3. SECRETARY OF STATE AND MINISTER OF HEALTH

The Transfer of Functions (Secretary of State and Minister of Health) Order, 1948

1948 No. 865

Made - - - -	*27th April*, 1948
Laid before Parliament	*27th April*, 1948
Coming into Operation	*1st July*, 1948

At the Court at Buckingham Palace, the 27th day of April, 1948

Present,

The King's Most Excellent Majesty in Council

Whereas it is provided by the Ministers of the Crown (Transfer of Functions) Act, 1946(a), that it shall be lawful for His Majesty by Order in Council to transfer to any Minister of the Crown any functions theretofore exercisable by another Minister of the Crown:

And Whereas the Minister of Health exercises and performs the functions mentioned in Article 2 of this Order which functions appear to His Majesty to be more suitable for the Secretary of State:

Now, therefore, His Majesty 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 (Secretary of State and Minister of Health) Order, 1948, and shall come into operation on the first day of July, 1948.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. There shall be transferred to the Secretary of State the functions of the Minister of Health—

(*a*) under section forty-six of the Food and Drugs Act, 1938(c) (which relates to the days on which, and the hours during which, markets are to be held);

(*b*) of confirming byelaws made under section fifty of the said Act (which authorises a market authority to make byelaws declaring the distance from the market within which specified articles may not be sold during market hours except in market or in shops or in certain other places);

(*c*) under any enactment in a local Act or provisional order of consenting to, or approving, any stallages, tolls, rents or other charges for the purposes of markets or fairs.

3.—(1) In the construction and for the purposes of any enactment (other than an enactment contained in the Ministers of the Crown Act, 1937(d)),

(a) 9 & 10 Geo. 6. c. 31.
(b) 52 & 53 Vict. c. 63.
(c) 1 & 2 Geo. 6. c. 56.
(d) 1 Edw. 8 & 1 Geo. 6. c. 38.

regulation, byelaw or other document passed or made before the date of the coming into operation of this Order any reference to, or which is to be construed as a reference to, the Minister of Health 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 a reference to the Secretary of State.

(2) This Order shall not prejudice the operation of any confirmation, consent or approval given or other thing done by the Minister of Health before the date of the coming into operation of this Order in relation to functions thereby transferred, 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 given or done by the Secretary of State.

E. C. E. Leadbitter.

MOTOR SPIRIT

[*See* also Index to Vol. II for Instruments made under the Defence Regulations.]

The Motor Spirit Regulations, 1948

1948 No. 1127

Made - - - -	*28th May*, 1948
Laid before Parliament	*28th May*, 1948
Coming into Operation	*1st June*, 1948

The Minister of Fuel and Power, in exercise of the powers conferred upon him by section twelve of the Motor Spirit (Regulation) Act, 1948, and of all other powers him enabling, hereby makes the following Regulations:— 11 & 12 Geo. 6 c. 34.

1. The class of motor vehicles referred to in the Act as "private motor vehicles" shall comprise every motor vehicle constructed solely for the carriage of passengers and their effects to carry not more than seven passengers exclusive of the driver, not being a public service vehicle within the meaning of the Road Traffic Acts, 1930 to 1947. Private motor vehicles.

2.—(1) For the purposes of the Act, the expression "motor spirit" means hydrocarbon oil of which the volume distilling, when tested by the method specified in relation thereto in the next following paragraph, at a temperature not exceeding one hundred and eighty-five degrees Centigrade, is not less that fifty per centum, or, at a temperature not exceeding two hundred and forty degrees Centigrade, is not less than ninety-five per centum, or which has a closed flashpoint, when tested as aforesaid, of less than seventy-three degrees Fahrenheit. Definition of "motor spirit".