Local Government and Planning by the Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 1) Order, 1951) in relation to the authorisation of a compulsory purchase of land by a county council for the purposes of Section 47 of the Highways Act, 1864, which relates to the improvements of highways.

The Order in Council also contains provisions rendered necessary by this transfer of functions.

The Transfer of Functions (Various Materials) Order, 1951

1951 No. 1242

Made - - - -	11*th July*, 1951
Laid before Parliament	11*th July*, 1951
Coming into Operation	12*th July*, 1951

At the Court at Buckingham Palace, the 11th day of July, 1951

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of the Ministers of the Crown (Transfer of Functions) Act, 1946(**a**), is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

1.—(1) This Order may be cited as the Transfer of Functions (Various Materials) Order, 1951.

(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) This Order shall come into operation on the twelfth day of July, nineteen hundred and fifty-one.

2. There are hereby transferred to the Minister of Materials—

(*a*) the functions of the Minister of Supply under section two of the Ministry of Supply Act, 1939(**c**), as amended by any subsequent enactment, in relation to articles of any description falling within the First Schedule to this Order;

(*b*) the functions of the Minister of Supply under section four of the said Act of 1939, as amended by any subsequent enactment, in relation to articles of any description falling within the First or Second Schedule to this Order;

(*c*) the functions transferred to the Board of Trade by the Transfer of Functions (Various Commodities) Order, 1946(**d**), and the Transfer of Functions (Ethyl Chloride and Kitchen Waste) Order, 1949(**e**), in relation to articles of any description falling within the Second Schedule to this Order:

Provided that this Article shall not transfer any of the said functions of the Minister of Supply—

(i) in so far as they are exerciseable in relation to articles required for use by any government department or by the armed forces of the Crown, or

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(a) 9 & 10 Geo. 6. c. 31. (b) 52 & 53 Vict. c. 63.
(c) 2 & 3 Geo. 6. c. 38. (d) S.R. & O. 1946 (No. 378) I, p. 1015.
(e) S.I. 1949 (No. 355) I, p. 2567.

(ii) in so far as their exercise is ancillary only to the exercise of the functions of the Minister of Supply under section two of the said Act of 1939, as amended as aforesaid, which are retained by him,

or any functions conferred on the Minister of Supply by subsection (1) of section six of the Supplies and Services (Transitional Powers) Act, 1945(**a**), for securing the orderly disposal of surplus material.

3.—(1) Subject to the provisions of the next following paragraph, there are hereby transferred to the Minister of Materials the functions of the Board of Trade under the Cotton (Centralised Buying) Act, 1947(**b**).

(2) The following functions under the said Act of 1947 shall be functions of the Board of Trade and the Minister of Materials acting jointly, that is to say:—

(*a*) the functions heretofore exercisable by the Board under sections five and six of that Act (which relate to the constitution of the Raw Cotton Commission);

(*b*) the giving of directions under subsection (1) of section seven of that Act so far as such directions may be given with respect to the rendering available of raw cotton to users thereof;

(*c*) the making, variation or revocation of regulations under section twenty-two of that Act (which provides for empowering the said Commission to obtain information).

4.—(1) Any enactment in force immediately before the coming into operation of this Order relating to the acquisition of land by the Minister of Supply or the Board of Trade under the Defence Acts shall with the necessary modifications apply, for the purposes only of the functions transferred to the Minister of Materials by this Order, to the acquisition of land by the last-mentioned Minister.

In this paragraph the expression "Defence Acts" means any of the provisions of the Defence Acts, 1842 to 1935, as amended, extended or applied by or under any enactment, and includes the provisions of section seven of the Land Clauses Consolidation Acts Amendment Act, 1860(**c**), and of section seven of the Militia (Lands and Buildings) Act, 1873(**d**).

(2) There are hereby transferred to the Minister of Materials all property and rights held or enjoyed by the Minister of Supply or the Board of Trade immediately before the coming into operation of this Order in connection with any of the functions thereby transferred to the Minister of Materials, and all liabilities then incumbent on the Minister of Supply and the Board of Trade in connection with any of those functions.

(3) In the construction and for the purposes of any enactment (other than an enactment contained in the Ministers of the Crown Act, 1937(**e**)), order, regulation, judgment, decree, award, deed, contract, byelaw, certificate or other document made before the coming into operation of this Order, any reference to, or which is to be construed as a reference to, the Minister of Supply or his officers or department, or to the Board of Trade or the Board's officers or department shall, so far only as may be necessary for the purpose or in consequence of the transfer of functions effected by this Order, be construed as or, as the case may require, as including, a reference to the Minister of Materials or his officers or department.

(a) 9 & 10 Geo. 6. c. 10. (b) 10 & 11 Geo. 6. c. 26.
(c) 23 & 24 Vict. c. 106. (d) 36 & 37 Vict. c. 68.
(e) 1 Edw. 8 & 1 Geo. 6. c. 83.

(4) The transfer of functions effected by this Order shall not prejudice the operation of any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the Minister of Supply or the Board of Trade in relation to the functions transferred by this Order and before the coming into operation thereof, 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 made, given or done by the Minister of Materials, or, as the case may require, by the Board of Trade and the Minister of Materials acting jointly.

(5) Anything commenced before the coming into operation of this Order by or under the authority of the Minister of Supply or the Board of Trade may, so far as it relates to any functions transferred to the Minister of Materials by this Order, be carried on or completed by or under the authority of the last-mentioned Minister.

(6) Where at the coming into operation of this Order any legal proceeding is pending to which the Minister of Supply or the Board of Trade is a party and the proceeding has reference to any of the functions transferred to the Minister of Materials by this Order, the last-mentioned Minister shall be substituted in the proceeding for the Minister of Supply or the Board of Trade as the case may be, and the proceeding shall not abate by reason of the substitution.

(7) Nothing in the foregoing provisions of this Article (other than paragraph (1) thereof) shall affect any estate or interest in land or any contract relating to the use of land.

F. J. Fernau.

FIRST SCHEDULE

MATERIALS IN RESPECT OF WHICH FUNCTIONS ARE TRANSFERRED TO THE MINISTER OF MATERIALS FROM THE MINISTER OF SUPPLY

1.—(*a*) The following metals in unwrought forms, save as provided in the following sub-paragraph, and, unless otherwise stated, the ores and concentrates of the metals and mining residues containing them:—

Aluminium.
Antimony.
Arsenic.
Beryllium.
Cadmium.
Chromium.
Cobalt.
Copper.
Lead.
Magnesium.
Manganese (as metal or dioxide only).
Nickel.
Niobium (Columbium).
Silicon (as metal only).
Tantalum.
Tin.
Titanium (as metal only).
Zinc.

(*b*) The foregoing sub-paragraph includes scrap and secondary metal to be used by the Minister of Materials in the production by him of refined metal of a quality equivalent to that of virgin metal, and includes secondary metal being refined metal of such a quality as aforesaid, but does not include any other scrap or secondary metal.

2. Ores and concentrates of, and mining residues containing:—
   Molybdenum.
   Tungsten.
   Vanadium.
3. Abrasives in raw or manufactured form.
4. Refractories and refractory materials.
5. The following materials:—
   Aluminium oxide.
   Sodium-aluminium fluoride.
   Cobalt oxide.
   Cryolite.
   Fluorspar.
   Magnesium oxide.
   Magnesium carbonate.
   Nickel oxide.
   Quartz crystals.
   Vanadium oxide.
   Iron powder.
   Bentonite.

SECOND SCHEDULE

MATERIALS IN RESPECT OF WHICH FUNCTIONS ARE TRANSFERRED TO THE MINISTER OF MATERIALS FROM THE BOARD OF TRADE

CHEMICALS

Ammonium Nitrate.
Ammonium Phosphate.
Ammonium Sulphate.
Barytes.
Basic Slag.
Bromine.
Calcium Carbide.
Ethyl Chloride.
Ground Phosphate.
Iodine.
Molasses.
Muriate of Potash.
Nitrate of Potash.
Nitrate of Soda.
Phosphate Rock.
Pyrites.
Silico Phosphate.
Sulphate of Potash.
Sulphur.
Sulphuric Acid.
Superphosphate of Lime.
Triple Superphosphate of Lime.

LEATHER, ETC.

Hides.
Leather.
Skins.
Tanning materials.

RUBBER, ETC.
- Balata.
- Carbon Black.
- Gutta Percha.
- Latex (natural and synthetic latices).
- Rubber, natural.
- Rubber, synthetic.
- Rubber, reclaimed.
- Rubber, waste.

TEXTILES AND FIBRES.
- Coir fibre.
- Cotton.
- Cotton linters.
- Flax.
- Flax seed.
- Hemp.
- Hemp seed.
- Jute.
- Jute bags.
- Jute cloth.
- Jute yarn.
- Kapok.
- Silk.
- Silk noils.
- Silk waste.
- Wool.

PAPER, ETC.
- Board.
- Fibrous paper-making materials.
- Paper.

TIMBER.
- Boxboards.
- Growing Trees, for felling.
- Plywood.
- Timber.
- Veneer.
- Wood Charcoal.

MISCELLANEOUS.
- Beeswax.
- Bristles.
- Casein.
- Cork.
- Derris, and other Rotenone-containing materials.
- Diatomite.
- Gall Nuts.
- Graphite.
- Gum Arabic.
- Gum Copal.
- Gum locust bean.
- Hair, horse.
- Hoofs.
- Horns.

Mercury.
Mica.
Oiticica Oil.
Pine Oil.
Pine Pitch.
Pine Tar.
Pine Tar Oil.
Platinum.
Pyrethrum.
Pyrophyllite.
Red Squill.
Rosin, Gum.
Rosin, liquid.
Rosin, wood.
Rutile.
Shellac.
Talc.
Tarene.
Truline Binder.
Tung Oil.
Turpentine, Gum.
Turpentine, Wood.
Woodpulp.

EXPLANATORY NOTE

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

This Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946, transfers the following functions from the Minister of Supply and the Board of Trade to the Minister of Materials:

(i) The functions (with certain exceptions and limitations) of the Minister of Supply under Section 2 of the Ministry of Supply Act, 1939, as amended (which sets out the Minister's general powers of purchase, manufacture etc.), in relation to articles of any description falling within the First Schedule to the Order (Article 2 (*a*)).

(ii) The functions of the Minister of Supply under Section 4 of the Ministry of Supply Act, 1939 (which relates to payments by the Minister for the creation of reserves) in relation to articles of any description falling within either Schedule (Article 2 (*b*)).

(iii) The functions (similar to those referred to in paragraph (i) above) which were transferred to the Board of Trade from the Ministry of Supply in 1946 in relation to articles of any description falling within the Second Schedule (Article 2 (*c*)).

(iv) The functions of the Board of Trade under the Cotton (Centralised Buying) Act, 1947, except for certain functions which the Board of Trade and the Minister of Materials will exercise jointly (Article 3).

The Order contains other provisions consequential upon the transfer of functions.