
STATUTORY INSTRUMENTS

1992 No. 1314

MINISTERS OF THE CROWN

The Transfers of Functions (Energy) Order 1992

<i>Made</i>	- - - -	<i>4th June 1992</i>
<i>Laid before Parliament</i>		<i>12th June 1992</i>
<i>Coming into force</i>	- -	<i>5th July 1992</i>

At the Court at Buckingham Palace, the 4th day of June 1992

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1 and 2 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, interpretation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Energy) Order 1992.

(2) In this Order—

“authorisation” includes a licence, consent or approval;

“the energy efficiency functions” means such of the functions of the Secretary of State relating to energy efficiency as were previously entrusted to the Secretary of State for Energy and have, before the making of this Order, been entrusted to the Secretary of State for the Environment;

“the principal energy functions” means the functions of the Secretary of State, other than the energy efficiency functions, which immediately before 10th April 1992, were entrusted to the Secretary of State for Energy.

(3) This Order shall come into force on 5th July 1992.

Transfer of functions and property

2.—(1) The functions of the Secretary of State for Energy are hereby transferred to the Secretary of State for Trade and Industry.

(2) There are hereby transferred to the Secretary of State for Trade and Industry all property, rights and liabilities to which the Secretary of State for Energy is entitled or subject, at the coming

(1) 1975 c. 26.

into force of this Order, in connection with the principal energy functions or with any functions transferred by paragraph (1) above.

(3) There are hereby transferred to the Secretary of State for the Environment all property, rights and liabilities to which the Secretary of State for Energy is entitled or subject, at the coming into force of this Order, in connection with the energy efficiency functions.

Supplemental and incidental provision: principal energy functions etc.

3.—(1) Any authorisation, requirement or appointment or other thing whatsoever which—

(a) has been, or has effect as if, given, imposed, made or done by or in relation to the Secretary of State for Energy in connection with any of the principal energy functions or anything transferred by Article 2(1) or (2) above, and

(b) is in force at the coming into force of this Order,

shall have effect as if given, imposed, made or done by or in relation to the Secretary of State for Trade and Industry.

(2) Without prejudice to paragraph (1) above, this Order shall not effect the validity of anything done by or in relation to the Secretary of State for Energy before the coming into force of this Order, and anything (including any legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Energy may, so far as it relates to—

(a) any of the principal energy functions, or

(b) anything transferred by Article 2(1) or (2) above,

be continued by or in relation to the Secretary of State for Trade and Industry.

(3) The enactments mentioned in the Schedule to this Order shall have effect with the amendments specified in that Schedule.

(4) Subject to those amendments and Article 5 below, any enactment, instrument, contract or other document passed, made or issued before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of, or in consequence of—

(a) the entrusting to the Secretary of State for Trade and Industry of the principal energy functions,

(b) any of the transfers made by Article 2(1) or (2) above, or

(c) any of the preceding provisions of this Article,

as if any reference to the Secretary of State for Energy, to the Department of Energy or to an officer of his (including any reference which is to be construed as such a reference) were a reference to the Secretary of State for Trade and Industry, to his Department or, as the case may be, to an officer of the Secretary of State for Trade and Industry.

(5) Documents or forms printed for use in connection with any of—

(a) the principal energy functions, or

(b) the functions transferred by Article 2(1) above,

may be used in connection with those functions notwithstanding that they contain, or are to be construed as containing, references, to the Secretary of State for Energy; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references shall be construed as references to the Secretary of State for Trade and Industry.

Supplemental and incidental provision: energy efficiency functions

4.—(1) Any instrument, contract, or other thing whatsoever which—

- (a) has been, or has effect as if, made, issued or done by or in relation to the Secretary of State for Energy in connection with any of the energy efficiency functions or anything transferred by Article 2(3) above, and
 - (b) is in force at the coming into force of this Order,
- shall have effect as if made, issued or done by or in relation to the Secretary of State for the Environment.
- (2) Anything (including any legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Energy may, so far as it relates to—
- (a) any of the energy efficiency functions, or
 - (b) anything transferred by Article 2(3) above,
- be continued by or in relation to the Secretary of State for the Environment.
- (3) Any instrument, contract or other document made or issued before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of, or in consequence of—
- (a) the entrusting to the Secretary of State for the Environment of the energy efficiency functions,
 - (b) any of the transfers made by Article 2(3) above, or
 - (c) any of the preceding provisions of this Article,
- as if any reference to the Secretary of State for Energy, to the Department of Energy or to an officer of his (including any reference which is to be construed as such a reference) were a reference to the Secretary of State for the Environment, to his Department or, as the case may be, to an officer of the Secretary of State for the Environment.
- (4) Documents or forms printed for use in connection with any of the energy efficiency functions may be used in connection with those functions notwithstanding that they contain, or are to be construed as containing, references to the Secretary of State for Energy; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references shall be construed as references to the Secretary of State for the Environment.

Amendment of the Parliamentary Commissioner Act 1967

5. In Schedule 2 to the Parliamentary Commissioner Act 1967(2), the words “Department of Energy” are hereby repealed.

G. I. de Deney
Clerk of the Privy Council

(2) 1967 c. 13; Schedule 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), section 1(2) & Schedule 1.

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SCHEDULE

Article 3(3)

CONSEQUENTIAL AMENDMENTS

1. The words “Secretary of State for Trade and Industry” shall be substituted for the words “Secretary of State for Energy” in each place where they occur in the following enactments—
 - (a) the definition of the “appropriate Minister” in section 51(1) of the Opencast Coal Act 1958(3);
 - (b) section 213(1) of the Town and Country Planning (Scotland) Act 1972(4);
 - (c) section 78(1) of the New Towns Act 1981(5)
 - (d) paragraph 2(9) of Schedule 7 to the Gas Act 1986(6);
 - (e) paragraphs 3(1) of Schedule 16 to the Electricity Act 1989(7);
 - (f) sections 265(1) and (2) and 317(1) of the Town and Country Planning Act 1990(8);
 - (g) section 85(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(9).
2. The words “Department of Trade and Industry” shall be substituted for the words “Department of Energy” in each place where they occur in the following enactments—
 - (a) sections 13(7) and 16(7) of the Gas Act 1986(10);
 - (b) section 23(10) of the Transport and Works Act 1992(11).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the Secretary of State for Trade and Industry all the functions vested under various enactments in the Secretary of State for Energy.

The Order also makes provision in connection with the entrusting to the Secretary of State for the Environment and to the Secretary of State for Trade and Industry, respectively, of the energy efficiency functions previously entrusted to the Secretary of State for Energy and of all the other functions previously entrusted to him.

- (3) 1958 c. 69; the definition was inserted by S.I.1976/1775 and repealed in part by the Gas Act 1986 (c. 44), Schedule 9, Part I and the Electricity Act 1989 (c. 29), Schedule 18.
- (4) 1972 c. 52; section 213(1) was substituted by S.I. 1976/1775 and repealed in part by the Gas Act 1986 (c. 44), Schedule 9, Part I.
- (5) 1981 c. 64; section 78(1) was repealed in part by the Gas Act 1986 (c. 44), Schedule 9, Part I and the Electricity Act 1989 (c. 29), Schedule 18.
- (6) 1986 c. 44; paragraph 2(9) of Schedule 7 was amended by the Enterprise and New Towns (Scotland) Act 1990 (c. 35), Schedule 4, paragraph 14 and repealed in part by the Water Act 1989 (c. 15), Schedule 27, Part I and the Planning (Consequential Provisions) Act 1990 (c. 11), Schedule 1, Part I.
- (7) 1989 c. 29; paragraph 3(1) of Schedule 16 was repealed in part by the Planning (Consequential Provisions) Act 1990 (c. 11), Schedule 1, Part I and the Water Consolidation (Consequential Provisions) Act 1991 (c. 60), Schedule 3.
- (8) 1990 c. 8.
- (9) 1990 c. 9.
- (10) 1986 c. 44.
- (11) 1992 c. 42.

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The property, rights and liabilities to which the Secretary of State for Energy is entitled or subject in connection with the functions to which the Order relates are transferred by the Order to the Secretary of State for Trade and Industry or the Secretary of State for the Environment, as appropriate.

The Order makes supplemental and consequential provision in relation to the transfers, including an amendment of the Parliamentary Commissioner Act 1967.