1955 No. 959

The Transfer of Functions (Food and Drugs) Order, 1955

Made - - - -	30*th June*, 1955
Laid before Parliament	5*th July*, 1955
Coming into Operation	6*th July*, 1955

At the Court at Holyroodhouse, the 30th day of June, 1955

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section one 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:—

Preliminary

1.—(1) This Order may be cited as the Transfer of Functions (Food and Drugs) Order, 1955.

(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 the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"council" includes a port health authority and a joint board within the meaning of the Public Health Act, 1936(c);

"instrument" (without prejudice to the generality of that expression) includes in particular an Order in Council, order, rule, regulation, byelaw, judgment, decree, award, contract, certificate, licence or other document, and "made", in relation to an instrument, shall be construed accordingly;

"milk" has the meaning assigned to it by subsection (1) of section 34 of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950(d):

"Minister" includes the Board of Trade;

and other expressions have the same meanings as they have for the purposes of the Food and Drugs Act, 1938(e).

(4) Any reference in this Order to an enactment or instrument is a reference thereto as amended by or under any other enactment or instrument.

(5) This Order shall come into operation, so far as it relates to the Welfare Foods (Great Britain) Order, 1954(f), on the 1st day of October, 1955, and except as aforesaid, on the 6th day of July, 1955.

Transfer of functions under enactments relating to food and drugs, etc.

2.—(1) The functions of the Minister of Agriculture, Fisheries and Food under the enactments and order described in the First Schedule to this Order are hereby transferred to the Minister of Health.

(a) 9 & 10 Geo. 6. c. 31. (b) 52 & 53 Vict. c. 63. (c) 26 Geo. 5 & 1 Edw. 8. c. 49.
(d) 14 Geo. 6. c. 35. (e) 1 & 2 Geo. 6. c. 56. (f) S.I. 1954/1401 (1954 II, p. 2119).

(2) The functions of the Minister of Agriculture, Fisheries and Food under section 23 of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950 (which provides for the specification of areas for purposes of section 19 of that Act) are hereby transferred to that Minister and the Minister of Health acting jointly.

(3) The functions of the Secretary of State and the Minister of Agriculture, Fisheries and Food, acting jointly, under the enactments described in paragraph 1 of the Second Schedule to the Food and Drugs Amendment Act, 1954(a) (which provides for the application of those enactments to Northern Ireland) are hereby transferred to the Secretary of State, the Minister of Agriculture, Fisheries and Food and the Minister of Health acting jointly.

(4) The functions of the Minister under the provisions of the Public Health Act, 1936, specified in the first column of the Second Schedule to this Order, as incorporated by virtue of section 96 of the Food and Drugs Act, 1938, shall be exercisable by the Ministers specified in relation thereto respectively in the second column of that Schedule, and all necessary transfers of functions are hereby made accordingly.

(5) The foregoing provisions of this Article for the transfer of functions of any Minister shall apply also in relation to any property, rights, liabilities and obligations held, enjoyed or incurred by that Minister in connection with those functions respectively.

Supplementary

3.—(1) Any enactment or instrument (including any instrument made after the coming into operation of this Order) shall have effect, so far as may be necessary for or in consequence of the transfers effected by this Order, as if references to, or which are to be construed as references to, a Minister whose functions are transferred by this Order were references to the Minister or Ministers to whom those functions are so transferred.

(2) Without prejudice to the generality of the foregoing paragraph—

(*a*) subsection (2) of section twenty-three of the Food and Drugs Amendment Act, 1954 (which confers powers of entry on inspectors and officers of the Minister of Agriculture, Fisheries and Food) shall have effect, except in its application to Northern Ireland, as if references therein to the Minister of Agriculture, Fisheries and Food, and to the authorised officer of that Minister, included references to the Minister of Health and to an authorised officer of that Minister;

(*b*) in sub-paragraph (*a*) of paragraph 2 of the Second Schedule to that Act (which relates to the application to Northern Ireland of the enactments referred to in paragraph 1 of that Schedule) for the reference to the Minister of Agriculture, Fisheries and Food there shall be substituted a reference to the Ministers as defined by that Act.

(3) In subsection (5) of section 8 of the Food and Drugs Amendment Act, 1954, the words "as if for references to the Minister of Health there were substituted references to the Minister, and" are hereby repealed.

(4) This Order shall not affect the validity of anything done before the coming into operation of this Order by or in relation to any Minister whose functions are transferred thereunder; 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 any such Minister (including in particular any legal proceedings then pending to which such a Minister is a party) may be continued by or in relation to the Minister or Ministers to whom those functions are so transferred.

W. G. Agnew.

(a) 2 & 3 Eliz. 2. c. 67.

FIRST SCHEDULE

FUNCTIONS TRANSFERRED TO MINISTER OF HEALTH

The Food and Drugs Act, 1938:

Section 14, subsection (8).

Section 16, subsection (3).

Section 91, subsection (1) in its application to byelaws under section 15.

The Food and Drugs Amendment Act, 1954:

Section 10, subsection (4).

Section 13, subsection (5).

Section 16, subsection (4) in its application to an offence against section 9 of the Food and Drugs Act, 1938 (other than an offence committed in respect of milk or in respect of meat or meat products while in a slaughter-house or in the course of importation) or against section 14, 16 or 18 of that Act.

Section 27, subsection (4) in its application to a contravention committed in respect of a drug.

The Welfare Foods (Great Britain) Order, 1954:

The whole order.

SECOND SCHEDULE

FUNCTIONS UNDER INCORPORATED SECTIONS OF PUBLIC HEALTH ACT, 1936

Enactment	*Minister*
Section 283 (2) (Power to prescribe form of notices etc.).	1. For purposes of sections 14, 15, 17, 18 and 37 of the Food and Drugs Act, 1938, and of section 10 of the Food and Drugs Amendment Act, 1954, the Minister of Health. 2. For purposes of sections 44 to 56 of the Food and Drugs Act, 1938, the Minister of Housing and Local Government. 3. For other purposes, the Minister of Agriculture, Fisheries and Food.
Section 303 (Appointment of arbitrator).	1. In relation to any arbitration under section 10 (4) of the Food and Drugs Act, 1938, in respect of milk, or in respect of meat or meat products seized while in a slaughter-house or in the course of importation, the Minister of Agriculture, Fisheries and Food. 2. In relation to other arbitrations, the Minister of Health.
Section 306 (Authorisation of compulsory purchase).	1. For purposes of sections 44 to 56 of the Food and Drugs Act, 1938, the Minister of Housing and Local Government. 2. For other purposes of Part V of that Act (including the purposes of section 1 of the Slaughterhouses Act, 1954(a)), the Minister of Agriculture, Fisheries and Food. 3. For any other purpose, the Minister of Health.
Section 313 (Power to amend or adapt local Acts).	The Minister of Health.
Section 318 (Power to hold local inquiries).	In relation to anything authorised to be done by any Minister or Ministers, that Minister or those Ministers.

(a) 2 & 3 Eliz. 2. c. 42.

Enactment	*Minister*
Section 320 (2) (Receipt of notice of agreement for relinquishment of functions by district council).	1. In relation to functions of councils of county districts under sections 44 to 56 of the Food and Drugs Act, 1938, the Minister of Housing and Local Government. 2. In relation to other functions of such councils under Part V of that Act, the Minister of Agriculture, Fisheries and Food. 3. In relation to functions of such councils under regulations made under any of the Food and Drugs Acts, 1938 to 1954, or having effect as if so made, the Minister or Ministers by whom the regulations were, or are deemed to have been, made. 4. In relation to any other functions of such councils, the Minister of Health.
Sections 321 to 325 (Default powers in relation to functions of councils).	1. In relation to functions of councils under sections 44 to 56 of the Food and Drugs Act, 1938, the Minister of Housing and Local Government. 2. In relation to functions of councils— (*a*) under sections 14 to 18, 37 and 39 of the Food and Drugs Act, 1938; (*b*) under subsection (2) of section 65 of that Act, so far as it relates to the enforcement and execution of sections 9 and 10 of that Act (except in their application to milk, or to meat or meat products while in a slaughter-house or in the course of importation); (*c*) under subsection (5) of section 8 of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950; or (*d*) under any other enactment contained in the Food and Drugs Acts, 1938 to 1954, so far as it relates to drugs, the Minister of Health. 3. In relation to functions of councils under regulations made under the Food and Drugs Acts, 1938 to 1954, or having effect as if so made, the Minister or Ministers by whom the regulations were, or are deemed to have been, made. 4. In relation to any other functions of councils, the Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

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

1. Article 2 (1) of this Order transfers to the Minister of Health the Ministerial functions comprised in the enactments set out in the First Schedule to the Order. The functions so transferred to the Minister of Health are as follows:—

Food and Drugs Act, 1938.

Section 14 (8)	Application of section 14 (Registration of premises used in connection with the manufacture or sale of ice-cream or preserved food etc.) in districts where corresponding local Act provisions are in force.

Section 16 (3)	... ...	Receipt of notification of resolution of local authority extending section 16 (Notices to be displayed by persons selling ice-cream etc. from stalls, carts, baskets etc.) to other foods.
Section 91 (1)	... ...	Confirmation of byelaws made by local authorities under section 15 (Byelaws with respect to the handling, wrapping etc. of food, and the sale of food in the open air).

Food and Drugs Amendment Act, 1954.

Section 10 (4)	... ...	Application of regulations under section 10 (Licensing of sale of food elsewhere than in premises) to districts where corresponding local enactments are in force.
Section 13 (5)	... ...	Payment of allowances to members of the Food Hygiene Advisory Council.
Section 16 (4)	... ...	Power to take proceedings for offences under the following sections of the Food and Drugs Act, 1938:— Section 9 (Penalty for sale etc. of unsound food) except in its application to milk or to meat or meat products while in a slaughterhouse or in course of importation. Section 14 (Registration of premises used in connection with the manufacture or sale of ice-cream or preserved food etc.). Section 16 (Notices to be displayed by persons selling ice-cream etc. from stalls, carts, baskets etc.). Section 18 (Provisions as to suspected food).
Section 27 (4)	... ...	Receipt of notice of proceedings under section 27 (Contraventions originating in Scotland or Northern Ireland) in the case of offences committed in respect of drugs.

The Welfare Foods (Great Britain) Order, 1954.

All functions under the order in its application to England and Wales. The original functions of the Minister of Food under this order in its application to Scotland were transferred to the Secretary of State by the Transfer or Functions (Ministry of Food) Order, 1955.

2. Article 2 (2) transfers to the Minister of Health, jointly with the Minister of Agriculture, Fisheries and Food, the power to make orders applying section 19 of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, (compulsory use of special designations for retail sales) to new areas, or excluding its operation in existing areas.

3. Article 2 (3) transfers to the Minister of Health, jointly with the Secretary of State and the Minister of Agriculture, Fisheries and Food, the joint functions of the Secretary of State and the Minister of Agriculture, Fisheries and Food under certain sections of the Food and Drugs Acts, 1938 to 1954, which apply to Northern Ireland by virtue of the Second Schedule to the Act of 1954. These functions include the making of regulations under sections 3 and 6 of the Act of 1954, so far as they relate to importation.

4. Article 2 (4) redistributes the functions of " the Minister " under certain sections of the Public Health Act, 1936, as incorporated with the food and drugs legislation by virtue of section 96 of the Foods and Drugs Act, 1938. These functions were all originally vested in the Minister of Health, but some of them have been transferred or distributed by virtue of enactments passed since 1938 and of previous Orders in Council made under the Ministers of the Crown (Transfer of Functions) Act, 1946.

The main changes effected by this provision of the Order are to retransfer to the Minister of Health the following functions under the incorporated sections of the Public Health Act:—

Section 283	Power to prescribe forms of notice etc. for purposes of those sections of the Food and Drugs Act, 1938 and the Food and Drugs Amendment Act, 1954 for which that Minister becomes responsible by virtue of the present Order.
Section 303	Power to appoint the arbitrator in an arbitration as to the compensation to be paid under s. 10 (4) of the Act of 1938 for the seizure of food other than milk, or meat or meat products in a slaughter-house or in course of importation.
Sections 321 to 325 ...	Default powers in respect of the functions of local authorities described in item 2 of the relevant entry in the second column of the Second Schedule to the Order.

Article 2 (4) also transfers from the Minister of Housing and Local Government to the Minister of Agriculture, Fisheries and Food the power to authorise a compulsory purchase of land for purposes of slaughter-houses, cold-air stores and refrigerators.

Apart from these particular changes, Article 2 (4) and the Second Schedule to the Order carry out a general re-allocation of the functions of "the Minister" under the incorporated sections of the Public Health Act, 1936, corresponding with the distribution of substantive functions under the Food and Drugs Acts themselves. How far this operation consists of a transfer of functions, and how far a mere restatement of the law as it stands, depends upon the construction of the enactments and previous Orders in Council already referred to.

5. The remaining provisions of the Order are consequential.

1955 No. 876

The Transfer of Functions (Iron and Steel) Order, 1955

Made - - - -	21*st June*, 1955
Laid before Parliament	25*th June*, 1955
Coming into Operation	18*th July*, 1955

At the Court at Buckingham Palace, the 21st day of June, 1955

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the Ministers of the Crown (Transfer of Functions) Act, 1946(a), and of section three of the Supplies and Services (Transitional Powers) Act, 1945(b), as extended by the Supplies and Services (Extended Purposes) Act, 1947(c), and the Supplies and Services (Defence Purposes) Act, 1951(d), and continued in force by the Supplies and Services (Continuance) Order, 1954(e), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Transfer of Functions (Iron and Steel) Order, 1955.

(a) 9 & 10 Geo. 6. c. 31. (b) 9 & 10 Geo. 6. c. 10. (c) 10 & 11 Geo. 6. c. 55.
(d) 14 & 15 Geo. 6. c. 25. (e) S.I. 1954/1559(1954 II, p. 2038).