MINISTERS OF THE CROWN

1954 No. 141

The Transfer of Functions (Markets) Order, 1954

Made - - - -	10*th February*, 1954
Laid before Parliament	11*th February*, 1954
Coming into Operation	1*st April*, 1954

At the Court of Saint James, the 10th day of February, 1954

Present,

Her Majesty Queen Elizabeth The Queen Mother.
Her Royal Highness The Princess Margaret.
His Royal Highness The Duke of Gloucester.

Lord President	**Captain Thorneycroft**
Lord De L'Isle and Dudley	**Mr. Boyd-Carpenter**
Mr. Buchan-Hepburn	**Sir Lionel Heald**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval of anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret and His Royal Highness The Duke of Gloucester, being authorized thereto by the said Letters Patent, and in pursuance of the Ministers of the Crown (Transfer of Functions) Act, 1946(**a**), do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Transfer of Functions (Markets) Order, 1954.

(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) Any reference in this Order to any enactment or order is a reference thereto as amended by any other enactment or order, and in particular by the following Orders, that is to say,—

(*a*) the Transfer of Functions (Secretary of State and Minister of Health) Order, 1946(**c**), and

(*b*) the Transfer of Functions (Secretary of State and Minister of Health) Order, 1948(**d**).

(**a**) 9 & 10 Geo. 6. c. 31. (**b**) 52 & 53 Vict. c. 63.
(**c**) S.R. & O. 1946/1757 (Rev. XV, p. 112: 1946 I, p. 1012).
(**d**) S.I. 1948/865 (Rev. XV, p. 117: 1948 I, p. 1972).

(4) This Order shall come into operation on the first day of April, nineteen hundred and fifty-four.

2.—(1) There are hereby transferred to the Minister of Housing and Local Government the functions of the Secretary of State—

(*a*) under section forty-seven of the Food and Drugs Act, 1938(**a**) (which relates to stallages, tolls and charges for the purposes of markets);

(*b*) of confirming byelaws or regulations made by a local authority under—

(i) section fifty-six of the said Act of 1938 (which relates to market places provided by a local authority);

(ii) the said section fifty-six as extended or amended by any local Act or provisional or other order; or

(iii) any provision in a local Act or provisional or other order made for purposes similar to the purposes of the said section fifty-six and relating to markets in England or Wales;

(c) under section forty-six of the said Act of 1938 (which relates to the days on which, and the hours during which, markets are to be held);

(*d*) of confirming byelaws made under section fifty of the said Act of 1938 (which authorises a market authority to make byelaws declaring the distance from the market within which specified articles may not be sold during market hours except in the market or in shops or in certain other places);

(*e*) under any provision in a local Act or provisional or other order of consenting to, approving or sanctioning any stallages, tolls, rents or other charges for the purposes of markets or fairs in England or Wales.

(2) Without prejudice to the generality of the foregoing paragraph, there are hereby transferred to the Minister of Housing and Local Government the functions of the Secretary of State—

(*a*) of approving byelaws made under section thirty-one of the Metropolitan Meat and Poultry Market Act, 1860(**b**) (which enables the Corporation of the City of London to make byelaws for the Smithfield Market);

(*b*) under sections ten and nineteen of the Wisbech Corporation Act, 1950(**c**) (which require the sanction of the Secretary of State to the discontinuance of a market and confer powers on him as respects stallages, tolls, rents or other charges), and of confirming byelaws made under section thirteen of that Act (which relates to the days and times for markets);

(*c*) under sections sixteen and nineteen of the Belper Urban District Council Act, 1953(**d**) (which relate to the discontinuance of a market subject to the consent of the Secretary of State and to the fixing of stallages, tolls, rents and other charges with his approval).

3. There are hereby transferred to the Minister of Housing and Local Government the functions of the Board of Trade under sections twenty-six and twenty-seven of the London Central Markets Act, 1875(**e**) (which empower the Corporation of the City of London with the approval of the Board of Trade to make byelaws as to stallages, tolls, rents and other charges for the London Central Markets and as to the regulation of those markets).

(a) 1 & 2 Geo. 6. c. 56. (b) 23 & 24 Vict. c. cxciii. (c) 14 Geo. 6. c. xliv.
(d) 1 & 2 Eliz. 2. c. xv. (e) 38 & 39 Vict. c. lix.

4.—(1) In the construction and for the purposes of any enactment (other than an enactment contained in the Ministers of the Crown Act, 1937(a),) passed before the date of the coming into operation of this Order, and of any instrument made before that date,—

(*a*) any reference to the Secretary of State (including any reference which is required to be construed as such a reference) shall, so far only as may be necessary for the purpose or in consequence of any transfer of functions effected by Article 2 of this Order, be construed as a reference to the Minister of Housing and Local Government; and

(*b*) any reference to the Board of Trade (including any reference which is required to be construed as such a reference) shall, so far only as may be necessary for the purpose or in consequence of the transfer of functions effected by Article 3 of this Order, be construed as a reference to the Minister of Housing and Local Government.

(2) The foregoing provisions of this Order shall not prejudice the operation of any confirmation, approval, consent, sanction or other thing made, given or done (or having effect as if made, given or done) before the date aforesaid—

(*a*) by the Secretary of State in relation to the functions transferred by Article 2 of this Order;

(*b*) by the Board of Trade in relation to the functions transferred by Article 3 of this Order;

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 of Housing and Local Government.

W. G. Agnew.

EXPLANATORY NOTE

(This Note does not form 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 Minister of Housing and Local Government certain statutory powers and duties relating to markets and fairs. These are—

(*a*) The functions mentioned in paragraph (1) of Article 2. These belonged originally to the Minister of Health, but were transferred to the Secretary of State by the orders of 1946 and 1948 which are referred to in paragraph (3) of Article 1.

(*b*) The functions of the Secretary of State under the local Acts mentioned in paragraph (2) of Article 2 as regards the confirmation of byelaws relating to markets and fairs, the discontinuance of markets and the prescription or alteration of market charges.

(*c*) the functions of the Board of Trade as regards the confirmation of byelaws made by the Corporation of the City of London under sections 26 and 27 of the London Central Markets Act, 1875.

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