eight.

(4) This Order shall not extend to Scotland.

Regulations as to importation, storage, preparation and sale of food, Bread and Flour Regulations, and regulations as to analysis.

2. There are hereby transferred to the Minister of Health and the Minister of Food, acting jointly,—

(*a*) the power of the Minister of Health to make regulations under section eight of the Act of 1938 (which provides for regulating the importation, storage, preparation and sale of food) and under section thirty of that Act (which provides for the making of Bread and Flour Regulations);

(*b*) the functions of the Minister of Health under subsection (2) of section sixty-six of that Act (which provides that a person shall not be appointed a public analyst unless he possesses either qualifications prescribed by that Minister or such other qualifications as that Minister may approve);

(*c*) the functions of the Minister of Health under subsection (3) of section sixty-nine of that Act (which provides for the giving of certificates of analysis in a form prescribed by that Minister); and

(*d*) the functions of the Minister of Health under subsection (1) of section eighty-one of that Act (which provides that in any proceedings under that Act the production of a certificate of a public analyst in the form prescribed by that Minister shall be sufficient evidence of the facts stated therein).

Milk and Dairies Regulations.

3.—(1) The power of the Minister of Health to make regulations under section twenty of the Act of 1938 (which provides for regulating the production, distribution and sale of milk) is hereby transferred to that Minister, the Minister of Food and the Minister of Agriculture and Fisheries acting jointly.

(2) In relation to the period before the coming into operation of the Act of 1944, the foregoing paragraph shall have effect with the omission of the reference to the Minister of Agriculture and Fisheries.

(3) Subsection (1) of section one of the Act of 1944 (which from the coming into operation of that Act provides for the making of regulations under section twenty of the Act of 1938 by the Minister of Health and the Minister of Agriculture and Fisheries acting jointly), and in paragraph (*a*) of subsection (2) of section four of the Act of 1944 the words " and in relation to any Milk and Dairies Regulations ", are hereby repealed.

Regulations as to special designations of milk.

4. Subject to the provisions of subsection (2) of section two of the Act of 1944 (which provides, in relation to raw milk, for the association of the Minister of Agriculture and Fisheries in the exercise of the power of making regulations under section twenty-one of the Act of 1938 as to special designations for milk) the power of the Minister of Health to make regulations under the said section twenty-one is hereby transferred to that Minister and the Minister of Food, acting jointly; and references to the Minister of Health in paragraph (*a*) of subsection (1) of the said section twenty-one and in subsection (2) of section two and paragraph (*a*) of subsection (2) of section four of the Act of 1944 shall be construed accordingly.

Regulations as to adulteration of milk.

5. The power of the Minister of Agriculture and Fisheries under section twenty-three of the Act of 1938 to make regulations as to presumptive evidence of adulteration of milk is hereby transferred to that Minister, the Minister of Health and the Minister of Food, acting jointly.

Administrative functions.

6.—(1) There are hereby transferred to the Minister of Food the functions of the Minister of Health—

(*a*) under subsection (3) of section sixteen of the Act of 1938 (which section relates to notices to be displayed by persons selling ice cream from stalls, etc.), in relation to the passing and revocation of resolutions applying the section to foods other than ice cream;

(*b*) under subsection (3) of section sixty-six of that Act as to the appointment, terms of appointment and removal of public analysts;

(*c*) under subsection (4) of section sixty-eight of that Act and under section seventy-two thereof (which relate to the sampling of milk and the analysis and examination of food);

(*d*) under subsection (2) of section seventy-four of that Act (which provides for the sending to the Minister of Health of quarterly reports of public analysts);

(*e*) under subsection (1) of section ninety-one of that Act (which relates to the confirmation of bye-laws), in so far as the subsection relates to bye-laws made under section fifteen of that Act;

(*f*) under section ninety-three of that Act (which confers on the Minister of Health certain default powers);

(*g*) under section three hundred and three of the Act of 1936, in so far as it relates to arbitrations as to compensation payable under subsection (4) of section ten of the Act of 1938.

(2) Except as respects producers of raw milk, the functions of the Minister of Health under paragraphs (*b*) and (*e*) of subsection (1) of section twenty-one of the Act of 1938 relating to the granting of licences authorising the use of special designations for milk, and to appeals from the refusal, suspension or revocation of such licences, are hereby transferred to the Minister of Food.

In this paragraph the expression " raw milk " means milk which has not been treated by heat.

(3) There are hereby transferred to the Minister of Food the functions of the Minister of Agriculture and Fisheries under—

(*a*) sections thirty-three to thirty-five and seventy-three of the Act of 1938 (which relate to margarine, margarine-cheese and milk-blended butter); and

(*b*) sections forty and forty-two of that Act (which make provision for controlling the importation of certain foods).

Inquiries.

7. In so far as they relate to functions transferred to a Minister or Ministers by this Order, the functions of the Minister of Health under section three hundred and eighteen of the Act of 1936 (which provides for the holding of inquiries) are hereby transferred to the said Minister or Ministers.

General default powers.

8. The functions of the Minister of Health under sections three hundred and twenty-one to three hundred and twenty-five of the Act of 1936 (which provide for the exercise by that Minister of certain powers where a local authority defaults in the exercise of its functions under the Act of 1938) are hereby transferred to the Minister of Food except in relation to the functions of local authorities under the following provisions of the Act of 1938, that is to say,—

(*a*) sections seventeen and eighteen (which relate to food poisoning);

(*b*) section thirty-seven (which makes provision for preventing the spreading of milk-borne disease by ice-cream);

(*c*) section thirty-nine (which relates to the cleansing of shell-fish); and

(*d*) Part V (which relates to markets, slaughter-houses and cold-air stores).

Supplementary provisions.

9.—(1) In the construction and for the purposes of any enactment (other than an enactment contained in the Ministers of the Crown Act, 1937), regulation, bye-law, or other document passed or made before the date of the coming into operation of this Order any reference to, or which is to be construed as a reference to, a Minister from whom functions are transferred by this Order (hereinafter referred to as " a transferor ") shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the Minister or Ministers to whom the functions are transferred (hereinafter called " the transferee ").

Nothing in the foregoing provisions of this Order shall be construed as limiting the generality of this paragraph.

(2) The coming into operation of any provision of this Order shall not prejudice the operation of any regulations, order, confirmation, approval or direction made or given or other thing done by a transferor before the coming into operation of that provision, but any such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the transferee.

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

This Order transfers to the Minister of Health acting jointly with the Minister of Food the powers of the Minister of Health under the Food and Drugs Act, 1938, to make regulations relating to the importation, storage, preparation and sale of food, the composition of bread and flour, the production, distribution and sale of milk, the use of special designations for milk, and prescribing the qualifications of a public analyst. The Order provides that the Minister of Agriculture and Fisheries be joined in the powers of making regulations relating to milk and dairies and to the use of special designations for raw milk when the Food and Drugs (Milk and Dairies) Act, 1944, comes into operation. The Order also transfers to the Minister of Agriculture and Fisheries, the Minister of Health and the Minister of Food acting jointly,

the powers of the Minister of Agriculture and Fisheries under the Food and Drugs Act, 1938, to make regulations as to presumptive evidence of adulteration of milk. Certain other administrative functions at present exercisable under the Food and Drugs Act, 1938, by the Minister of Health or, in some cases, by the Minister of Agriculture and Fisheries are also transferred to the Minister of Food by the Order. The duties of enforcement and execution placed by the Act upon local authorities are not affected by the Order.

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2. MINISTER OF HEALTH AND MINISTER OF TRANSPORT

The Transfer of Functions (Minister of Health and Minister of Transport) Order, 1948

1948 No. 490

Made - - - -	*11th March,* 1948
Laid before Parliament	*12th March,* 1948
Coming into Operation	*1st April,* 1948

At the Court at Buckingham Palace, the 11th day of March, 1948

Present,

The King's Most Excellent Majesty in Council

9 & 10 Geo. 6. c. 31. Whereas it is provided by the Ministers of the Crown (Transfer of Functions) Act, 1946, that it shall be lawful for His Majesty by Order in Council to transfer to any Minister of the Crown any functions theretofore exercisable by another Minister of the Crown:

And Whereas the Minister of Health exercises and performs the functions mentioned in Article 2 of this Order which functions appear to His Majesty to be more suitable for the Minister of Transport:

Now therefore His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Transfer of Functions (Minister of Health and Minister of Transport) Order, 1948, and shall come into operation on the first day of April, 1948.

52 & 53 Vict. c. 63. (2) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. There shall be transferred to the Minister of Transport the functions of the Minister of Health of—

9 & 10 Geo. 6. c. 49. 23 & 24 Geo. 5. c. 51. 2 & 3 Geo. 6. c. 40. (*a*) confirming compulsory purchase orders made by local authorities under the Acquisition of Land (Authorisation Procedure) Act, 1946, relating to the acquisition of land under section 159 of the Local Government Act, 1933, or section 100 of the London Government Act, 1939, for the purposes of—

38 & 39 Vict. c. 55. 15 & 16 Geo. 5. c. 71. (i) section 154 of the Public Health Act, 1875, as interpreted by section 83 of the Public Health Act, 1925 (which relates to the widening and improvement of streets); or