



Ministers of the Crown Act 1975

1975 CHAPTER 26

1 Power by Order in Council to transfer functions of Ministers.

- (1) Her Majesty may by Order in Council—
- (a) provide for the transfer to any Minister of the Crown of any functions previously exercisable by another Minister of the Crown;
 - (b) provide for the dissolution of the government department in the charge of any Minister of the Crown and the transfer to or distribution among such other Minister or Ministers of the Crown as may be specified in the Order of any functions previously exercisable by the Minister in charge of that department;
 - (c) direct that functions of any Minister of the Crown shall be exercisable concurrently with another Minister of the Crown, or shall cease to be so exercisable.
- (2) An Order in Council under this section may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Order, including provisions—
- (a) for the transfer of any property, rights and liabilities held, enjoyed or incurred by any Minister of the Crown in connection with any functions transferred or distributed;
 - (b) for the carrying on and completion by or under the authority of the Minister to whom any functions are transferred of anything commenced by or under the authority of a Minister of the Crown before the date when the Order takes effect;
 - (c) for such adaptations of the enactments relating to any functions transferred as may be necessary to enable them to be exercised by the Minister to whom they are transferred and his officers;
 - (d) for making in the enactments regulating the number of offices in respect of which salaries may be paid or in section 2 of, and Schedule 2 to, the ^{M1}House of Commons Disqualification Act 1975 (which regulate the number of office holders who may be elected, and sit and vote, as members of the House of Commons), such modifications as may be expedient by reason of any transfer of functions or dissolution of a Department effected by the Order;

Changes to legislation: There are currently no known outstanding effects for the Ministers of the Crown Act 1975, Section 1. (See end of Document for details)

- (e) for the substitution of the Minister to whom functions are transferred for any other Minister of the Crown in any instrument, contract, or legal proceedings made or commenced before the date when the Order takes effect.
- (3) No modifications shall be made by virtue of paragraph (d) of subsection (2) above, in any of the enactments mentioned in that paragraph, so as to increase the amount of any salary which may be paid, or the aggregate number of persons to whom salaries may be paid, under those enactments or the aggregate number of persons capable thereunder of sitting and voting as Members of the House of Commons.
- (4) Where by any Order made under this section provision is made for the transfer of functions in respect of which any Minister may sue or be sued by virtue of any enactment, the Order shall make any provision which may be required for enabling the Minister to whom those functions are transferred to sue or be sued in like manner.
- (5) A certificate issued by a Minister of the Crown that any property vested in any other Minister immediately before an Order under this section takes effect has been transferred by virtue of the Order to the Minister issuing the certificate shall be conclusive evidence of the transfer.
- [^{F1}(6) This section does not apply to the functions of the Lord Chancellor that are within Schedule 7 to the Constitutional Reform Act 2005.
- (7) An Order in Council under this section may amend Schedule 7 to the Constitutional Reform Act 2005 so as to include any function which, by virtue of provision in the Order in Council—
- (a) is transferred to the Lord Chancellor,
 - (b) becomes exercisable by the Lord Chancellor concurrently with another person, or
 - (c) remains exercisable by the Lord Chancellor but ceases to be exercisable concurrently with another person.
- (8) An Order in Council under this section may not, to the extent that it amends Schedule 7 to the Constitutional Reform Act 2005, be revoked by another Order in Council under this section.]

Subordinate Legislation Made

- P1** S. 1 power exercised by S.I 1991/188.
S. 1: s. 1 power exercised by [S.I.1991/1728](#).
- P2** S. 1: for earlier exercises of this power see Index to Government Orders.

Textual Amendments

- F1** S. 1(6)-(8) inserted (24.3.2005) by [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 20(2)**, 148(2)

Modifications etc. (not altering text)

- C1** [S. 1](#) excluded (19.9.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), **ss. 35(9)**, 148; [S.I. 2007/2709](#), [art. 2\(a\)](#)

Marginal Citations

- M1** [1975 c. 24](#).

Changes to legislation:

There are currently no known outstanding effects for the Ministers of the Crown Act 1975, Section 1.