1954 No. 1028

The Transfer of Functions (Ministry of Materials) Order, 1954

Made - - - - 30*th July*, 1954
Coming into Operation 16*th August*, 1954

At the Court at Arundel Castle, the 30th day of July, 1954

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section one of the Ministers of the Crown (Transfer of Functions) Act, 1946(a), Her Majesty is empowered by Order in Council to provide for the dissolution of any Government Department and the transfer or distribution of the functions theretofore exercisable by the Minister in charge thereof and to make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Order:

And Whereas it is provided by section three of that Act that no Order in Council which provides for the dissolution of a Government Department shall be made under that Act unless, after copies of the draft thereof have been laid before Parliament, each House presents an Address to Her Majesty praying that the Order may be made:

And Whereas copies of the draft of this Order have been laid before Parliament and each House has presented an Address to Her Majesty praying that the Order may be made:

Now, therefore, Her Majesty, in pursuance of the said section one, 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 (Ministry of Materials) 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) In this Order, "instrument" (without prejudice to the generality of that expression) includes in particular Orders in Council, judgments, decrees, orders, rules, regulations, byelaws, licences, awards, contracts, certificates and other documents.

(4) This Order shall come into operation on the sixteenth day of August, 1954.

2.—(1) The Ministry of Materials is hereby dissolved and the functions of the Minister of Materials are hereby transferred to the Board of Trade.

(2) Without prejudice to the generality of paragraph (1) of this Article, the functions of the Minister of Materials hereby transferred include—

(*a*) those transferred to him by Articles 2 and 3 and paragraph (1) of Article 4 of the Transfer of Functions (Various Materials) Order, 1951(c), and

(*b*) those conferred on him by or under the Cotton Act, 1954(d).

(3) With the functions transferred under this Article there are also hereby transferred all property, rights and liabilities held or enjoyed by, or incumbent on, the Minister of Materials in connection with those functions.

(a) 9 & 10 Geo. 6. c. 31.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1951/1242 (1951 I, p. 1361).
(d) 2 & 3 Eliz. 2. c. 24.

3.—(1) Nothing done by or in relation to the Minister of Materials which has been completed before the coming into operation of this Order shall be invalidated by the coming into operation thereof.

(2) Anything in process of being done by or in relation to the Minister of Materials at the time of the coming into operation of this Order (and, in particular, legal proceedings then pending to which the Minister of Materials is a party) may be continued by or in relation to the Board of Trade.

(3) Authorities and appointments given or made by the Minister of Materials shall, on the coming into operation of this Order, continue in force as if made or given by the Board of Trade:

Provided that nothing in this paragraph shall prevent any authority or appointment being terminated as from the coming into operation of this Order.

(4) Any Act of Parliament or instrument shall, so far as may be necessary for or in consequence of the transfers effected by this Order, have effect as if references to, or which are to be construed as references to, the Minister of Materials, his department or any of his officers were references to, to the department of, or to the corresponding officers of, the Board of Trade, and, in particular, as if joint references to the Minister and the Board were references to the Board alone.

(5) The last foregoing paragraph applies to all Acts of Parliament and instruments, whether passed, executed, made or given before or after the making or coming into operation of this Order, except that—

(*a*) it does not apply to Acts of Parliament passed after the coming into operation of this Order, and

(*b*) in relation to Acts of Parliament or instruments passed, executed, made or given after the making of this Order, it has effect subject to any contrary intention which appears from the Act or instrument.

4.—(1) Anything required or authorised by virtue of this Order to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

(2) In this Article the expression "Minister of State" means such a Minister of the Crown as is referred to in section two of the Re-election of Ministers Act, 1919(**a**), as explained by the House of Commons Disqualification (Declaration of Law) Act, 1935(**b**).

5. The Ministry of Materials Act, 1951(**c**), shall cease to have effect, but without prejudice to the application of section five of that Act (which relates to the seal, style and acts of the Minister) to instruments made before the coming into operation of this Order.

W. G. Agnew.

EXPLANATORY NOTE

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

The Order in Council, made under the Ministers of the Crown (Transfer of Functions) Act, 1946, makes provision for the dissolution of the Ministry of Materials and the transfer of all the functions of the Minister of Materials to the Board of Trade.

The Order in Council contains other provisions rendered necessary by the transfer of functions.

(**a**) 9 & 10 Geo. 5. c. 2. (**b**) 25 & 26 Geo. 5. c. 38. (**c**) 14 & 15 Geo. 6. c. 42.