STATUTORY INSTRUMENTS

1965 No. 319

MINISTERS OF THE CROWN

The Secretary of State for Wales and Minister of Land and Natural Resources Order 1965

Made - - - -	*26th February* 1965
Laid before Parliament	*4th March* 1965
Coming into Operation	*1st April* 1965

At the Court at Buckingham Palace, the 26th day of February 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946(a) and section 4 of the Ministers of the Crown Act 1964(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965.

(2) The Interpretation Act 1889(c) 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, schemes, decrees, orders, rules, regulations, byelaws, awards, covenants, contracts, certificates and other documents;

" Wales ", except in Articles 8 and 9, includes Monmouthshire;

and any reference in this Order to an enactment or instrument is a reference thereto as amended, and includes a reference thereto as applied, by any other enactment or instrument.

(4) This Order shall come into operation on 1st April 1965.

Transfer of Welsh local government etc. functions to Secretary of State

2.—(1) The functions of the Minister of Housing and Local Government under the enactments specified in Part I of Schedule 1 to this Order, in so far as those enactments apply to Wales, are hereby transferred to the Secretary of State; but in the case of functions under such of those enactments as are again mentioned in Part II of that Schedule the transfer shall have effect subject to and in accordance with the provisions of the said Part II.

(2) There are also hereby transferred to the Secretary of State the functions of the said Minister under—

(a) 9 & 10 Geo. 6. c. 31. (b) 1964 c. 98. (c) 52 & 53 Vict. c. 63.

(*a*) the Central Land Board (Dissolution and Transfer of Functions) Order 1959(a); and

(*b*) the regulations relating to Civil Defence specified in Part III of Schedule 1 to this Order;

in so far as the said Order and regulations apply to Wales.

Transfer of Welsh roads etc. functions to Secretary of State

3.—(1) The functions of the Minister of Transport under the enactments specified in Part I of Schedule 2 to this Order, in so far as those enactments apply to Wales, are hereby transferred to the Secretary of State; but in the case of functions under such of those enactments as are again mentioned in Part II of that Schedule, the transfer shall have effect subject to and in accordance with the provisions of the said Part II.

(2) There are also hereby transferred to the Secretary of State the functions of the said Minister under the Traffic Signs (Speed Limits) Regulations 1962(b) and the Traffic Signs Regulations and General Directions 1964(c) in so far as the said regulations and directions apply to Wales.

Transfer of forestry functions to Secretary of State and Minister of Land and Natural Resources

4.—(1) Subject to paragraph (2) of this Article, the functions of the Minister of Agriculture, Fisheries and Food under—

(*a*) the Forestry Acts 1919 to 1951(d), the New Forest Acts 1877 to 1964(e), section 25(1) of the Mineral Workings Act 1951(f) (grants for afforestation in ironstone district) and section 8(1) of the Crown Estate Act 1961(g) (Crown woodlands etc.); and

(*b*) section 90 of the Agriculture Act 1947(h), so far as it applies to land acquired in connection with the functions conferred by the enactments specified in sub-paragraph (*a*) of this paragraph,

are hereby transferred, except in so far as they relate to Wales, to the Minister of Land and Natural Resources, and, in so far as they relate to Wales, to the Secretary of State.

(2) Paragraph (1) of this Article shall not apply to the functions of the Minister of Agriculture, Fisheries and Food as one of the Ministers as defined by section 10(2) of the Forestry Act 1945(i), but from the coming into operation of this Order the Ministers as so defined shall include, in place of that Minister, the Secretary of State and the Minister of Land and Natural Resources.

Transfer of certain water functions to Secretary of State and Minister of Land and Natural Resources

5. The provisions of Schedule 3 to this Order shall have effect for transferring certain functions of the Minister of Housing and Local Government under the enactments relating to water mentioned in that Schedule.

Joint exercise of functions as to certain long-distance routes

6. The respective functions of the Secretary of State and the Minister of Land and Natural Resources under the provisions of the National Parks and Access to the Countryside Act 1949(j) relating to long-distance routes

(a) S.I. 1959/530 (1959 II, p. 2620). (b) S.I. 1962/2388 (1962 III, p. 3296).
(c) S.I. 1964/1857 (1964 III, p. 4053).
(d) 9 & 10 Geo. 5. c. 58; 13 & 14 Geo. 5. c. 21; 17 & 18 Geo. 5. c. 6; 8 & 9 Geo. 6 c. 35; 10 & 11 Geo. 6. c. 21; 14 & 15 Ceo. 6. c. 61.
(e) 40 & 41 Vict. c. cxxi; 42 & 43 Vict. c. cxciv; 12, 13 & 14 Geo. 6. c. 69; 1964 c. 83.
(f) 14 & 15 Geo. 6. c. 60. (g) 9 & 10 Eliz. 2. c. 55.
(h) 10 & 11 Geo. 6. c. 48. (i) 8 & 9 Geo. 6. c. 35. (j) 12, 13 & 14 Geo. 6. c. 97.

shall be exercisable in the case of a route of which a part but not the whole is in Wales by those Ministers acting jointly.

Transfer of functions under statutory instruments, local Acts, etc.

7.—(1) The transfer to any extent under the foregoing provisions of this Order of the power of any Minister to make instruments shall include the transfer to the like extent of functions of that Minister under instruments made in exercise of that power (including instruments having effect as if so made).

(2) The transfer to any extent under the foregoing provisions of this Order of the functions of a Minister under any enactment or instrument shall include the transfer to the like extent of any similar functions of that Minister under a local enactment or instrument.

(3) Without prejudice to the generality of paragraph (1) of this Article, there are hereby transferred to the Secretary of State the functions of the Minister of Transport under any such order as is referred to in paragraph 30(1) of Schedule 24 to the Highways Act 1959(a), so far as the order applies to Wales.

Incorporation of Secretary of State for Wales

8.—(1) The person who at the making of this Order is Secretary of State with responsibility for Wales and Monmouthshire and his successors shall be, by the name of the Secretary of State for Wales, a corporation sole (with a corporate seal) for all purposes relating to the acquisition, holding, management or disposal of property, but so that anything done by or in relation to any other Secretary of State for the Secretary of State for Wales as a corporation sole shall have effect as if done by or in relation to the Secretary of State for Wales.

(2) The corporate seal of the Secretary of State for Wales shall be authenticated by the signature of a Secretary of State or of an Under-Secretary of State in the Welsh Office or of any person authorised by a Secretary of State to act in that behalf; and—

(*a*) the seal shall be officially and judicially noticed; and

(*b*) every document purporting to be an instrument made or issued by the Secretary of State for Wales and to be sealed with the said seal authenticated in the manner provided by this paragraph, or to be signed by an Under-Secretary of State in the Welsh Office or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

Transfer of property and liabilities

9.—(1) There are hereby transferred to the Secretary of State for Wales or, as the case may require, the Minister of Land and Natural Resources all property, rights and liabilities to which any Minister from whom any function is transferred by this Order was, in connection with that function, entitled or subject immediately before the coming into operation of this Order.

(2) Without prejudice to the generality of paragraph (1) of this Article, any land which immediately before the coming into operation of this Order was vested in the Minister of Agriculture, Fisheries and Food and, although not vested by or acquired under section 4 of the Forestry Act 1945(b), was

(a) 7 & 8 Eliz. 2. c. 25. (b) 8 & 9 Geo. 6. c. 35.

treated by him as having been placed at the disposal of the Forestry Commissioners under that section or was managed by the said Commissioners as if so placed at their disposal, shall for the purposes of this Article be treated as property to which that Minister was entitled in connection with functions transferred by this Order; and such land, together with any other land vested by or acquired under that section and transferred by this Order, shall be treated for the purposes of the said Act of 1945 as having been acquired by the Secretary of State for Wales or, as the case may be, the Minister of Land and Natural Resources under that section.

Consequential amendment of enactments and instruments

10.—(1) Any enactment or instrument passed or made before the coming into operation of this Order shall be construed, so far as may be necessary for the purpose or in consequence of the foregoing provisions of this Order, as if—

(*a*) for any reference to a Minister from whom functions are transferred by this Order (including any reference which is to be construed as such a reference) there were substituted a reference to the Minister to whom the functions are transferred; and

(*b*) for any reference to the department or any officer of a Minister from whom functions are so transferred (including any reference which is to be construed as such a reference) there were substituted a reference to the department or an officer of the Minister to whom the functions are transferred.

(2) Without prejudice to the generality of paragraph (1) of this Article, the enactments mentioned in Schedule 4 to this Order shall be amended as provided in that Schedule.

Supplemental

11.—(1) This Order shall not affect the validity of anything done by or in relation to any Minister before the coming into operation of this Order; and anything which, at the time of the coming into operation of this Order, is in process of being done by or in relation to any Minister (including in particular any legal proceedings pending to which he is a party) may, if it relates to any functions, property, rights or liabilities transferred by this Order, be continued by or in relation to the Minister to whom the functions, property, rights or liabilities are transferred.

(2) Any authority, appointment or direction given or made by any Minister in the exercise of any functions transferred by this Order shall, if in force at the coming into operation of this Order, continue in force and have effect as if similarly given or made by the Minister to whom the functions are transferred.

W. G. Agnew.

SCHEDULE 1 Article 2

TRANSFERS TO SECRETARY OF STATE FROM MINISTER OF HOUSING AND LOCAL GOVERNMENT

PART I

ENACTMENTS CONFERRING FUNCTIONS TRANSFERRED

Local Government

51 & 52 Vict. c. 41 ...	The Local Government Act 1888.
56 & 57 Vict. c. 73 ...	The Local Government Act 1894.
6 Edw. 7. c. 33	The Local Authorities (Treasury Powers) Act 1906.
6 & 7 Geo. 5. c. 12 ...	The Local Government (Emergency Provisions) Act 1916.
13 & 14 Geo. 5. c. 18 ...	The War Memorials (Local Authorities' Powers) Act 1923.
19 & 20 Geo. 5. c. 17 ...	The Local Government Act 1929, except sections 123 to 126 and 138(3), and Schedule 8.
23 & 24 Geo. 5. c. 51 ...	The Local Government Act 1933, except sections 235 and 267 and Schedule 4 (subject to paragraph 2 of Part II of this Schedule).
10 & 11 Geo. 6. c. 22 ...	The Civic Restaurants Act 1947.
10 & 11 Geo. 6. c. 41 ...	The Fire Services Act 1947.
10 & 11 Geo. 6. c. 54 ...	The Electricity Act 1947, sections 15(3) and 22.
11 & 12 Geo. 6. c. 67 ...	The Gas Act 1948, sections 18, 19, 28 and 37.
12, 13 & 14 Geo. 6. c. 68	The Representation of the People Act 1949.
1 & 2 Eliz. 2. c. 26 ...	The Local Government (Miscellaneous Provisions) Act 1953, except section 8(3) (subject to paragraph 3 of Part II of this Schedule).
4 & 5 Eliz. 2. c. 43 ...	The Local Government Elections Act 1956, paragraph 9 of Schedule 2.
5 & 6 Eliz. 2. c. 42 ...	The Parish Councils Act 1957.
6 & 7 Eliz. 2. c. 55 ...	The Local Government Act 1958, except Part I, section 60(2) and Schedules 1 and 2.
10 & 11 Eliz. 2. c. 36 ...	The Local Authorities (Historic Buildings) Act 1962.
10 & 11 Eliz. 2. c. 56 ...	The Local Government (Records) Act 1962.
1964 c. 77	The Local Government (Pecuniary Interests) Act 1964.

Local Government Finance

38 & 39 Vict. c. 83. ...	The Local Loans Act 1875.
62 & 63 Vict. c. 30 ...	The Commons Act 1899.
8 Edw. 7. c. 16	The Finance Act 1908, section 6.
8 Edw. 7. c. 36	The Small Holdings and Allotments Act 1908.
10 Edw. 7 & 1 Geo. 5. c. 8	The Finance (1909–10) Act 1910, section 88.
9 & 10 Geo. 5. c. 59 ...	The Land Settlement (Facilities) Act 1919, except paragraph 10 of Schedule 1.
11 & 12 Geo. 5. c. 67 ...	The Local Authorities (Financial Provisions) Act 1921.
12 & 13 Geo. 5. c. 51 ...	The Allotments Act 1922, except section 16.
15 & 16 Geo. 5. c. 61 ...	The Allotments Act 1925.
9 & 10 Geo. 6. c. 18 ...	The Statutory Orders (Special Procedure) Act 1945, section 7(3).
10 & 11 Geo. 6. c. 48 ...	The Agriculture Act 1947, section 60.
1963 c. 46	The Local Government (Financial Provisions) Act 1963, except paragraph 5 of Schedule 1 (subject to paragraph 4 of Part II of this Schedule).

Rating and Valuation etc.

15 & 16 Geo. 5. c. 90 ...	The Rating and Valuation Act 1925.
11 & 12 Geo. 6. c. 26 ...	The Local Government Act 1948, except sections 14, 15(1), 48(2), 71(*a*), (*b*), (*c*), 88(2), 95(1), 109, 110, 117(1)(*a*), (*b*), 125, 135 and 140.

Rating and Valuation etc.—cont.

4 & 5 Eliz. 2. c. 9 ...	The Rating and Valuation (Miscellaneous Provisions) Act 1955.
5 & 6 Eliz. 2. c. 17 ...	The Rating and Valuation Act 1957.
7 & 8 Eliz. 2. c. 36 ...	The Rating and Valuation Act 1959.
9 & 10 Eliz. 2. c. 45 ...	The Rating and Valuation Act 1961, except sections 2 to 5, 11(3) and 15 (subject to paragraph 5 of Part II of this Schedule).
1964 c. 18. ...	The Rating (Interim Relief) Act 1964.

Local and Public Authorities' Land

45 & 46 Vict. c. 21 ...	The Places of Worship Sites Amendment Act 1882.
25 & 26 Geo. 5. c. 47 ...	The Restriction of Ribbon Development Act 1935, except section 17(8).
8 & 9 Geo. 6. c. 43 ...	The Requisitioned Land and War Works Act 1945, sections 26 and 52.
9 & 10 Geo. 6. c. 49 ...	The Acquisition of Land (Authorisation Procedure) Act 1946.
11 & 12 Geo. 6. c. 43 ...	The Children Act 1948, section 56.
12, 13 & 14 Geo. 6. c. 67	The Civil Aviation Act 1949, section 19.
12, 13 & 14 Geo. 6. c. 84	The War Damage Sites Act 1949.
7 & 8 Eliz. 2. c. 53 ...	The Town and Country Planning Act 1959.
9 & 10 Eliz. 2. c. 33 ...	The Land Compensation Act 1961.
1963 c. 29	The Local Authorities (Land) Act 1963.

Land Use, New Towns, etc.

7 & 8 Geo. 6. c. 47 ...	The Town and Country Planning Act 1944, except section 28 and paragraph 6 of Schedule 2.
9 & 10 Geo. 6. c. 68 ...	The New Towns Act 1946.
12, 13 & 14 Geo. 6. c. 97	The National Parks and Access to the Countryside Act 1949, except sections 3, 9(2), 38(1), 65(3), 72, 78(1) and 111, and paragraph 4 of Schedule 1 (subject to paragraph 6 of Part II of this Schedule).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.	The Town Development Act 1952 (subject to paragraph 7 of Part II of this Schedule).
7 & 8 Eliz. 2. c. 62 ...	The New Towns Act 1959, except sections 2 to 6 and Schedules 1 and 2.
8 & 9 Eliz. 2. c. 62 ...	The Caravan Sites and Control of Development Act 1960, except section 5(6).
10 & 11 Eliz. 2. c. 38 ...	The Town and Country Planning Act 1962, except sections 10(2), 19(1), 31(1), 34, 42(1), 44(2), 49(2), 55(2), 60(2), 66(1), 82(2), 85(3), 86(5), 108(3), 110(1), (2), 116(1), 121(3), 138(3)(*a*), 157(2), 184(1)(2), 197(1), (2), 198(1), 203(1), 204(1), 216(1) and 217(1)(*b*), and Schedule 9 (subject to paragraph 8 of Part II of this Schedule).
1963 c. 17	The Town and Country Planning Act 1963.
1964 c. 26	The Licensing Act 1964.

Housing

62 & 63 Vict. c. 44 ...	The Small Dwellings Acquisition Act 1899.
9 & 10 Geo. 5. c. 35 ...	The Housing, Town Planning etc., Act 1919, except section 19.
13 & 14 Geo. 5. c. 24 ...	The Housing &c., Act 1923.
14 & 15 Geo. 5. c. 35 ...	The Housing (Financial Provisions) Act 1924.
16 & 17 Geo. 5. c. 56 ...	The Housing (Rural Workers) Act 1926.
20 & 21 Geo. 5. c. 39 ...	The Housing Act 1930.
21 & 22 Geo. 5. c. 39 ...	The Housing (Rural Authorities) Act 1931.
1 & 2 Geo. 6. c. 35 ...	The Housing (Rural Workers) Amendment Act 1938.
2 & 3 Geo. 6. c. 73 ...	The Housing (Emergency Powers) Act 1939 (subject to paragraph 9 of Part II of this Schedule).

Housing—cont.

4 & 5 Geo. 6. c. 34 ...	The Repair of War Damage Act 1941.
5 & 6 Geo. 6. c. 32 ...	The Housing (Rural Workers) Act 1942.
7 & 8 Geo. 6. c. 36 ...	The Housing (Temporary Accommodation) Act 1944.
8 & 9 Geo. 6. c. 39 ...	The Housing (Temporary Accommodation) Act 1945.
9 & 10 Geo. 6. c. 20 ...	The Buildings Materials and Housing Act 1945.
9 & 10 Geo. 6. c. 48 ...	The Housing (Financial and Miscellaneous Provisions) Act 1946.
12, 13 & 14 Geo. 6. c. 60	The Housing Act 1949.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 53.	The Housing Act 1952.
2 & 3 Eliz. 2. c. 53 ...	The Housing Repairs and Rents Act 1954.
3 & 4 Eliz. 2. c. 24 ...	The Requisitioned Houses and Housing (Amendment) Act 1955.
4 & 5 Eliz. 2. c. 33 ...	The Housing Subsidies Act 1956.
5 & 6 Eliz. 2. c. 56 ...	The Housing Act 1957, except sections 3(1), 10(6), 15(1), 81(3), 124, 143(2) and (3), 147 and 149(3), paragraph 3 of Schedule 2, and Schedule 8 (subject to paragraph 10 of Part II of this Schedule).
6 & 7 Eliz. 2. c. 42 ...	The Housing (Financial Provisions) Act 1958, except sections 13(2) proviso, 13(4), 23, 30(3), 32(1)(*b*), 34(2), (3), 36(2), 49(1) and 52 (subject to paragraph 11 of Part II of this Schedule).
7 & 8 Eliz. 2. c. 33 ...	The House Purchase and Housing Act 1959, except sections 4(2), 6(4), 14(5), 15(4) and (5) and 18(3) and (4).
8 & 9 Eliz. 2. c. 20 ...	The Requisitioned Houses Act 1960.
9 & 10 Eliz. 2. c. 65 ...	The Housing Act 1961, except section 13 (subject to paragraph 11 of Part II of this Schedule).
1964 c. 56	The Housing Act 1964, except sections 20(4), 46(7), 51(6) and (7) and 56(6), and Schedule 1 (subject to paragraph 12 of Part II of this Schedule).

Rent Control

23 & 24 Geo. 5. c. 32 ...	The Rent and Mortgage Interest Restrictions (Amendment) Act 1933.
9 & 10 Geo. 6. c. 34 ...	The Furnished Houses (Rent Control) Act 1946, except section 8 and paragraphs 3 and 4 of the Schedule.
12, 13 & 14 Geo. 6. c. 40	The Landlord and Tenant (Rent Control) Act 1949.
5 & 6 Eliz. 2. c. 25 ...	The Rent Act 1957 (subject to paragraph 13 of Part II of this Schedule).

Public Health

38 & 39 Vict. c. 55 ...	The Public Health Act 1875.
47 & 48 Vict. c. 12 ...	The Public Health (Confirmation of Byelaws) Act 1884.
50 & 51 Vict. c. 27 ...	The Markets and Fairs (Weighing of Cattle) Act 1887.
53 & 54 Vict. c. 59 ...	The Public Health Acts Amendment Act 1890.
54 & 55 Vict. c. 40 ...	The Brine Pumping (Compensation for Subsidence) Act 1891.
6 Edw. 7. c. 14	The Alkali, &c. Works Regulation Act 1906, except sections 9, 10 and 14 (subject to paragraph 14 of Part II of this Schedule).
7 Edw. 7. c. 53	The Public Health Acts Amendment Act 1907.
13 & 14 Geo. 5. c. 16 ...	The Salmon and Freshwater Fisheries Act 1923.
15 & 16 Geo. 5. c. 71 ...	The Public Health Act 1925.
16 & 17 Geo. 5. c. 43 ...	The Public Health (Smoke Abatement) Act 1926, except section 4(1).
20 & 21 Geo. 5. c. 44 ...	The Land Drainage Act 1930.
20 & 21 Geo. 5. c. 51 ...	The Reservoirs (Safety Provisions) Act 1930.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936, except section 291(3) (subject to paragraph 15 of Part II of this Schedule).

Public Health—cont.

1 Edw. 8 & 1 Geo. 6. c. 40	The Public Health (Drainage of Trade Premises) Act 1937.
1 Edw. 8 & 1 Geo. 6. c. 46	The Physical Training and Recreation Act 1937.
7 & 8 Geo. 6. c. 26 ...	The Rural Water Supplies and Sewerage Act 1944.
9 & 10 Geo. 6. c. 35 ...	The Building Restrictions (War-Time Contraventions) Act 1946.
14 & 15 Geo. 6. c. 45 ...	The Rural Water Supplies and Sewerage Act 1951.
14 & 15 Geo. 6. c. 63 ...	The Rag Flock and Other Filling Materials Act 1951 except sections 8(1), 15 and 30.
3 & 4 Eliz. 2. c. 13 ...	The Rural Water Supplies and Sewerage Act 1955.
4 & 5 Eliz. 2. c. 15 ...	The Rural Water Supplies and Sewerage (No. 2) Act 1955.
4 & 5 Eliz. 2. c. 16 ...	The Food and Drugs Act 1955.
4 & 5 Eliz. 2. c. 52 ...	The Clean Air Act 1956, except sections 1(2), 4(1), 7(2), 11(4), 17(3), 23(1), 23(2), and 34(2) (subject to paragraph 16 of Part II of this Schedule).
8 & 9 Eliz. 2. c. 34 ...	The Radioactive Substances Act 1960, except sections 2(6), 4(2), 6(5), 7(4), 10(1) to (3), 12(1), 15(2), and 18(6) (subject to paragraph 17 of Part II of this Schedule).
8 & 9 Eliz. 2. c. 54 ...	The Clean Rivers (Estuaries and Tidal Waters) Act 1960.
8 & 9 Eliz. 2. c. 68 ...	The Noise Abatement Act 1960.
9 & 10 Eliz. 2. c. 29 ...	The Rural Water Supplies and Sewerage Act 1961.
9 & 10 Eliz. 2. c. 64 ...	The Public Health Act 1961.
1963 c. 32	The Public Lavatories (Turnstiles) Act 1963.

Burial and Cremation

15 & 16 Vict. c. 85 ...	The Burial Act 1852.
16 & 17 Vict. c. 134 ...	The Burial Act 1853.
18 & 19 Vict. c. 128 ...	The Burial Act 1855.
20 & 21 Vict. c. 81 ...	The Burial Act 1857.
22 Vict. c. 1	The Burial Act 1859.
23 & 24 Vict. c. 64 ...	The Burial Act 1860.
34 & 35 Vict. c. 33 ...	The Burial Act 1871.
42 & 43 Vict. c. 31 ...	The Public Health (Interments) Act 1879.
60 & 61 Vict. c. 40 ...	The Local Government (Joint Committees) Act 1897.
2 Edw. 7. c. 8	The Cremation Act 1902.
6 Edw. 7. c. 44.	The Burial Act 1906.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 31.	The Cremation Act 1952.

Miscellaneous

3 & 4 Geo. 5. c. 32 ...	The Ancient Monuments Consolidation and Amendment Act 1913.
21 & 22 Geo. 5. c. 16 ...	The Ancient Monuments Act 1931.
21 & 22 Geo. 5. c. 17 ...	The Local Authorities (Publicity) Act 1931.
21 & 22 Geo. 5. c. 33 ...	The Architects (Registration) Act 1931.
1 & 2 Geo. 6. c. 54 ...	The Architects Registration Act 1938.
12, 13 & 14 Geo. 6. c. 66	The House of Commons (Redistribution of Seats) Act 1949, paragraph 4 of Part I of Schedule 1.
12, 13 & 14 Geo. 6. c. 74	The Coast Protection Act 1949 (subject to paragraph 18 of Part II of this Schedule).
14 & 15 Geo. 6. c. 61 ...	The Forestry Act 1951.
1 & 2 Eliz. 2. c. 36 ...	The Post Office Act 1953, section 51.

Miscellaneous—cont.

2 & 3 Eliz. 2. c. 39	...	The Agriculture (Miscellaneous Provisions) Act 1954, section 9(6).
7 & 8 Eliz. 2. c. 25	...	The Highways Act 1959, except sections 31(2), 181(5), 206(3), 211(2), 212, 264(5) and paragraph 3 of Schedule 7 (subject to paragraph 19 of Part II of this Schedule).
8 & 9 Eliz. 2. c. 16	...	The Road Traffic Act 1960, section 91(2).
8 & 9 Eliz. 2. c. 18	...	The Local Employment Act 1960, section 5.
9 & 10 Eliz. 2. c. 34	...	The Factories Act 1961, section 46(5).
10 & 11 Eliz. 2. c. 46	...	The Transport Act 1962, section 63(6)(*c*).
10 & 11 Eliz. 2. c. 58	...	The Pipe-lines Act 1962.
1963 c. 25 ...	...	The Finance Act 1963, sections 38(6) and 43(5).
1964 c. 75 ...	...	The Public Libraries and Museums Act 1964, except Schedule 1.

PART II

MODIFICATIONS AS TO CERTAIN OF THE ENACTMENTS SPECIFIED IN PART I OF THIS SCHEDULE

1. In this Part of this Schedule "the Minister" means the Minister of Housing and Local Government, "the transfer" means the transfer of functions effected by Article 2(1) of this Order, and references to the making of any description of order include the making of an order varying or revoking any such order.

2.—(1) The functions conferred on the Minister by sections 140, 143 and 145 of the Local Government Act 1933(**a**) in relation to an area partly but not wholly in Wales shall be exercisable by the Minister and the Secretary of State jointly.

(2) The transfer shall not extend to the making under section 201 of that Act of an order which imposes conditions to be observed generally.

(3) The transfer shall not extend to the making of regulations under section 204, 205, 207(5) or 213(1)(*b*) of that Act, or to the exercise, in relation to local authorities generally, of functions under section 220, 221 or 223 thereof.

3. The transfer shall not extend to the making of general determinations under section 2(2) or (3) or section 3(2) of the Local Government (Miscellaneous Provisions) Act 1953(**b**).

4. The transfer shall not extend to the making of regulations under section 8(1)(*b*) of the Local Government (Financial Provisions) Act 1963(**c**).

5. The functions conferred on the Minister by paragraph 9(1) of Schedule 2 to the Rating and Valuation Act 1961(**d**), and by paragraph 10(1) of Schedule 4 to that Act, shall be exercisable in relation to hereditaments partly but not wholly in Wales by the Minister and the Secretary of State jointly.

6. The transfer shall not extend to the making of regulations under section 63(1) or 97(1) of the National Parks and Access to the Countryside Act 1949(**e**).

7.—(1) Where, in relation to any town development under the Town Development Act 1952(**f**), any area congestion or over-population in which is intended to be relieved by the development is in Wales, the functions conferred on the Minister by sections 2 to 4 of that Act shall be exercisable by the Secretary of State notwithstanding that the receiving district, or any of the receiving districts where there are more than one, is not in Wales.

(2) Subject to sub-paragraph (1) of this paragraph, the functions conferred on the Minister by the said Act of 1952 shall be exercisable by the Minister and the Secretary of State jointly in the case of any town development where the area affected by the development is partly but not wholly in Wales.

In this sub-paragraph "the area affected by the development" means the aggregate of the area or areas of the relevant receiving district or receiving

(**a**) 23 & 24 Geo. 5. c. 51. (**b**) 1 & 2 Eliz. 2. c. 26. (**c**) 1963 c. 46.
(**d**) 9 & 10 Eliz. 2. c. 45. (**e**) 12, 13 & 14 Geo. 6. c. 97.
(**f**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.

districts and the local government area or areas congestion or over-population in which is intended to be relieved by the development.

8. The transfer shall not extend to the making under section 3(1) of the Town and Country Planning Act 1962(a) of regulations which are applicable generally, or to the giving under section 10(4) or 22 of that Act of directions to local planning authorities generally, or to the making of orders under section 12(2)(*f*) of that Act or general orders under section 14, 15(3), 19(2), 23(2), 24 or 44(1) thereof.

9. The transfer shall not extend to the fixing under section 3(1A) of the Housing (Emergency Powers) Act 1939(b) of terms for loans.

10.—(1) The functions conferred on the Minister by section 138(2) of the Housing Act 1957(c) in relation to authorities or councils of which one or more but not all are in Wales, and the functions conferred on the Minister by section 143(1) of that Act, shall be exercisable by the Minister and the Secretary of State jointly.

(2) The transfer shall not extend to the making of general orders under section 140(1) of the said Act of 1957.

11. The transfer shall not extend to the making under section 2 of the Housing (Financial Provisions) Act 1958(d) or section 2 of the Housing Act 1961(e) of orders not limited to, or to the site of, dwellings in a specified area.

12.—(1) The functions conferred on the Minister by section 1(2) of the Housing Act 1964(f) shall be exercisable by the Minister and the Secretary of State jointly unless they relate to Wales only or do not relate to Wales.

(2) The transfer shall not extend to the giving of general directions under section 57(6) of the said Act of 1964.

13. The transfer shall not extend to the making under section 11(3) of the Rent Act 1957(g) of orders relating to any area wholly or partly outside Wales.

14.—(1) The functions conferred on the Minister by section 13 of the Alkali, &c. Works Regulation Act 1906(h) shall be exercisable by the Minister and the Secretary of State jointly.

(2) Nothing in this Order shall affect the definition of "prescribed" in section 27(1) of the said Act of 1906.

15. The transfer shall extend to Part XII of the Public Health Act 1936(i) so far only as the provisions thereof are applicable for the purposes of functions exercisable by the Secretary of State under other provisions of the Act.

16. The transfer shall not extend to the making of regulations under the definition of "authorised fuel" contained in section 34(1) of the Clean Air Act 1956(j).

17.—(1) The transfer shall not extend to the giving of general directions under section 13(3)(*b*) of the Radioactive Substances Act 1960(k).

(2) The transfer shall extend to section 15(1) of the said Act of 1960 so far only as the provisions thereof are applicable for the purposes of functions exercisable by the Secretary of State under other provisions of the Act.

18. The transfer shall not extend to the making of regulations under section 5(1) or (3), 8(1) or (3), 10(2) or 27(3) of the Coast Protection Act 1949(l).

19. Notwithstanding the exception contained in Part I of this Schedule as to section 206(3) of the Highways Act 1959(m), the transfer shall extend to the making of regulations under that provision as applied by section 206(8) of that Act.

(a) 10 & 11 Eliz. 2. c. 38. (b) 2 & 3 Geo. 6. c. 73. (c) 5 & 6 Eliz. 2. c. 56.
(d) 6 & 7 Eliz. 2. c. 42. (e) 9 & 10 Eliz. 2. c. 65. (f) 1964 c. 56.
(g) 5 & 6 Eliz. 2. c. 25. (h) 6 Edw. 7. c. 14. (i) 26 Geo. 5 & 1 Edw. 8. c. 49.
(j) 4 & 5 Eliz. 2. c. 52. (k) 8 & 9 Eliz. 2. c. 34.
(l) 12, 13 & 14 Geo. 6. c. 74. (m) 7 & 8 Eliz. 2. c. 25.

PART III

CIVIL DEFENCE REGULATIONS

S.I. 1949/2145 (1949 I, p. 648) ...	The Civil Defence (Burial) Regulations 1949.
S.I. 1949/2147 (1949 I, p. 654) ...	The Civil Defence (Evacuation and Care of the Homeless) Regulations 1949.
S.I. 1949/2149 (1949 I, p. 667) ...	The Civil Defence (Sewerage) Regulations 1949.
S.I. 1949/2150 (1949 I, p. 670) ...	The Civil Defence (Water Supplies) Regulations 1949.
S.I. 1950/1258 (1950 I, p. 346) ...	The Civil Defence (Demolition and Repair Services) Regulations 1950.
S.I. 1952/2138 (1952 I, p. 581) ...	The Civil Defence (Billeting) Regulations 1952.

SCHEDULE 2 Article 3

TRANSFERS TO SECRETARY OF STATE FROM MINISTER OF TRANSPORT

PART I

ENACTMENTS CONFERRING FUNCTIONS TRANSFERRED

41 & 42 Vict. c. 77 ...	The Highways and Locomotives (Amendment) Act 1878, section 35.
61 & 62 Vict. c. 29 ...	The Locomotives Act 1898.
9 & 10 Geo. 5. c. 50 ...	The Ministry of Transport Act 1919, sections 2, 11, 17 and 20 (subject to paragraph 1 of Part II of this Schedule).
9 & 10 Geo. 5. c. 75 ...	The Ferries (Acquisition by Local Authorities) Act 1919.
10 & 11 Geo. 5. c. 72 ...	The Roads Act 1920, section 3(6).
26 Geo. 5 and 1 Edw. 8. c. 49	The Public Health Act 1936, section 87(1).
1 Edw. 8 and 1 Geo. 6. c. 5...	The Trunk Roads Act 1936, sections 3 and 6(5).
2 & 3 Geo. 6. c. 31 ...	The Civil Defence Act 1939, sections 8 and 59.
9 & 10 Geo. 6. c. 68 ...	The New Towns Act 1946, section 7.
11 & 12 Geo. 6. c. 26 ...	The Local Government Act 1948, section 15(2).
12, 13 & 14 Geo. 6. c. 67 ...	The Civil Aviation Act 1949, section 28.
12, 13 & 14 Geo. 6. c. 97 ...	The National Parks and Access to the Countryside Act 1949, sections 93 and 94.
14 Geo. 6. c. 39	The Public Utilities Street Works Act 1950.
14 & 15 Geo. 6. c. 60 ...	The Mineral Workings Act 1951, section 32.
1 & 2 Eliz. 2. c. 26 ...	The Local Government (Miscellaneous Provisions) Act 1953, section 5.
5 & 6 Eliz. 2. c. 42 ...	The Parish Councils Act 1957, section 5.
5 & 6 Eliz. 2. c. 48 ...	The Electricity Act 1957, section 36.
6 & 7 Eliz. 2. c. 30 ...	The Land Powers (Defence) Act 1958, section 8.
7 & 8 Eliz. 2. c. 25 ...	The Highways Act 1959, except sections 12(3) and 284 and paragraph 11 of Schedule 11.
7 & 8 Eliz. 2. c. 53 ...	The Town and Country Planning Act 1959, sections 48 and 49.
8 & 9 Eliz. 2. c. 16 ...	The Road Traffic Act 1960, sections 12, 20 to 22, 26 to 29, 36 to 38, 40, 41, 43, 44 to 46, 48 to 50, 51 so far as relates to the giving of authorisations, 52(1) so far as relates to the giving of such directions as are mentioned secondly therein, 52(2), 56 to 59, 63, 75, 76, 78, 81(11), 85 to 92, 222, 224(1) and (2), 248, 249 and 260, Schedules 6, 9 and 10, and paragraph 5 of Schedule 20 (subject to paragraph 2 of Part II of this Schedule).
8 & 9 Eliz. 2. c. 63 ...	The Road Traffic and Roads Improvement Act 1960, sections 3, 5, 11, 13 and 15.
9 & 10 Eliz. 2. c. 63 ...	The Highways (Miscellaneous) Provisions Act 1961.
9 & 10 Eliz. 2. c. 64 ...	The Public Health Act 1961, Schedule 3.
10 & 11 Eliz. 2. c. 38 ...	The Town and Country Planning Act 1962.
10 & 11 Eliz. 2. c. 58 ...	The Pipe-lines Act 1962, section 15.
10 & 11 Eliz. 2. c. 59 ...	The Road Traffic Act 1962, sections 11, 13, 28, 32, 36 and 37.
1964 c. 25	The War Damage Act 1964, section 5.
1964 c. 45	The Road Traffic Act 1964.

PART II

MODIFICATIONS AS TO CERTAIN OF THE ENACTMENTS SPECIFIED IN PART I OF THIS SCHEDULE

1.—(1) The transfer shall extend to functions conferred by sections 2 and 17 of the Ministry of Transport Act 1919(a) so far only as they relate to roads, bridges and ferries.

(2) The transfer shall extend to section 20 of the said Act so far only as the provisions thereof are applicable for the purposes of functions transferred by this Order.

2.—(1) The functions conferred on the Minister of Transport by sections 75(1) and 76 of the Road Traffic Act 1960(b) shall be exercisable by that Minister and the Secretary of State concurrently.

(2) The transfer shall extend to sections 248 and 249 of the said Act of 1960 so far only as the provisions thereof are applicable for the purposes of functions transferred by this Order.

3. The transfer shall not extend to any functions in relation to that part of the road constructed, or in the course of being constructed, by the Minister of Transport along the line described in Schedule 1 to the North of Almondsbury —South of Haysgate Trunk Road Order 1947(c) and referred to in that Order as " the new road " which lies to the east of the most easterly point before reaching the River Wye at which eastbound traffic of Classes I and II (as specified in Schedule 4 to the Highways Act 1959(d)) can leave that road by another special road.

4. In this Part of this Schedule " the transfer " means the transfer of functions effected by Article 3(1) of this Order.

Article 5

SCHEDULE 3

TRANSFER OF CERTAIN FUNCTIONS RELATING TO WATER

1.—(1) The functions of the Minister of Housing and Local Government under—

(*a*) the Water Act 1945(e), except sections 1 and 2, sections 14(11) and 37(2) (and in connection therewith section 51), and section 42(1); and

(*b*) the Water Act 1948(f) and the Water Act 1958(g);

are, in so far as those enactments apply to Wales, hereby transferred to the Secretary of State.

(2) The following section shall be substituted for section 1 of the Water Act 1945—

" Duties in relation to water.

1. It shall be the duty of the Minister of Housing and Local Government (in this Act referred to as 'the Minister') and the Secretary of State, acting jointly, to promote the conservation and proper use of water resources and the provision of water supplies in England and Wales, and to formulate a national policy relating to water; and it shall be the duty of those Ministers to secure the effective execution by water undertakers, under their control and direction, of that national policy."

2.—(1) The Water Resources Act 1963(h) shall be amended as provided by the following provisions of this paragraph.

(2) The following section shall be substituted for section 1—

" Functions of Ministers.

1.—(1) The duty imposed by section 1 of the Water Act 1945 on the Minister of Housing and Local Government and the Secretary of State, acting jointly, shall be extended so as to require those Ministers, together with the Minister of Land and Natural Resources,—

(a) 9 & 10 Geo. 5. c. 50.
(b) 8 & 9 Eliz. 2. c. 16.
(c) S.R. & O. 1947/1562.
(d) 7 & 8 Eliz. 2. c. 25.
(e) 8 & 9 Geo. 6. c. 42.
(f) 11 & 12 Geo. 6. c. 22.
(g) 6 & 7 Eliz. 2. c. 67.
(h) 1963 c. 38.

(*a*) to include in the national policy relating to water such measures as they may consider necessary or expedient for augmenting the water resources of areas in England and Wales, for re-distributing water resources in any such area or for transferring water resources from one such area to another, and

(*b*) to secure that, under their control and direction, that policy will be effectively executed by the river authorities and the Water Resources Board established under this Act, in so far as that policy relates to matters falling within the functions of those bodies respectively.

(2) In this Act, subject to any express provision to the contrary, 'the Minister' means—

(*a*) in relation to the Welsh river authorities and their areas, the Secretary of State;

(*b*) in relation to the Anglo-Welsh river authorities and their areas or any matter affecting two or more river authorities or their areas where the aggregate of their areas is partly but not wholly in Wales, the Secretary of State and the Minister of Housing and Local Government;

(*c*) in other cases, the Minister of Housing and Local Government;

and 'the Ministers' means the Minister and the Minister of Agriculture, Fisheries and Food.

(3) Subject to subsection (4) of this section, a reference in this Act which by virtue of the last preceding subsection is to be construed as a reference to two or more Ministers shall be taken to refer, in the case of anything falling to be done by them, to those Ministers acting jointly.

(4) A reference which under subsection (2)(*b*) of this section would be construed as, or as including, a reference to the Secretary of State and the Minister of Housing and Local Government shall be construed as, or as including, a reference to either of those Ministers where it occurs in any of the following provisions of this Act, that is to say, sections 38 to 44, 47, 50, 51, 56, 60(4) and (5), 62, 67, 71, 72, 74, 77(3), 78, 81(2), 82, 107, 112(4), 114(3), 121(6) (so far as relates to local authorities), 129, 131(6) and (7) and 133, and Schedules 8 and 10."

(3) In section 6(4), the following shall be inserted at the end—

"and in the case of any river authority other than a Welsh or Anglo-Welsh river authority 'the Minister' in paragraph (*d*) of that subsection means the Minister of Housing and Local Government and the Minister of Land and Natural Resources acting jointly, and in relation to an Anglo-Welsh river authority—

(*a*) 'the Minister' in the said paragraph (*d*) means the Secretary of State, the Minister of Housing and Local Government and the Minister of Land and Natural Resources acting jointly; and

(*b*) 'the Minister' in paragraph (*e*) of that subsection means the Secretary of State and the Minister of Housing and Local Government acting jointly."

(4) In section 11(9), for the words from "applied to" to "so applied" there shall be substituted "that Act applies to each of the Ministers; and that Act, as it so applies", and for "those" there shall be substituted "the".

(5) In section 12(2), for "the Minister" in the first place where it occurs these shall be substituted the "Secretary of State, the Minister of Housing and Local Government and the Minister of Land and Natural Resources", for "his" there shall be substituted "their", and for "the Minister" in the second place where it occurs there shall be substituted "any of those Ministers".

(6) In section 12(3), in paragraphs (*a*) and (*b*), after "Minister" in each place where it occurs there shall be inserted "and the Minister of Land and Natural Resources", and at the end of the subsection there shall be inserted—

"In paragraph (*d*) of this subsection 'the Minister', in relation to matters affecting the performance by a river authority of their functions under sections 15 to 18 of this Act, means the Minister of Land and Natural Resources".

(7) The following subsection shall be inserted at the end of section 13—

"(12) In this section 'the Minister' means the Minister of Land and Natural Resources."

(8) In section 16(3)(*b*), for "the Minister" there shall be substituted "the Minister of Land and Natural Resources".

(9) In section 36(3) for "the Minister" there shall be substituted "the Minister of Housing and Local Government or the Secretary of State".

(10) In section 57(1) for "the Minister" there shall be substituted "the Minister of Housing and Local Government".

(11) In section 60(3), the following shall be inserted at the end—

"In this subsection 'the Minister' means, in relation to the giving of directions to river authorities generally, the Minister of Housing and Local Government".

(12) In section 66(6), the following shall be inserted at the end—

"In this subsection 'the Ministers' means the Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food acting jointly."

(13) In section 77(3), for "the Minister, either" there shall be substituted "the Minister of Housing and Local Government", and after "generally or" there shall be inserted "by the Minister".

(14) In section 81(2), the following shall be inserted at the end—

"In this subsection 'the Minister'—

(*a*) in relation to the giving of directions for the purposes of sections 15 to 18 of this Act, means the Minister of Land and Natural Resources;

(*b*) save as aforesaid means, in relation to the giving of directions to river authorities generally, the Minister of Housing and Local Government."

(15) In section 87(8), for "the Ministers" there shall be substituted "the Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food acting jointly".

(16) In sections 89 and 90, for "the Minister" in each place where it occurs there shall be substituted "the Minister of Land and Natural Resources".

(17) In section 92(5)(*b*), for "the Minister" there shall be substituted "the Minister of Housing and Local Government".

(18) In section 93(1), for "the Minister" there shall be substituted "the Minister of Land and Natural Resources".

(19) In section 95(1), for "Ministers" in the first place where it occurs there shall be substituted "Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food acting jointly", and for "to the Ministers" there shall be substituted "to those Ministers".

(20) In sections 96 to 98, for "the Minister" in each place where it occurs there shall be substituted "the Minister of Housing and Local Government".

(21) In section 104, "Minister's" is hereby repealed, and for "the Minister" there shall be substituted "the Minister of Land and Natural Resources".

(22) In section 105, for "Ministers" in each place where it occurs there shall be substituted "Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food acting jointly".

(23) In section 106(1), for "Ministers" there shall be substituted "Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food acting jointly", and in section 106(4), for "means the Minister" there shall be substituted "means the Minister of Housing and Local Government".

(24) In section 107, in subsection (3), for "The Minister" there shall be substituted "Each of the following Ministers, namely, the Secretary of State,

the Minister of Housing and Local Government and the Minister of Land and Natural Resources " and the following subsection shall be inserted at the end of the section—

" (7) In subsection (1) of this section the reference to the Minister shall be construed, in relation to the giving of directions for the purposes of sections 15 to 18 of this Act, as a reference to the Minister of Land and Natural Resources ; but save as aforesaid the reference in the said subsection (1) to the Minister shall, in relation to the giving of general directions, be construed as a reference to the Minister of Housing and Local Government."

(25) In section 108, the following subsection shall be inserted at the end—

" (9) In the application of this section in relation to any functions under sections 15 to 18 of this Act, ' the Minister ' means the Minister of Land and Natural Resources."

(26) In section 109(1), after " Food " there shall be inserted " the Minister of Land and Natural Resources ", and in section 109(2) and (3) after " Food " there shall be inserted " and the Minister of Land and Natural Resources ".

(27) In section 110(3), for " the Minister " there shall be substituted " the Minister of Land and Natural Resources ", and for section 110(5) there shall be substituted the following subsection—

" (5) The Minister of Agriculture, Fisheries and Food shall lay before each House of Parliament a copy of every report of a river authority sent to him under this section, and the Minister of Land and Natural Resources shall lay before each House of Parliament a copy of every report of the Water Resources Board sent to him thereunder."

(28) In section 111(2), for " by the Minister " there shall be substituted " by the Secretary of State, the Minister of Housing and Local Government, the Minister of Land and Natural Resources ".

(29) In section 116(1), for " the Minister " where it first occurs there shall be substituted " the Minister of Housing and Local Government."

(30) In section 121, the following subsection shall be inserted at the end—

" (8) In this section ' the Ministers ' means the Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food acting jointly."

(31) In section 131, the following subsection shall be inserted at the end—

" (10) In subsections (1) and (8) of this section ' the Minister ' means the Minister of Housing and Local Government."

(32) In section 134(1), for " by two or more Ministers jointly " there shall be substituted " otherwise than by the Minister " and the following shall be inserted at the end—

" In this subsection ' the Minister ', so far as this subsection applies for the purposes of sections 32(3), 33(5) and 52(1) of this Act, means the Minister of Housing and Local Government, and, so far as it applies for the purposes of sections 53(1), 54, 55(3) and 75(1) of this Act, means either that Minister or the Secretary of State."

(33) In section 135(1)—

(*a*) after the definition of " agriculture " there shall be inserted " ' Anglo-Welsh river authority ' means a river authority of whose area a part but not the whole is in Wales " ;

(*b*) for the definitions of " the Minister " and " the Ministers " there shall be substituted " ' the Minister ' and ' the Ministers ' shall be construed in accordance with section 1 of this Act " ;

(*c*) after the definition of " underground strata " there shall be inserted " ' Wales ' includes Monmouthshire " ;

(*d*) at the end there shall be inserted " ' Welsh river authority ' means a river authority the whole of whose area is in Wales ".

(34) In section 135(2) for " the three Ministers mentioned in section 1(2) of this Act " there shall be substituted " the Ministers (including the Minister of Transport) " and the following paragraph shall be inserted at the end—

" and

(*d*) either the Secretary of State or the Minister of Housing and Local Government, but not both, shall in a particular case be taken to be concerned with functions in relation to which powers conferred by sections 65, 70 or 92(3) of this Act are exercisable in the areas of the Anglo-Welsh river authorities ".

(35) In Schedule 5, in paragraph 4(2), for " either " there shall be substituted " one ".

(36) In Schedule 6, the following paragraph shall be inserted at the end—

" 6. In this Schedule ' the Minister ' means the Minister of Land and Natural Resources."

(37) In Schedule 10, in paragraph 4(2), for " either " there shall be substituted " one ", and in paragraph 8 the words from " and paragraph 4(2) " to the end are hereby repealed.

3. The functions of the Minister of Housing and Local Government under the Rivers (Prevention of Pollution) Act 1951(**a**) and the Rivers (Prevention of Pollution) Act 1961(**b**), in so far as those Acts apply in Wales, are hereby transferred to the Secretary of State:

Provided that—

(*a*) the functions conferred on the said Minister by sections 2(4) and 4(3) of the said Act of 1951 and sections 1(2), 5(1), 6(4) and 9(6) of the said Act of 1961 shall be exercisable in relation to a river authority area of which a part but not the whole is in Wales by the said Minister and the Secretary of State concurrently ; and

(*b*) this paragraph shall not affect the exercise of functions under section 7(2) of the said Act of 1961.

Article 10 SCHEDULE 4

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

1. In section 10(2) of the Forestry Act 1945(**c**)—

(*a*) for " the Minister of Agriculture and Fisheries " in the first place where that occurs there shall be substituted " the Minister of Land and Natural Resources, the Secretary of State " ;

(*b*) for " and Wales " in the first place where that occurs there shall be substituted " (but not Wales and Monmouthshire) only or affecting Wales and Monmouthshire " ;

(*c*) for " and Wales, the Minister of Agriculture and Fisheries " there shall be inserted " (but not Wales and Monmouthshire) the Minister of Land and Natural Resources, as respects Wales and Monmouthshire the Secretary of State ".

2. References to the Minister of Agriculture, Fisheries and Food in section 21(2) of the Agriculture Act 1947(**d**) as applied by the definition of " owner " in section 27(1) of the Forestry Act 1951(**e**) shall, as respects the giving or withdrawing of approval after the coming into operation of this Order, be construed as referring, in the case of land in Wales to the Secretary of State, and in other cases to the Minister of Land and Natural Resources.

3. In section 95(1) of the National Parks and Access to the Countryside Act 1949(**f**) as substituted by Article 2(4) of the Minister of Land and Natural Resources Order 1965(**g**) after " Local Government " there shall be inserted " the Secretary of State ".

(**a**) 14 & 15 Geo. 6. c. 64. (**b**) 9 & 10 Eliz. 2. c. 50.
(**c**) 8 & 9 Geo. 6. c. 35. (**d**) 10 & 11 Geo. 6. c. 48. (**e**) 14 & 15 Geo. 6. c. 61.
(**f**) 12, 13 & 14 Geo. 6. c. 97. (**g**) S.I. 1965/143 (1965 I, p. 432).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order in Council transfers functions under a number of enactments—

(*a*) from the Minister of Housing and Local Government, the Minister of Transport and the Minister of Agriculture, Fisheries and Food to the Secretary of State for Wales in relation to Wales and Monmouthshire;

(*b*) from the Minister of Housing and Local Government to the Minister of Land and Natural Resources, in some cases in relation to England and Wales and in others in relation to England only; and

(*c*) from the Minister of Agriculture, Fisheries and Food to the Minister of Land and Natural Resources in relation to England only.

Article 2 of the Order transfers to the Secretary of State for Wales in relation to Wales and Monmouthshire the functions of the Minister of Housing and Local Government under the enactments specified in Part I of Schedule 1, subject to the modifications set out in Part II of that Schedule. These functions cover a wide range of the activities of local authorities. The broad basis of transfer is that all the Minister's functions under those enactments are transferred except functions which consist of the making of major regulations and other instruments affecting England and Wales as a whole. These will be made by the Minister of Housing and Local Government in consultation with the Secretary of State for Wales. Some functions relating to the making of appointments or affecting local areas partly in England and partly in Wales, are made jointly exercisable (Schedule 1, Part II, paragraphs 2(1), 5, 7, 12(1) and 13(1)).

Article 2(2) transfers some functions inherited by the Minister from the Central Land Board and his functions under Civil Defence Regulations.

Article 3 transfers from the Minister of Transport to the Secretary of State for Wales the functions under the enactments specified in Part I of Schedule 2, subject to the modifications set out in Part II of that Schedule. The transfer of functions is on the same broad basis. These functions are functions relating to the construction, maintenance and management of highways, bridges and ferries, and certain functions relating to the use of roads by vehicular traffic. Paragraph 3(2) of the Order also transfers certain functions of the Minister of Transport under the Traffic Signs (Speed Limits) Regulations 1962 and the Traffic Signs Regulations and General Directions 1964.

Article 4 transfers from the Minister of Agriculture, Fisheries and Food his functions relating to forestry under the enactments specified in the Article. The functions are transferred in so far as they relate to Wales and Monmouthshire to the Secretary of State for Wales and in relation to England to the Minister of Land and Natural Resources.

Article 5 and Schedule 3 provide for the transfer of certain functions of the Minister of Housing and Local Government relating to water, in part to the Secretary of State for Wales and in part to the Minister of Land and Natural Resources. The broad basis of transfer is that the Minister of Land and Natural Resources is brought in to share the duties imposed by section 1 of the Water Resources Act 1963. He becomes responsible for the Water Resources Board, and for functions relating to investigation and research into the conservation and augmenting of water resources and to hydrometric records and schemes.

The distribution of the remaining functions of the Act of 1963 between the Minister of Housing and Local Government and the Secretary of State for Wales is on the same broad lines as are followed in Schedule 1 except that special provision is made concerning the river authorities whose areas are partly in England and partly in Wales. The general arrangement is that

in these areas the major issues will be for the two Ministers acting jointly and on other issues either Minister will be able to act in accordance with arrangements to be made between them.

Article 6 makes the functions under the provisions of the National Parks and Access to the Countryside Act 1949 relating to long-distance routes (which were transferred to the Minister of Land and Natural Resources by the Minister of Land and Natural Resources Order 1965) jointly exercisable by that Minister and the Secretary of State for Wales in the case of a long-distance route which lies partly in England and partly in Wales.

Article 7 extends the transfer to functions under certain subordinate instruments.

Article 8 incorporates the Secretary of State for Wales as a corporation sole with a corporate seal. This will have the effect that land and other property transferred to or acquired by the Secretary of State will vest in the holder for the time being of the office without the necessity of transfer every time there is a change in the holder.

Article 9 transfers property rights and liabilities from the transferring Ministers according to the tenor of the Order and Articles 10 and 11 contain consequential and supplemental provisions on normal lines.