EXPLANATORY NOTE

(This Note is not 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, provides for the transfer of the following functions from the Lord Chancellor to the Secretary of State:—

(*a*) the appointment and removal from office of Justices of the Peace in Scotland;

(*b*) the power to make rules under subsection (3) of section 51 of the Children and Young Persons (Scotland) Act, 1937; and

(*c*) the functions exercisable in Scotland under Part I of the Justices of the Peace Act, 1949, which include *inter alia* functions relating to the residence qualification of justices and to the entry of names of justices on supplemental lists.

1955 No. 554

The Transfer of Functions (Ministry of Food) Order, 1955

Laid before Parliament in draft

Made - - - - *7th April,* 1955

Coming into Operation *7th April,* 1955

At the Court at Buckingham Palace, the 7th day of April, 1955

Present,

The Queen's Most Excellent Majesty in Council

Whereas copies of the draft of this Order have been laid before Parliament in pursuance of section three of the Ministers of the Crown (Transfer of Functions) Act, 1946(**a**), and each House has presented an Address to Her Majesty praying that the Order may be made:

Now, therefore, Her Majesty, in pursuance of sections one and two of that Act, 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 (Ministry of Food) 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, "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.

(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.

Dissolution of Ministry of Food and distribution of functions

2.—(1) The Ministry of Food is hereby dissolved, and the functions of the Minister of Food are hereby distributed in accordance with the following provisions of this Article.

(2) The functions of the Minister of Food under or by virtue of the enactments and instruments described in the first column of Part I of the First Schedule to this Order shall, to the extent specified in the second column of that Part, be transferred to the Secretary of State.

(**a**) 9 & 10 Geo. 6. c. 31. (**b**) 52 & 53 Vict. c. 63.

(3) The functions of the Minister of Food under the enactments and instruments specified in Part II of the said Schedule, and the power of that Minister to make, revoke and vary orders extending generally to the United Kingdom or to Great Britain under Regulation 55, 55AA or 55AB of the Defence (General) Regulations, 1939(a), shall be transferred to the Minister of Agriculture and Fisheries and the Secretary of State, and shall be exercised and performed by them jointly.

(4) Except as provided by paragraphs (2) and (3) of this Article, all functions of the Minister of Food shall be transferred to the Minister of Agriculture and Fisheries.

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

(6) 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 Article, as if references to, or which are to be construed as references to, the Minister of Food or to the department or any of the officers of that Minister were references to, or to the department of or the corresponding officers of, the Minister of Agriculture and Fisheries or the Secretary of State or each of them, as the case may require.

Change of style and title of Minister of Agriculture and Fisheries

3.—(1) The style and title of the Minister of Agriculture and Fisheries is hereby changed to "the Minister of Agriculture, Fisheries and Food", and his department shall be known as the Ministry of Agriculture, Fisheries and Food.

(2) The Ministers of the Crown Act, 1937(b), shall be amended as follows:—

(*a*) subsection (2) of section two shall have effect as if the Ministry of Agriculture, Fisheries and Food were included among the departments referred to in paragraph (*a*) of that subsection (which specifies the departments in which salaries under the said Act may be paid to a maximum of three Parliamentary Under-Secretaries), and as if the reference to that Ministry in paragraph (*b*) of that subsection were omitted;

(*b*) in paragraph (*c*) of the proviso to subsection (1) of section nine (which limits to twenty-three the total number of Parliamentary Under-Secretaries who may sit and vote in the House of Commons by virtue of that Act), for the word "twenty-three" there shall be substituted the word "twenty-four".

(3) Subject to the provisions of the last foregoing paragraph, any enactment or instrument which refers to the said Minister or to his department (otherwise than by way of citation of the Ministry of Agriculture and Fisheries Acts, 1889 to 1919) shall have effect, except in relation to matters past at the coming into operation of this Order, as if the said new style and title were substituted for the old.

Supplementary

4.—(1) The enactments and instruments specified in the Second Schedule to this Order are hereby repealed to the extent specified in the third column of that Schedule.

(2) Paragraph (7) of Regulation 55 of the Defence (General) Regulations, 1939 (which provides for the application of that regulation to Scotland

(a) S.R. & O. 1939/927 (1939 I, p. 715). (b) 1 Edw. 8 & 1 Geo. 6. c. 38.

with the omission of references to the Minister of Agriculture and Fisheries), and paragraph (10) of Regulation 55AB of those regulations (which makes similar provision in relation to that regulation) shall not apply in relation to functions transferred to that Minister and the Secretary of State by paragraph (3) of Article 2 of this Order.

(3) This Order shall not affect the validity of anything done by or in relation to the Minister of Food 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 that Minister (including in particular any legal proceedings then pending to which that Minister is a party) may be continued by or in relation to the Minister of Agriculture, Fisheries and Food or the Secretary of State or each of them, as the case may require.

(4) Any authority or appointment given or made by the Minister of Food shall, if in force on the coming into operation of this Order, continue in force as if made or given by the Minister of Agriculture, Fisheries and Food or the Secretary of State or each of them, as the case may require.

W. G. Agnew.

FIRST SCHEDULE

FUNCTIONS TRANSFERRED TO SECRETARY OF STATE AND TO MINISTER OF AGRICULTURE AND FISHERIES AND SECRETARY OF STATE JOINTLY

PART I

SCOTTISH FUNCTIONS TRANSFERRED TO SECRETARY OF STATE

Enactment or Instrument	*Functions Transferred*
The Civic Restaurants Act, 1947(a) ...	All functions under the Act in its application to Scotland.
The Agriculture Act, 1947(b)	All functions under Part I, in its application to Scotland, other than functions under any order in force thereunder at the coming into operation of this Order.
The Milk (Special Designations) Act, 1949(c).	All functions.
The Defence (General) Regulations, 1939	All functions under Part IV in its application to Scotland, other than— (*a*) functions described in paragraph (3) of Article 2 of this Order; and (*b*) functions (not described elsewhere in this Part of this Schedule) under any order in force under the said Part IV at the coming into operation of this Order.
The Defence (Agriculture and Fisheries) Regulations, 1939(d).	All functions under Regulation 26 in its application to Scotland.
The Defence (Sale of Food) Regulations, 1943(e).	All functions under the Regulations, and any order in force thereunder at the coming into operation of this Order, in their application to Scotland.
The Transfer of Functions (Food and Drugs) (Scotland) Order, 1949(f).	All functions.
The Civil Defence (Emergency Feeding) Regulations, 1951(g).	Functions in relation to local authorities in Scotland.

(a) 10 & 11 Geo. 6. c. 22. (b) 10 & 11 Geo. 6. c. 48. (c) 12, 13 & 14 Geo. 6. c. 34.
(d) S.R. & O. 1939/1303 (1939 I, p. 850). (e) S.R. & O. 1943/1553 (1943 II, p. 70).
(f) S.I. 1949/1047 (1949 I, p. 2569). (g) S.I. 1951/1223 (1951 I, p. 258).

Enactment or Instrument	*Functions Transferred*
The Eggs Order, 1953(a)	All functions under the order in its application to Scotland, other than functions under Article 6 of the order.
The Welfare Foods (Great Britain) Order, 1954(b).	All functions under the order in its application to Scotland.

PART II

FUNCTIONS TRANSFERRED TO MINISTER OF AGRICULTURE AND FISHERIES AND SECRETARY OF STATE JOINTLY

Enactment or instrument

The White Fish Industry Acts, 1951 and 1953.
The Sugar Industry Acts, 1936 and 1942.
Section thirty-seven of the Bacon Industry Act, 1938(c).
The Herring Industry Acts, 1935 to 1953.
Part II of the Defence (Agriculture and Fisheries) Regulations, 1939.
The Milk (Great Britain) Order, 1954(d).

SECOND SCHEDULE

REPEALS

Session and Chapter or Serial Number	Short Title	Extent of Repeal
25 & 26 Geo. 5. c. 9.	The Herring Industry Act, 1935.	In section twelve, in subsection (2), the words "the Minister of Food". In section fourteen, in subsection (1), the words "and the Minister of Food".
1 & 2 Geo. 6. c. 56.	The Food and Drugs Act, 1938.	In section seventy-two, in subsection (1), the words "the Minister of Agriculture and Fisheries", and the word "concerned"; and in subsection (2), the word "concerned". In section ninety-three, in subsection (1), the words "or the Minister of Agriculture and Fisheries", and the word "concerned".
S.R. & O. 1939/927.	The Defence (General) Regulations, 1939.	In Regulation forty-nine, in paragraph (1), the words "the Minister of Food", and in paragraph (4), the words "the Minister of Agriculture and Fisheries". In Regulation fifty-five, in paragraph (5), the words "the Minister of Food", and in paragraph (8), the words "the Minister of Agriculture and Fisheries and". In Regulation 55AB, in paragraph (7), the words "the Minister of Food, and in paragraph (11), the words "the Minister of Agriculture and Fisheries and".

(a) S.I. 1953/529 (1953 II, p. 2083).
(b) S.I. 1954/1401 (1954 II, p. 2119).
(c) 1 & 2 Geo. 6. c. 71.
(d) S.I. 1954/385 (1954 II, p. 2078).

Session and Chapter or Serial Number	Short Title	Extent of Repeal
S.R. & O. 1939/ 1303.	The Defence (Agriculture and Fisheries) Regulations, 1939.	In Regulation five, in paragraph (*b*), the words " or by the Minister of Food ", and in paragraph (*d*) the words " of Food ". Regulation six. In Regulation twenty-six, in paragraph (4), the words " the Minister of Agriculture and Fisheries ".
9 & 10 Geo. 6. c. 31.	The Ministers of the Crown (Transfers of Functions) Act, 1946.	Section four and the First Schedule.
10 & 11 Geo. 6. c. 39.	The Statistics of Trade Act, 1947.	In section seventeen, in subsection (3), the words " the Minister of Food ".
10 & 11 Geo. 6. c. 40.	The Industrial Organisation and Development Act, 1947.	In section one, in subsection (2), the words " the Minister of Food ".
10 & 11 Geo. 6. c. 48.	The Agriculture Act, 1947 ...	In section eight, in subsection (1), the words " or the Minister of Food ".
11 & 12 Geo. 6. c. 51.	The White Fish and Herring Industries Act, 1948.	In section ten, the words " and the Minister of Food ".
11 & 12 Geo. 6. c. 66.	The Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948.	In section twenty, in subsection (1), the words " the Minister of Food ".
14 Geo. 6. c. 35.	The Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950.	In section four, in subsection (1), the words " the Minister of Food ". In section ten the words " the Minister of Food ". In section fifteen, in subsection (1), the words " (*a*) except so far as the regulations relate to raw milk " and paragraph (*b*).
14 & 15 Geo. 6. c. 30.	The Sea Fish Industry Act, 1951.	In section nineteen, the words " and the Minister of Food ". In section twenty-two, in subsection (3), the words " and the Minister of Food ". In section twenty-four, the words " the Minister of Food ".
1 & 2 Eliz. 2. c. 17.	The White Fish and Herring Industries Act, 1953.	Section ten. In section thirteen, in subsection (1), the words " and the Minister of Food ". In the Schedule, in Part I, in the second column, the words from " In section fourteen " to " Food ".

Session and Chapter or Serial Number	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 67.	The Food and Drugs Amendment Act, 1954.	In section twenty-three, in subsection (1), the words "of Agriculture and Fisheries"; and in subsection (2), the words "or the Minister of Agriculture and Fisheries (as the case may be)" and the words "or the Minister of Agriculture and Fisheries, as the case may be".

EXPLANATORY NOTE

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

This Order in Council dissolves the Ministry of Food and transfers its functions in England and Wales and Northern Ireland to the Minister of Agriculture, Fisheries and Food.

The main functions now discharged in Scotland by the Minister of Food are transferred to the Secretary of State.

Certain general functions of the Minister of Food, such as the making of orders applicable to the United Kingdom as a whole under Defence Regulations, are transferred to the Secretary of State and the new Minister jointly.

The remaining functions of the Minister of Food, including still outstanding war-time functions and functions relating to trading in food, are transferred to the new Minister, who will exercise these functions in relation to the United Kingdom.

1955 No. 1955

The Transfer of Functions (Roads, Bridges and Ferries) Order, 1955

Made - - - -	*22nd December*, 1955
Laid before Parliament	*30th December*, 1955
Coming into Operation	*1st April*, 1956

At the Court at Buckingham Palace, the 22nd day of December, 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), 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 (Roads, Bridges and Ferries) Order, 1955.

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