MINISTERS OF THE CROWN (TRANSFER OF FUNCTIONS)

1952 No. 2033

The Transfer of Functions (Slaughter-houses and Knackers' Yards) Order, 1952

Made - - - -	*25th November*, 1952
Laid before Parliament	*26th November*, 1952
Coming into Operation	*1st January*, 1953

At the Court at Buckingham Palace, the 25th day of November, 1952

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:—

1.—(1) This Order may be cited as the Transfer of Functions (Slaughter-houses and Knackers' Yards) Order, 1952.

(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 Regulations is a reference thereto as amended by or under any subsequent enactment or Regulations, and in particular by the following Orders, that is to say:—

The Transfer of Functions (Secretary of State and Minister of Health) Order, 1946(**c**);

The Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 1) Order, 1951(**d**);

The Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 2) Order, 1951(**e**); and

The Minister of Local Government and Planning (Change of Style and Title) Order, 1951(**f**).

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

2.—(1) There are hereby transferred to the Minister of Food the functions of the Minister of Housing and Local Government under the following enactments, that is to say:—

(*a*) section two of the Slaughter of Animals Act, 1933(**g**);

(*b*) subsection (1) of section sixty and sections sixty-one and sixty-two of the Food and Drugs Act, 1938(**h**);

(*c*) section ninety-one of the said Act of 1938 so far as it relates to byelaws under section fifty-eight or section sixty of that Act;

(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. 1951/142; 1951 I, p. 1348.
(e) S.I. 1951/753; 1951 I, p. 1354.
(f) S.I. 1951/1900; 1951 I, p. 1347.
(g) 23 & 24 Geo. 5. c. 39.
(h) 1 & 2 Geo. 6. c. 56.

(*d*) section three hundred and three of the Public Health Act, 1936(**a**), as applied by section ninety-six of the Food and Drugs Act, 1938, so far as it relates to arbitrations in respect of compensation under section sixty-one of the said Act of 1938 ;

(*e*) section three hundred and eighteen of the said Act of 1936, as so applied, so far as it relates to functions transferred to the Minister of Food by this Order ;

(*f*) sections three hundred and twenty to three hundred and twenty-five of the said Act of 1936, as so applied, so far as those sections relate to functions of local authorities under sections fifty-seven to sixty-two of the said Act of 1938 ;

(*g*) section two hundred and seventy-six of the Public Health (London) Act, 1936(**b**), so far as it relates to byelaws under section one hundred and forty-two of that Act regulating the conduct of the business of slaughterer or knacker ;

(*h*) sections two hundred and ninety-two and two hundred and ninety-five of the Public Health (London) Act, 1936, so far as those sections relate to the enforcement—

(i) of any such byelaws as are mentioned in the foregoing paragraph ;

(ii) of section one hundred and forty-five of that Act ; or

(iii) of section one hundred and forty, one hundred and forty-one, one hundred and forty-two or one hundred and forty-four of that Act in their application to slaughter-houses or knackers' yards or the business of slaughterer or knacker.

(2) There are hereby transferred to the Minister of Food all functions of the Minister of Housing and Local Government under any local Act or Order, being functions corresponding with any of those transferred under paragraph (1) of this Article or otherwise relating to slaughter-houses or knackers' yards or the business of slaughterer or knacker, but not including functions corresponding with those transferred to the Minister of Housing and Local Government under Article 4 of this Order.

3. In the Sixth Schedule to the Defence (General) Regulations, 1939, the following paragraph shall be added at the end of Part I:—

" 17. The discharge by a local authority of any of their functions under section sixty or section sixty-two of the Food and Drugs Act, 1938.	The Minister of Food."

4. There are hereby transferred to the Minister of Housing and Local Government the functions of the Secretary of State under paragraph (*b*) of subsection (2) of section sixty of the Food and Drugs Act, 1938.

5.—(1) In the construction and for the purposes of any enactment (other than an enactment contained in the Ministers of the Crown Act, 1937(**c**)), passed before the date of the coming into operation of this Order, and of any byelaw, approval, determination or other document (other than this Order) made or given before that date,—

(*a*) any reference to the Minister of Housing and Local Government (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 Articles 2 and 3 of this Order, be construed as a reference to the Minister of Food ; and

(a) 26 Geo. 5 & 1 Edw. 8. c. 49. (b) 26 Geo. 5 & 1 Edw. 8. c. 50.
(c) 1 Edw. 8 & 1 Geo. 6. c. 38.

(*b*) 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 the transfer of functions effected by Article 4 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 byelaw, approval, determination or other thing confirmed, given, made or done (or having effect as if confirmed, given, made or done) before the date aforesaid—

(*a*) by the Minister of Housing and Local Government in relation to any functions transferred by Articles 2 and 3 of this Order ;

(*b*) by the Secretary of State in relation to the functions transferred by Article 4 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 confirmed, given, made or done by the Minister of Food, or the Minister of Housing and Local Government as the case may be.

F. J. Fernau.

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 Food certain statutory powers and duties relating to slaughter-houses and knackers' yards or otherwise relating to the slaughter of animals. The functions described in Article 2 of the Order (which belonged originally to the Minister of Health but were transferred to the Minister of Housing and Local Government by previous Orders under the Act of 1946 to which reference is made in Article 1 (3)) are as follows:—

Slaughter of Animals Act, 1933, s. 2.	Receipt of copies of resolutions by local authorities for extending or restricting the operation of s. 1 of the Act in relation to sheep or goats.
Food and Drugs Act, 1938, s. 60 (1).	Determination of questions between local authorities as to establishment of public slaughter-house by a local authority outside their own district.
s. 61.	Approval of resolutions by local authorities for elimination of private slaughter-houses and of certain licences for such slaughter-houses.
s. 62.	Approval of proposals for establishment of refrigerators, etc., by local authorities in connection with slaughter-houses or markets.
s. 91.	Confirmation of byelaws as to slaughter-houses (including public slaughter-houses) and knackers' yards.

s. 96—applying the following provisions of the Public Health Act, 1936:—	
s. 303.	Appointment of arbitrators in arbitrations under the Act of 1938 on compensation for elimination of private slaughter-houses.
s. 318.	Local inquiries in respect of exercise of powers transferred to Minister of Food.
s. 320.	Receipt of copies of agreements between district and county councils for transfer of functions in respect of slaughter-houses, knackers' yards, etc.
ss. 321-325.	Various powers and duties in case of default or alleged default by local authorities, etc., in performance of functions in respect of slaughter-houses, knackers' yards, etc.
Public Health (London) Act, 1936, s. 276.	Confirmation of byelaws regulating conduct of business of slaughterer.
ss. 292 and 295.	Various powers and duties in case of default or alleged default by sanitary authorities in enforcement and execution of the above byelaws or of other provisions of the Act relating to slaughter-houses, knackers' yards or the business of slaughterer or knacker.
Local Acts, Provisional Orders etc.	Functions corresponding with those listed above or otherwise relating to slaughter-houses, knackers' yards or the business of slaughterer or knacker, except any power to approve charges for use of public slaughter-houses.

Article 3 of the Order transfers to the Minister of Food the power of the Minister of Housing and Local Government to authorise building operations by local authorities for the purpose of providing public slaughter-houses or providing refrigerators, etc., in connection with public slaughter-houses or markets.

Article 4 of the Order transfers to the Minister of Housing and Local Government the power to approve charges for the use of public slaughter-houses provided under s. 60 of the Food and Drugs Act, 1938. This power, originally vested in the Minister of Health, was transferred to the Secretary of State in 1946 by the first of the Orders referred to in Article 1 (3) of the present Order.