STATUTORY INSTRUMENTS

1965 No. 1528

MINISTERS OF THE CROWN

The Transfer of Functions (Overseas Pensions) Order 1965

Made - - - -	3*rd August* 1965
Laid before Parliament	9*th August* 1965
Coming into operation	10*th August* 1965

At the Court at Buckingham Palace, the 3rd day of August 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 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 (Overseas Pensions) Order 1965.

(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 an enactment is a reference thereto as amended, and includes a reference thereto as applied, by or under any other enactment.

(4) This Order shall come into operation on 10th August 1965.

Transfer of Functions

2.—(1) There are hereby transferred to the Minister of Overseas Development the functions exercisable by the Secretary of State under any of the following enactments and instruments:—

(*a*) section 4 of the Pensions and Yeomanry Pay Act 1884(c) so far as it relates to persons to whom pensions are payable by virtue of section 1 of the Pensions (India, Pakistan and Burma) Act 1955(d) or any order made thereunder;

(*b*) section 273 of the Government of India Act 1935(e) and rules and Orders in Council made under that section or section 247 of that Act, or having effect under section 276 of that Act;

(*c*) the Judges Pensions (India and Burma) Act 1948(f);

(*d*) sections 1 and 2 of the Pensions (India, Pakistan and Burma) Act 1955;

(*e*) the Royal Warrants of 14th October 1952, 15th June 1955, 8th August 1956, 14th September 1959 and 25th February 1963 relating to pensions granted in respect of service in the Armed Forces of India and of Burma.

(a) 9 & 10 Geo. 6. c. 31.
(b) 52 & 53 Vict. c. 63.
(c) 47 & 48 Vict. c. 55.
(d) 3 & 4 Eliz. 2. c. 22.
(e) 26 Geo. 5 & 1 Edw. 8. c. 2.
(f) 12, 13 & 14 Geo. 6. c. 4.

(2) With the functions hereby transferred, there are also hereby transferred to the Minister of Overseas Development all rights and liabilities to which the Secretary of State was, in connection with any of those functions, entitled or subject immediately before the coming into operation of this Order.

Amendment of enactments and instruments

3.—(1) Any enactment or instrument in force at the coming into operation of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the foregoing provisions of this Order, as if for any reference to the Secretary of State (including any reference which is to be construed as such a reference) there were substituted a reference to the Minister of Overseas Development.

(2) In this Article " instrument " (without prejudice to the generality of that expression) includes in particular Orders in Council, warrants, orders, rules, regulations, awards, certificates and other documents.

Supplemental

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Secretary of State 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 him may, if it relates to any functions, rights or liabilities transferred by this Order, be continued by or in relation to the Minister of Overseas Development.

(2) Any authority, appointment or direction given or made by the Secretary of State in the exercise of any functions transferred by this Order shall, if in force at the coming into operation of this Order, continue in force and have effect as if given or made by the Minister of Overseas Development.

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order in Council, made under section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946, transfers to the Minister of Overseas Development functions of the Secretary of State relating to pensions payable to, or to the dependants of, persons formerly in the service of the Crown in India, Pakistan and Burma.