
STATUTORY INSTRUMENTS

1978 No. 272

The Transfer of Functions (Wales) (No. 1) Order 1978

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Wales) (No. 1) Order 1978.

(2) The Interpretation Act 1889 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) Any reference in this Order to an enactment or instrument is a reference to that enactment or instrument as amended or extended by or under any other enactment or instrument; and in this Order “instrument” includes the judgment, decree or order of any court or tribunal.

(4) This Order shall come into operation on 1st April 1978.

Transfer of functions

2.—(1) Subject to Article 3 below, the functions of the Minister of Agriculture, Fisheries and Food under the enactments specified in Schedule 1 to this Order are, so far as they are exercisable in relation to Wales and are not transferred under the following provisions of this Article, hereby transferred to the Secretary of State.

(2) The functions of the Minister of Agriculture, Fisheries and Food under those enactments which are exercisable by him jointly with a Secretary of State in relation to Wales or to England and Wales (but not in relation to any other part of the United Kingdom) are—

(a) so far as they are exercisable in relation to Wales, hereby transferred to the Secretary of State;

(b) so far as they are exercisable in relation to England, hereby transferred to the Minister.

(3) Those functions under the enactments specified in Schedule 1 to this Order which are exercisable in relation to Great Britain or the United Kingdom by two or more Ministers jointly are hereby transferred to those Ministers and the Secretary of State for Wales jointly.

(4) Those functions under the enactments specified in Schedule 1 to this Order which are exercisable by the Minister of Agriculture, Fisheries and Food alone are, so far as they are exercisable in relation to areas which are partly in England and partly in Wales (but which do not comprise England and Wales in their entirety) or in relation to committees, boards or schemes for such areas, hereby transferred to that Minister and the Secretary of State jointly.

3.—(1) The functions transferred by Article 2 above do not include any function under the Diseases of Animals Act 1950 (or any Order made under that Act) or the Agriculture (Miscellaneous Provisions) Act 1976 so far as it is exercisable, immediately before the coming into force of this Order, in relation to Great Britain by the Minister of Agriculture, Fisheries and Food alone or concurrently with the Secretary of State; and, in particular, those functions do not include the Minister's functions under section 85(4) of the Act of 1950 so far as they are exercisable in relation to any Order or other instrument which has effect throughout Great Britain.

(2) The functions under orders made under the Diseases of Animals Act 1950 which are transferred by Article 2 above do not include any function exercisable under the Live Poultry

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(Restrictions) Order 1971, and the functions under that Order which are exercisable in relation to England and Wales by the Minister of Agriculture, Fisheries and Food are hereby transferred to that Minister and the Secretary of State jointly.

4.—(1) The functions exercisable under the enactments specified in Schedule 2 to this Order by the Minister of Agriculture, Fisheries and Food alone are hereby transferred to that Minister and the Secretary of State jointly.

(2) The functions exercisable under the enactments specified in that Schedule by two or more Ministers jointly are hereby transferred to those Ministers and the Secretary of State for Wales jointly.

5. Schedule 3 to this Order shall have effect for the purpose of transferring certain functions in relation to fisheries, water resources, water supply and land drainage.

6. The functions under the instruments specified in Schedule 4 to this Order which are exercisable by the Minister of Agriculture, Fisheries and Food alone or jointly with a Secretary of State are, so far as they are exercisable in relation to Wales, hereby transferred to the Secretary of State.

7. The functions of the Minister of Agriculture, Fisheries and Food of sanctioning or consenting to alterations of the Memorandum or Articles of Association of the Agricultural Mortgage Corporation Limited and of nominating two of the directors of that Corporation are hereby transferred to that Minister and the Secretary of State jointly.

8. It is hereby directed that the functions of the Minister of Agriculture, Fisheries and Food—
- (a) under section 2(3) of the Board of Agriculture Act 1889;
 - (b) of carrying out research under or in connection with the Prevention of Damage by Pests Act 1949;
 - (c) of carrying out research in relation to animal feeding stuffs under the Minister of Food (Financial Powers) Act 1949;

shall be exercisable by that Minister concurrently with the Secretary of State.

9.—(1) The functions under the Industrial Organisation and Development Act 1947 which are exercisable by the Minister of Agriculture, Fisheries and Food alone are—

- (a) so far as they are exercisable in relation to Wales, hereby transferred to the Secretary of State;
- (b) so far as they are exercisable in relation to England and Wales, hereby transferred to the Minister and the Secretary of State jointly;

and the functions under that Act of the Minister and the Secretary of State jointly are, so far as they are exercisable in relation to Great Britain, hereby transferred to the Minister, the Secretary of State for Scotland and the Secretary of State for Wales jointly.

(2) Paragraph (1) of this Article does not apply to any function of the Minister which is exercisable in relation to the Apple and Pear Development Council by virtue of any order made under the Act of 1947.

10. The functions under section 108(4) and (7) of the Medicines Act 1968 which are exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State are, so far as they are exercisable in relation to Wales, hereby transferred to the Secretary of State for Social Services and the Secretary of State for Wales jointly.

Supplementary

11.—(1) Except as otherwise expressly provided, any reference in this Order to a function of a Minister under an enactment includes a reference to the functions of that Minister under any scheme, regulations, rules, order, bye-laws or similar instrument having effect under that enactment.

(2) Schedule 5 to this Order which contains amendments incidental to or consequential on the transfer of functions to the Secretary of State shall have effect.

(3) This Order shall not affect the validity of anything done by or in relation to any Minister or Ministers 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 or Ministers other than the Secretary of State for Wales may, if it relates to any functions transferred by this Order, be continued by or in relation to that Secretary of State, with or without the other Minister or Ministers as may be appropriate.

(4) Any authority, approval, consent or direction given or other thing whatsoever done by any Minister or Ministers for the purpose of any functions transferred by this Order shall, if in force at the coming into operation of this Order, have effect as if made or done by the Secretary of State for Wales in so far as that is required for continuing its effect after the coming into operation of this Order.

(5) Documents or forms printed or duplicated for use in connection with any functions transferred by this Order may be so used notwithstanding that they contain references to the Minister of Agriculture, Fisheries and Food or to his Department or any officer of his.

(6) Any enactment or instrument passed or made before the coming into operation of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the transfers effected by this Order, as if any reference to the Minister of Agriculture, Fisheries and Food or to his Department or an officer of his (including any reference which is to be construed as such a reference) were or included a reference to the Secretary of State for Wales or to his Department or an officer of his as the case may require.

(7) Without prejudice to the generality of paragraph (6) of this Article, the duty imposed on the Minister of Agriculture, Fisheries and Food by section 1(3) of the Water Act 1973 (securing of effective execution of policy) shall be discharged by him, the Secretary of State for Wales or both jointly, as the case may require.

N.E. Leigh
Clerk of the Privy Council