STATUTORY INSTRUMENTS

1985 No. 442

MINISTERS OF THE CROWN

The Transfer of Functions (Secretary of State and Minister of Agriculture, Fisheries and Food) Order 1985

Made - - -	*20th March* 1985
Laid before Parliament	*28th March* 1985
Coming into Operation	*1st April* 1985

At the Court at Buckingham Palace, the 20th day of March 1985

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(**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 (Secretary of State and Minister of Agriculture, Fisheries and Food) Order 1985.

(2) In this Order "the Agriculture Minister" means the Minister of Agriculture, Fisheries and Food.

(3) This Order comes into operation on 1st April 1985.

Transfer of functions from the Secretary of State to the Agriculture Minister

2. The functions of the Secretary of State under the Coast Protection Act 1949(**b**), so far as, immediately before the coming into operation of this Order, entrusted to the Secretary of State for the Environment, are hereby transferred to the Agriculture Minister.

Transfer of functions from the Agriculture Minister to the Secretary of State

3. The functions of the Agriculture Minister under paragraph 13 of Schedule 4 to the New Towns Act 1981(**c**) are hereby transferred to the Secretary of State.

(**a**) 1975 c.26. (**b**) 1949 c.74. (**c**) 1981 c.64.

Consequential and supplementary provisions

4.—(1) Any enactment or instrument passed or made before the coming into operation of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the transfer effected by Article 2 above, as if any reference to the Secretary of State or an officer of his (including any reference which is to be construed as such a reference) were or included a reference to the Agriculture Minister or to an officer of his (as the case may require).

(2) In relation to the exercise by the Agriculture Minister of any functions transferred to him by Article 2 above the provisions of the Coast Protection Act 1949 mentioned below in this Article shall have effect subject to the modifications there mentioned (which remove certain references which have effect as references to the Agriculture Minister).

(3) Section 2(8)(*a*) of that Act (definition for that section of "the Ministers concerned") shall have effect with the omission of the words from "and the" to the end.

(4) The provisos to sections 5(4) and 8(4) (which provide for the joint exercise of certain powers of the Minister under that Act in certain circumstances) shall each have effect with the omission of paragraph (*a*) (but not so as to affect the operation of section 5(7) or section 8(9)).

(5) In Schedule 2 to that Act, paragraph 5 (certain references to the Minister to be construed as references to more than one Minister) shall have effect with the omission of paragraph (*a*).

5. In paragraph 13 of Schedule 4 to the New Towns Act 1981 the following shall be omitted—

(*a*) in sub-paragraph (1), the words from "(in the case of an open space" to "garden allotment)"; and

(*b*) in sub-paragraph (2), the words "or the Minister having jurisdiction to give the certificate" and the words "or that Minister".

6.—(1) This Order does not affect the validity of anything done by or in relation to the Secretary of State or (as the case may be) the Agriculture Minister before the coming into operation of this Order.

(2) Anything which, at the time of the coming into operation of this Order, is in the process of being done by or in relation to the Secretary of State may, if it relates to any functions transferred by Article 2 above, be continued by or in relation to the Agriculture Minister.

(3) Anything which, at that time, is in the process of being done by or in relation to the Agriculture Minister may, if it relates to any functions transferred by Article 3 above, be continued by or in relation to the Secretary of State.

(4) The preceding provisions of this Article apply in particular in relation to legal proceedings.

7.—(1) Any authority, approval, confirmation, direction, notice or undertaking given, requirement, determination or appointment made or other thing whatsoever done (or having effect as if given, made or done) by the Secretary of State for the purpose of any functions transferred by Article 2 above, if in force at the coming into operation of this Order, shall have effect, so far as required for continuing its effect after the coming into operation of this Order, as if given, made or done by the Agriculture Minister.

(2) Any certificate, direction or notice given, determination or appointment made or other thing whatsoever done by the Agriculture Minister for the purpose of any functions transferred by Article 3 above, if in force at the coming into operation of this Order, shall have effect, so far as required for continuing its effect after the coming into operation of this Order, as if given, made or done by the Secretary of State.

8. Documents or forms printed or duplicated for use in connection with any functions transferred by this Order may be so used notwithstanding that they contain references to—

(*a*) the Secretary of State for the Environment, in the case of functions transferred by Article 2 above; or

(*b*) the Agriculture Minister, in the case of functions transferred by Article 3 above;

and those references shall be read as references to the Agriculture Minister in cases within paragraph (*a*) above and to the Secretary of State in cases within paragraph (*b*) above.

G. I. de Deney,
Clerk of the Privy Council.

EXPLANATORY NOTE

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

This Order makes provision (Article 2) for the transfer to the Minister of Agriculture, Fisheries and Food of the functions of the Secretary of State under the Coast Protection Act 1949 so far as those functions are entrusted to the Secretary of State for the Environment; it also provides (Article 3) for the transfer to the Secretary of State of certain functions of the Minister relating to the compulsory purchase of land forming part of a common, or fuel or field garden allotment.

Consequential and supplementary provisions are contained in Articles 4 to 8 of the Order.

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