2.—(1) This Order may be cited as the Minister of Local Government and Planning (Change of Style and Title) Order, 1951.

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

F. J. Fernau.

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

1951 No. 142

Made - - - -	29*th January*, 1951
Laid before Parliament	29*th January*, 1951
Coming into Operation	30*th January*, 1951

At the Court at Buckingham Palace, the 29th day of January, 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 (Minister of Health and Minister of Local Government and Planning) (No. 1) Order, 1951.

(2) The Interpretation Act, 1889, 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 thirtieth day of January, nineteen hundred and fifty-one.

2.—(1) The style and title of the Minister of Town and Country Planning shall be changed to "the Minister of Local Government and Planning."

(2) The said new style and title shall be substituted for the former in the Minister of Town and Country Planning Act, 1943(**b**), except in section twelve of that Act (which specifies the short title thereof), in all other enactments relating to the said Minister, and in all instruments (other than this Order), contracts and legal proceedings made or commenced before the coming into operation of this Order which refer to the said Minister.

3.—(1) There are hereby transferred to the Minister of Local Government and Planning the functions of the Minister of Health under the enactments specified in Part I of the Schedule to this Order, except the functions specified in Part II of that Schedule.

(2) In the Schedule to this Order the said excepted functions are referred to as "retained Health functions", and the expression "Health matters" means matters as to which retained Health functions are exercisable.

(**a**) 9 & 10 Geo. 6. c. 31. (**b**) 6 & 7 Geo. 6. c. 5.

4.—(1) The Minister of Local Government and Planning shall be a competent authority for the purposes of Regulations 50, 50A, 51, 53, 54A, 55, 55AA, 55AB, 77 and 85 of the Defence (General) Regulations, 1939, except for the purposes of the application of those Regulations respectively to Scotland or to Northern Ireland.

(2) In Regulations 50A, 56, 68AA and 68CA of the Defence (General) Regulations, 1939, references to the Minister of Local Government and Planning shall be substituted for the references therein to the Minister of Health.

(3) In Part I of the Sixth Schedule to the Defence (General) Regulations, 1939, references to the Minister of Local Government and Planning shall be substituted for the references to the Minister of Health in paragraph 1 thereof and in sub-paragraphs (*c*) and (*e*) of paragraph 6 thereof, and the following paragraph shall be inserted at the end of that Part, that is to say:—

"15. The discharge by a local health authority of any of their functions under Part III of the National Health Service Act, 1946(a)	The Minister of Health"

5.—(1) The Minister of Local Government and Planning shall be the appropriate Minister—

(*a*) for the purposes of the Acquisition of Land (Authorisation Procedure) Act, 1946(b), in relation to an undertaking for the supply of water; and

(*b*) for the purposes of the Town and Country Planning Act, 1944(c), the New Towns Act, 1946(d), the Town and Country Planning Act, 1947(e), and the National Parks and Access to the Countryside Act, 1949(f), in relation to such an undertaking and to statutory undertakers carrying on such an undertaking;

and accordingly references to that Minister shall be substituted for the references to the Minister of Health in the definition of "appropriate Minister" in section eight of the Acquisition of Land (Authorisation Procedure) Act, 1946, in section thirteen of the Town and Country Planning Act, 1944, as applied by the New Towns Act, 1946, and in section one hundred and nineteen of the Town and Country Planning Act, 1947.

(2) In the construction and for the purposes of any enactment (other than an enactment contained in the Ministers of the Crown Act, 1937(g)), regulation, byelaw, judgment, award, order, deed, contract, certificate or other document passed or 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 Health or his officers or department shall, so far only as may be necessary for or in consequence of the transfer of functions effected by this Order, be construed as a reference to the Minister of Local Government and Planning or his officers or department.

(3) The transfer of functions effected by this Order shall not prejudice the operation of any regulation, order, appointment, determination, direction, instruction, approval, consent, requirement, authorisation or other thing made, given or done by the Minister of Health in relation to the functions transferred by this Order and before the coming into operation thereof,

(a) 9 & 10 Geo. 6. c. 81.
(b) 9 & 10 Geo. 6. c. 49.
(c) 7 & 8 Geo. 6. c. 47.
(d) 9 & 10 Geo. 6. c. 68.
(e) 10 & 11 Geo. 6. c. 51.
(f) 12, 13 & 14 Geo. 6. c. 97.
(g) 1 Edw. 8. & 1 Geo. 6. c. 38.

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 Local Government and Planning.

(4) Anything commenced before the coming into operation of this Order by or under the authority of the Minister of Health may, so far as it relates to any functions transferred by this Order, be carried on or completed by or under the authority of the Minister of Local Government and Planning.

(5) Where at the coming into operation of this Order any legal proceeding is pending to which the Minister of Health is a party and the proceeding has reference to any of the functions transferred by this Order, the Minister of Local Government and Planning shall be substituted in the proceeding for the Minister of Health, and the proceeding shall not abate by reason of the substitution.

(6) There are hereby transferred to the Minister of Local Government and Planning all property and rights held or enjoyed by the Minister of Health immediately before the coming into operation of this Order in connection with any of the functions thereby transferred, and all liabilities then incumbent on the Minister of Health in connection with any of those functions.

6. The charges coming in course of payment during the period beginning with the coming into operation of this Order and ending with the thirty-first day of March, nineteen hundred and fifty-one, of the services to which functions transferred by this Order appertain shall be defrayed as if—

(*a*) those functions had remained functions of the Minister of Health; and

(*b*) anything done by or under the authority of the Minister of Local Government and Planning in the exercise of those functions had been done by or under the authority of the Minister of Health; and

(*c*) any sums paid to the Minister of Local Government and Planning by virtue of the transfer of those functions had been paid to the Minister of Health;

and the appropriation accounts of the expenditure of grants appropriated for the services and purposes expressed in Votes 1 to 4 and 12 mentioned in Part 12 of Schedule (B) to the Appropriation Act, 1950(**a**), or in any vote supplementary to any of those votes, shall be prepared, framed and rendered accordingly.

E. C. E. Leadbitter.

SCHEDULE

PART I

ENACTMENTS CONFERRING FUNCTIONS TRANSFERRED

Local Government, and rating and valuation:

The Local Government Act, 1933 (23 & 24 Geo. 5. c. 51).
The London Government Act, 1939 (2 & 3 Geo. 6. c. 40).
The Local Government Act, 1948 (11 & 12 Geo. 6. c. 26).

The Rating and Valuation Acts, 1925 to 1940.
The Rating and Valuation (Metropolis) Acts, 1869 to 1940.

The Local Government Act, 1888 (51 & 52 Vict. c. 41).
The Local Government Act, 1894 (56 & 57 Vict. c. 73).
The Local Authorities (Treasury Powers) Act, 1906 (6 Edw. 7. c. 33).
The Local Government (Emergency Provisions) Act, 1916 (6 & 7 Geo. 5. c. 12).
The War Memorials (Local Authorities' Powers) Act, 1923 (13 & 14 Geo. 5. c. 18).
The Local Government Act, 1929 (19 & 20 Geo. 5. c. 17).

(a) 14 Geo. 6. c. 16.

Local Government, and rating and valuation—cont.

Section fifteen of the Police Act, 1946 (9 & 10 Geo. 6. c. 46).
Section two of the Civic Restaurants Act, 1947 (10 & 11 Geo. 6. c. 22).
Section three of the Fire Services Act, 1947 (10 & 11 Geo. 6. c. 41).
The Electricity Act, 1947 (10 & 11 Geo. 6. c. 54).
The Gas Act, 1948 (11 & 12 Geo. 6. c. 67).

Public health:

The Public Health Act, 1936 (26 Geo. 5. & 1 Edw. 8. c. 49).
The Public Health (London) Act, 1936 (26 Geo. 5. & 1 Edw. 8. c. 50).

The Water Acts, 1945 and 1948 (8 & 9 Geo. 6. c. 42, 11 & 12 Geo. 6. c. 22).

The Rivers Pollution Prevention Acts, 1876 and 1893 (39 & 40 Vict. c. 75, 56 & 57 Vict. c. 31).
The Salmon and Freshwater Fisheries Act, 1923 (13 & 14 Geo. 5. c. 16).
The River Boards Act, 1948 (11 & 12 Geo. 6. c. 32).

The Public Health Acts, 1875 to 1932.
The Alkali, etc. Works Regulations Act, 1906 (6 Edw. 7. c. 14).
The Rag Flock Acts, 1911 and 1928 (1 & 2 Geo. 5. c. 52, 18 & 19 Geo. 5. c. 39).
The Rural Water Supplies Act, 1934 (24 & 25 Geo. 5. c. 7).
The Public Health (Drainage of Trade Premises) Act, 1937 (1 Edw. 8. & 1 Geo. 6. c. 40).
The Public Health (Coal Mine Refuse) Act, 1939 (2 & 3 Geo. 6. c. 58).
The Rural Water Supplies and Sewerage Act, 1944 (7 & 8 Geo. 6. c. 26).
The Building Restrictions (War-Time Contraventions) Act, 1946 (9 & 10 Geo. 6. c. 35).
Section nine of the New Towns Act, 1946 (9 & 10 Geo. 6. c. 68).

Housing:

The Housing Acts, 1936 to 1949.
The Housing (Temporary Accommodation) Act, 1945 (8 & 9 Geo. 6. c. 39).
The Building Materials and Housing Act, 1945 (9 & 10 Geo. 6. c. 20).
Section eight of the New Towns Act, 1946 (9 & 10 Geo. 6. c. 68).

The Housing (Rural Workers) Acts, 1926 to 1942.
The Housing (Rural Authorities) Act, 1931 (21 & 22 Geo. 5. c. 39).

The Small Dwellings Acquisition Acts, 1899 to 1923.

The Housing (Emergency Powers) Act, 1939 (2 & 3 Geo. 6. c. 73).
The Repair of War Damage Act, 1941 (4 & 5 Geo. 6. c. 34).

The Housing Act, 1914 (4 & 5 Geo. 5. c. 31).
The Housing (Town Planning &c.) Act, 1919 (9 & 10 Geo. 5. c. 35).
The Housing &c. Act, 1923 (13 & 14 Geo. 5. c. 24).
The Housing (Financial Provisions) Act, 1924 (14 & 15 Geo. 5. c. 35).
The Housing (Revision of Contributions) Act, 1929 (20 & 21 Geo. 5. c. 6).
The Housing Act, 1930 (20 & 21 Geo. 5. c. 39).
The Housing (Financial Provisions) Act, 1933 (23 & 24 Geo. 5. c. 15).

Rent control:

The Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1939.
The Furnished Houses (Rent Control) Act, 1946 (9 & 10 Geo. 6. c. 34).
The Landlord and Tenant (Rent Control) Act, 1949 (12, 13 & 14 Geo. 6. c. 40).

Burials:
The Burial Acts, 1852 to 1906.
The Local Government (Joint Committees) Act, 1897 (60 & 61 Vict. c. 40).

Coast protection:
The Coast Protection Act, 1949 (12, 13 & 14 Geo. 6. c. 74).

PART II

RETAINED HEALTH FUNCTIONS

Functions under the following enactments:—

The Local Government Act, 1933.	Sections one hundred and three, one hundred and six to one hundred and thirteen, and one hundred and fifteen to one hundred and seventeen (medical officers of health and sanitary inspectors).
	Sections two hundred and eighty-four (reports and returns) and two hundred and ninety (inquiries), so far as functions thereunder are exercisable as to Health matters.
The London Government Act, 1939.	Sections seventy-seven to eighty-four (medical officers of health and sanitary inspectors).
	Sections one hundred and seventy-four (reports and returns) and one hundred and eighty-nine (inquiries), so far as functions thereunder are exercisable as to Health matters.
The Local Government Act, 1929.	Part II (registration of births, deaths and marriages).
	Sections one hundred and twenty-nine (inquiries) and one hundred and thirty-one (orders, schemes and regulations), so far as functions thereunder are exercisable as to Health matters.
The Public Health Act, 1936.	Sections two to five (port health districts and authorities), and sections nine and ten so far as they relate to such districts or authorities.
	Part V (prevention, notification and treatment of disease).
	Part VI (nursing homes, mortuaries, laboratories).
	Part VII (notification of births, maternity and child welfare).
	So far as functions thereunder are exercisable as to Health matters, sections two hundred and eighty-three (forms of notices), two hundred and ninety-one (recovery of expenses), three hundred and six (authorisation of compulsory purchase), three hundred and twelve (confirmation of byelaws), three hundred and thirteen (orders for amendment or adaptation of local Acts), three hundred and fourteen (power to apply provisions of Act to joint boards), three hundred and sixteen (adaptation of section two hundred and eighty-five of the Local Government Act, 1933), three hundred and eighteen (local inquiries), three hundred and twenty (relinquishment of functions by district councils), three hundred and twenty-one, three hundred and twenty-two, three hundred and twenty-four and three hundred and twenty-five (default powers), and three hundred and twenty-six and three hundred and twenty-seven (compensation of officers).
	The First Schedule (medical officers of health and sanitary inspectors of port health districts).

The Public Health (London) Act, 1936.	Sections five and six (port health authority). Part VIII (food). Part IX (prevention and treatment of disease). Part X (mortuaries). Part XI (nursing homes). Part XII (notification of births). Section two hundred and ninety-three (assignment to county council of functions of defaulting sanitary authority under epidemic regulations). Section two hundred and ninety-eight (publication of information as to health or disease). Section three hundred and five (additions to number of notifiable or dangerous infectious diseases). So far as functions thereunder are exercisable as to Health matters, sections two hundred and seventy-six (confirmation of byelaws), two hundred and seventy-eight (extent of byelaws), two hundred and eighty (restriction on proceedings against sanitary authority), two hundred and ninety (borrowing by sanitary authorities), two hundred and ninety-two and two hundred and ninety-five (default powers), two hundred and ninety-seven (inquiries), and three hundred and six (transfer to county council of functions of common council).
The Housing Act, 1936 ...	Section sixty-seven (duty of medical officers to furnish particulars of overcrowding).

EXPLANATORY NOTE

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

This Order in Council is made under the Ministers of the Crown (Transfer of Functions) Act, 1946, and, after changing the title of the Minister of Town and Country Planning to the Minister of Local Government and Planning, transfers to him the functions of the Minister of Health under the enactments set out in Part I of the Schedule to the Order in Council, being functions relating to such matters as—

Local government and rating and valuation
Public health
Housing
Rent control
Burials
Coast protection.

Part II of the Schedule sets out the functions under the enactments referred to in Part I which are excepted from the transfer and retained by the Minister of Health.

The Order in Council contains other provisions rendered necessary by the transfer of functions, including provisions enabling the charges in connection with the exercise of the transferred powers coming into payment between the date of the coming into operation of the Order in Council and the end of the current financial year to continue to be borne on the Ministry of Health Votes and accounted for accordingly.