1953 No. 1204

The Transfer of Functions (Ministry of Civil Aviation) Order, 1953

Made - - - -	1*st August*, 1953
Coming into Operation	1*st October*, 1953

At the Court at Buckingham Palace, the 1st day of August, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section one of the Ministers of the Crown (Transfer of Functions) Act, 1946(a), Her Majesty is empowered by Order in Council to provide for the dissolution of any Government department and the transfer or distribution of the functions theretofore exercisable by the Minister in charge thereof and to make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Order:

And Whereas it is provided by section two of that Act that, if Her Majesty is pleased by Order in Council to direct that any change shall be made in the style and title of a Minister of the Crown, the Order may contain provisions substituting the new style and title in the enactments relating to the Minister:

And Whereas it is provided by section three of that Act that no Order in Council which provides for the dissolution of a Government department shall be made under that Act unless, after copies of the draft thereof have been laid before Parliament, each House presents an Address to Her Majesty praying that the Order may be made:

And Whereas copies of the draft of this Order have been laid before Parliament and each House has presented an Address to Her Majesty praying that the Order may be made:

Now, therefore, Her Majesty, in pursuance of the said sections one and two, 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 (Ministry of Civil Aviation) Order, 1953.

(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) In this Order, "instrument" (without prejudice to the generality of that expression) includes in particular Orders in Council, judgments, decrees, orders, rules, regulations, byelaws, awards, contracts, certificates and other documents.

(4) This Order shall come into operation on the first day of October, 1953.

(a) 9 & 10 Geo. 6. c. 31. (b) 52 & 53 Vict. c. 63.

2.—(1) The Ministry of Civil Aviation is hereby dissolved and the functions of the Minister of Civil Aviation are hereby transferred to the Minister of Transport.

(2) With the functions transferred under paragraph (1) of this Article there are also hereby transferred all property, rights and liabilities held or enjoyed by, or incumbent on, the Minister of Civil Aviation in connection with those functions.

3.—(1) The style and title of the Minister of Transport is hereby changed to " the Minister of Transport and Civil Aviation " and his department shall be known as the Ministry of Transport and Civil Aviation, and section twenty-six of the Ministry of Transport Act, 1919(**a**), as amended by subsection (2) of section thirty-nine of the Crown Proceedings Act, 1947(**b**), shall have effect accordingly:

Provided that nothing in this paragraph shall be taken as invalidating any instrument (whether executed, made or given before or after the coming into operation of this Order) which refers to the said Minister as the Minister of Transport or to his department as the Ministry of Transport.

(2) The Minister of Transport and Civil Aviation may appoint two Parliamentary Secretaries with salaries payable under the Ministers of the Crown Act, 1937(**c**), and accordingly, in that Act, as amended by the Ministers of the Crown (Parliamentary Under-Secretaries) Act, 1951(**d**)—

(*a*) paragraph (*b*) of subsection (2) of section two (which enumerates the Departments which may have a maximum of two Parliamentary Under-Secretaries paid under that Act) shall have effect as if the Departments therein referred to included the Ministry of Transport and Civil Aviation;

(*b*) in paragraph (*c*) of the proviso to subsection (1) of section nine (which limits to twenty-two the number of Parliamentary Under-Secretaries paid under that Act who may sit and vote in the House of Commons) for the word " twenty-two " there shall be substituted the word " twenty-three ".

4.—(1) Nothing done by or in relation to the Minister of Civil Aviation before the coming into operation of this Order shall be invalidated by the coming into operation thereof.

(2) Anything in process of being done by or in relation to the Minister of Civil Aviation at the time of the coming into operation of this Order (and, in particular, legal proceedings then pending to which the Minister of Civil Aviation is a party) may be continued by or in relation to the Minister of Transport and Civil Aviation.

(3) Authorities and appointments given or made by the Minister of Civil Aviation shall, on the coming into operation of this Order, continue in force as if made or given by the Minister of Transport and Civil Aviation:

Provided that nothing in this paragraph shall prevent any authority or appointment being terminated as from the coming into operation of this Order.

(4) Any Act of Parliament or instrument shall, so far as may be necessary for or in consequence of the transfers effected by this Order, have effect as if references to, or which are to be construed as references to, the Minister

(**a**) 9 & 10 Geo. 5. c. 50.
(**b**) 10 & 11 Geo. 6. c. 44.
(**c**) 1 Edw. 8 & 1 Geo. 6. c. 38.
(**d**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 9.

of Civil Aviation, his department or any of his officers were references to, to the department of, or to the corresponding officers of, the Minister of Transport and Civil Aviation.

This paragraph applies to all Acts of Parliament and instruments, whether passed, executed, made or given before or after the making or coming into operation of this Order, except that—

(*a*) it does not apply to Acts of Parliament passed after the coming into operation of this Order; and

(*b*) in relation to Acts of Parliament or instruments passed, executed, made or given after the making of this Order, it has effect subject to any contrary intention which appears from the Act or instrument.

5. The provisions of the Civil Aviation Act, 1949(a), specified in the Schedule to this Order shall, to the extent specified in that Schedule, cease to have effect.

W. G. Agnew.

SCHEDULE

PROVISIONS OF THE CIVIL AVIATION ACT, 1949, REPEALED

Section one, so far as it relates to the appointment of a Minister of Civil Aviation.

Sections two to four.

Section five, except in relation to instruments made before the coming into operation of this Order.

Section fifty-two, so far as it requires consultation between the Minister of Transport and the Minister of Civil Aviation.

EXPLANATORY NOTE

(*This Note is not 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, makes provision for the amalgamation of the Ministry of Civil Aviation and the Ministry of Transport under the Minister of Transport who is to be styled the Minister of Transport and Civil Aviation.

The Order also empowers the Minister of Transport and Civil Aviation to appoint two Parliamentary Secretaries and contains other provisions rendered necessary by the transfer of functions.

(a) 12, 13 & 14 Geo. 6. c. 67.