2. FOOD AND DRUGS (SCOTLAND)

The Transfer of Functions (Food and Drugs) (Scotland) Order, 1949

1949 No. 1047 (S. 68)

Made - - - -	31*st May*, 1949
Laid before Parliament	1*st June*, 1949
Coming into Operation	20*th June*, 1949

At the Court at Buckingham Palace, the 31st day of May, 1949

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(**a**), is pleased, 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) (Scotland) Order, 1949.

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

"the Act of 1907" means the Public Health (Regulations as to Food) Act, 1907(**b**);

"the Act of 1922" means the Milk and Dairies (Amendment) Act, 1922(**c**);

"the Act of 1928" means the Food and Drugs (Adulteration) Act, 1928(**d**);

"the Act of 1938" means the Food and Drugs Act, 1938(**e**);

and the Interpretation Act, 1889(**f**), applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on the 20th day of June, 1949.

(4) This Order shall extend to Scotland only.

Power to make regulations, in relation to dried or condensed milk, for the prevention of danger to public health.

2. The power conferred on the Secretary of State by section one of the Act of 1907 as extended by section eight of the Act of 1922 to make regulations for the prevention of danger arising to public health, so far as the said power relates to regulations providing for the manner in which any tin or other receptacle containing dried or condensed milk is to be labelled or marked, and to regulations prescribing the minimum percentages of milk fat and milk solids in dried or condensed milk, is hereby transferred to the Minister of Food.

(**a**) 9 & 10 Geo. 6. c. 31.
(**b**) 7 Edw. 7. c. 32.
(**c**) 12 & 13 Geo. 5. c. 54.
(**d**) 18 & 19 Geo. 5. c. 31.
(**e**) 1 & 2 Geo. 6. c. 56.
(**f**) 52 & 53 Vict. c. 63.

Power to make regulations concerning the presumptive adulteration of condensed milk, cream, butter and cheese.

3. The power conferred on the Secretary of State by subsection (1) of section seven of the Act of 1928 to make regulations concerning the presumptive adulteration of certain substances, so far as the said power relates to regulations dealing with condensed milk, cream, butter or cheese, is hereby transferred to the Minister of Food.

Power to make regulations concerning proof of competency of public analysts.

4. The power conferred on the Secretary of State by subsection (3) of section fifteen of the Act of 1928 to frame regulations specifying the proof of competency required to be furnished by persons appointed as public analysts is hereby transferred to the Secretary of State and the Minister of Food acting jointly.

Power to make regulations concerning food other than milk and home-fed meat.

5. There are hereby transferred to the Secretary of State and the Minister of Food acting jointly—

(*a*) the power conferred on the Secretary of State by section eight of the Act of 1938 to make regulations concerning food (excluding bread, flour and milk), except so far as the said power relates to regulations concerning meat derived from home-fed animals; and

(*b*) the power conferred on the Secretary of State by section thirty of the Act of 1938 to make regulations concerning bread and flour.

Administrative functions relating to margarine and certain other substances.

6. There are hereby transferred to the Minister of Food the functions of the Secretary of State—

(*a*) under section eight of the Act of 1928 (which relates to the registration of factories and wholesale premises used for production of, or dealing in, margarine and other substances);

(*b*) under section nine of the Act of 1928 (which relates to the registration of consignments of margarine and other substances);

(*c*) under section thirty-three of the Act of 1938 (which relates to conditions to be observed in dealing in margarine and other substances).

Administrative functions relating to the importation of certain foods.

7. The functions of the Secretary of State under Part IV of the Act of 1938 (which relates to the importation of certain foods) are hereby transferred to the Minister of Food.

Supplementary.

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

(a) 1 Edw. 8 & 1 Geo. 6. c. 38.

of State 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 Minister or Ministers to whom the relative function is transferred under this Order.

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 Secretary of State for Scotland acting jointly with the Minister of Food the powers of the Secretary of State under the Food and Drugs (Adulteration) Act, 1928, to make regulations as regards the qualifications of public analysts, and under the Food and Drugs Act, 1938, to make regulations concerning food, other than meat from home-fed animals and milk, its composition and the conditions under which it is imported, prepared, transported, stored or sold.

The Order also transfers to the Minister of Food (*a*) the power of the Secretary of State to make regulations under the Food and Drugs (Adulteration) Act, 1928, as regards the presumptive evidence of adulteration of condensed milk, cream, butter or cheese; (*b*) the power of the Secretary of State to make regulations as regards dried or condensed milks, including in particular their composition and the labelling of receptacles containing them; and (*c*) certain administrative functions exercised at present by the Secretary of State under the Food and Drugs (Adulteration) Act, 1928, and the Food and Drugs Act, 1938, relating to food, including in particular functions relating to margarine, margarine-cheese and milk-blended butter and the importation of food.

3. IMPERIAL INSTITUTE

The Transfer of Functions (Imperial Institute) Order, 1949

1949 No. 588

Made - - - -	*29th March*, 1949
Laid before Parliament	*29th March*, 1949
Coming into Operation	*1st April*, 1949

At the Court at Buckingham Palace, the 29th day of March, 1949

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

Short title, interpretation and commencement.

1.—(1) This Order may be cited as the Transfer of Functions (Imperial Institute) Order, 1949.

(a) 9 & 10 Geo. 6. c. 31.