
STATUTORY INSTRUMENTS

1995 No. 2985

MINISTERS OF THE CROWN

The Transfer of Functions (Science) Order 1995

Made - - - - 23rd November 1995
Laid before Parliament 5th December 1995
Coming into force - - 1st January 1996

At the Court at Buckingham Palace, the 23rd day of November 1995

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

- 1.—(1) This Order may be cited as the Transfer of Functions (Science) Order 1995.
- (2) This Order shall come into force on 1st January 1996.

Interpretation

2. In this Order “instrument”, without prejudice to the generality of that expression, includes in particular Royal Charters, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, warrants, certificates and other documents.

Transfer of functions to the Secretary of State

3.—(1) There are hereby transferred to the Secretary of State the functions exercisable by the Minister for the Civil Service and the Chancellor of the Duchy of Lancaster concurrently under sections 2 and 3 of, and Schedules 1 and 3 to, the Science and Technology Act 1965(2) (Research Councils, & c.).

(2) There are hereby transferred to the Secretary of State for Trade and Industry the functions exercisable by the Chancellor of the Duchy of Lancaster under the Royal Charters of—

(1) 1975 c. 26.

(2) 1965 c. 4; relevant amendments are made by the Transfer of Functions (Science) Order 1992 (S.I. 1992/1296), Sched.

- (a) the Biotechnology and Biological Sciences Research Council;
- (b) the Economic and Social Research Council;
- (c) the Engineering and Physical Sciences Research Council;
- (d) the Medical Research Council;
- (e) the Natural Environment Research Council;
- (f) the Particle Physics and Astronomy Research Council; and
- (g) the Council for the Central Laboratory of the Research Councils.

(3) The functions under the following enactments which are exercisable by the Secretary of State, the Minister for the Civil Service and the Chancellor of the Duchy of Lancaster concurrently, shall cease to be exercisable by the Minister for the Civil Service and the Chancellor of the Duchy of Lancaster:

- (a) section 5(1) of the Science and Technology Act 1965 (scientific research, & c.);
- (b) section 1(1)(a) of the Education Act 1986⁽³⁾ (grants to body now known as Royal Academy of Engineering);
- (c) section 213(1) of the Education Reform Act 1988⁽⁴⁾ (miscellaneous grants);
- (d) regulations 2, 3, 4, 14, 17, and 18(1) and (2)(a) to (d) of the Education (Grant) Regulations 1990⁽⁵⁾ (approval and payment of grants, & c.).

Supplemental

4.—(1) There are hereby transferred to the Secretary of State for Trade and Industry all property, rights and liabilities to which the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster is entitled or subject, at the coming into force of this Order, in connection with the functions transferred by this Order.

(2) Any legal proceedings to which the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster is a party at the coming into force of this Order may, if they relate to functions, property, rights or liabilities transferred by this Order, be continued by or against the Secretary of State for Trade and Industry.

(3) This Order shall not affect the validity of anything done (or having effect as if done) by or in relation to the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster before the coming into force of this Order; and anything which, at the coming into force of this Order, is in the process of being done by or in relation to the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster may, if it relates to functions, property, rights or liabilities transferred by this Order, be continued by or in relation to the Secretary of State for Trade and Industry.

(4) Any approval, consent, direction, or appointment given or made, or other thing done, by the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster in the exercise of any functions transferred by this Order (or having effect as if so given, made or done) shall, if in force at the coming into force of this Order, continue in force and have effect as if similarly given, made or done by the Secretary of State for Trade and Industry.

(5) In this article references to functions transferred by this Order include references to functions which, by virtue of this Order, are no longer exercisable concurrently by the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster.

(3) 1986 c. 40; relevant amendments are made by the Transfer of Functions (Science) Order 1992 (S.I. 1992/1296), Sched.

(4) 1988 c. 40; relevant amendments are made by the Transfer of Functions (Science) Order 1992 (S.I. 1992/1296), Sched.

(5) S.I. 1990/1989; relevant amendments are made by the Transfer of Functions (Science) Order 1992 (S.I. 1992/1296), Sched.

Consequential amendments

5.—(1) The enactments and instruments specified in the Schedule to this Order shall have effect with the amendments there specified.

(2) Subject to paragraph (1) above, any enactment or instrument passed or made before the coming into force of this Order shall have effect so far as necessary for the purpose of or in consequence of article 3 as if—

- (a) for any reference to the Secretary of State, the Minister for the Civil Service and the Chancellor of the Duchy of Lancaster (including any reference which is to be construed as such a reference), there were substituted a reference to the Secretary of State alone; and
- (b) for any reference to the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster or both (including, in either case, any reference which is to be construed as such a reference) there were substituted a reference to the Secretary of State or, as the case may be, to the Secretary of State for Trade and Industry.

N H Nicholls
Clerk of the Privy Council

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SCHEDULE

Article 5(1).

CONSEQUENTIAL AMENDMENTS

Science and Technology Act 1965 (c. 4)

1.—(1) In the Science and Technology Act 1965, for the words “Minister for the Civil Service or the Chancellor of the Duchy of Lancaster”, wherever occurring in sections 2 and 3 and Schedules 1 and 3 (Research Councils), there shall be substituted the words “Secretary of State”.

(2) In section 5(1) of that Act (scientific research, & c.)—

- (a) for the words “Secretary of State, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster” there shall be substituted the words “Secretary of State”; and
- (b) in paragraph (c), the words “or, as the case may be, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster” shall be omitted.

Parliamentary Commissioner Act 1967 (c. 13)

2. In Schedule 2 to the Parliamentary Commissioner Act 1967(6) (departments, & c. subject to investigation)—

- (a) in the entry “Office of Public Service and Science” the words “and Science” shall be omitted; and
- (b) in Note 6 (scope of references to the Office of Public Service and Science, & c.), the words “and Science”, in each place where they occur, shall be omitted.

Attachment of Earnings Act 1971 (c. 32)

3. In section 22(4) of the Attachment of Earnings Act 1971(7) (persons employed under the Crown) the words “and Science” shall be omitted.

Education Act 1986 (c. 40)

4.—(1) The Education Act 1986 shall be amended as follows.

(2) In section 1 (payment of grant)—

- (a) subsection (1A) shall be omitted; and
- (b) in subsections (2) and (3) the words “, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster”, wherever occurring, shall be omitted.

(3) In section 5 (expenses) the words “, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster” shall be omitted.

Education Reform Act 1988 (c. 40)

5. In sections 213(1) (miscellaneous grants) and 233(a) (expenses) of the Education Reform Act 1988 the words “, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster” shall be omitted.

(6) Relevant amendments are as follows (a) Schedule 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), s. 1(2) & Sched. 1; and (b) the entry relating to the Office of Public Service and Science was inserted by the Transfer of Functions (Science) Order 1992 (S.I. 1992/1296), art. 6(1) & Sched., para 3(c).

(7) The reference to the Office of Public Service and Science was substituted by the Transfer of Functions (Science) Order 1992 (S.I. 1992/1296), art. 6(1) & Sched., para 4.

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Education (Grant) Regulations 1990 (S.I.1990/1989)

6. In regulations 2, 3, 4, 14, 17 and 18(1) and (2)(a) to (d) of the Education (Grant) Regulations 1990 (approval and payment of grants, & c.) the words “, the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster”, wherever occurring, shall be omitted.

Royal Charters of Research Councils

7. In the Royal Charters referred to in article 3(2) of this Order, for the words “Our Chancellor” wherever occurring except—

- (a) in the preamble, and
- (b) in the definition of “Our Chancellor”,

there shall be substituted the words “Our Secretary of State for Trade and Industry”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council, made under the Ministers of the Crown Act 1975, transfers to the Secretary of State the functions of the Minister for the Civil Service and of the Chancellor of the Duchy of Lancaster under sections 2 and 3 of, and Schedules 1 and 3 to, the Science and Technology Act 1965. The functions are expected to be exercised by the Secretary of State for Trade and Industry, to whom are also transferred functions under the Royal Charters of the seven named Research Councils.

There are also transferred to the Secretary of State for Trade and Industry all property, rights and liabilities to which the Minister for the Civil Service or the Chancellor of the Duchy of Lancaster is entitled or subject in connection with the functions transferred.

This Order further provides that the functions under section 5(1) of the Science and Technology Act 1965 (scientific research, & c.), section 1(1)(a) of the Education Reform Act 1986 (grants to body now known as Royal Academy of Engineering), section 213(1) of the Education Reform Act 1988 (miscellaneous grants) and regulations 2, 3, 4, 14, 17 and 18(1) and (2)(a) to (d) of the Education (Grant) Regulations 1990 (approval and payment of grants, & c.) which are exercisable concurrently by the Secretary of State for Education, the Minister for the Civil Service and the Chancellor of the Duchy of Lancaster shall cease to be exercisable by the Minister for the Civil Service and the Chancellor of the Duchy of Lancaster.