
STATUTORY INSTRUMENTS

1968 No. 1656

MINISTERS OF THE CROWN

The Minister for the Civil Service Order 1968

<i>Made - - -</i>	16th October 1968
<i>Laid before Parliament</i>	16th October 1968
<i>Coming into Operation</i>	1st November 1968

At the Court at Buckingham Palace, the 16th day of October 1968

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), 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 Minister for the Civil Service Order 1968.

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

(3) In this Order—

“allowance” includes an allowance in kind;

“instrument” (without prejudice to the generality of that expression) includes in particular Royal Warrants, Orders in Council, Orders by Her Majesty, orders, rules, regulations, schemes, byelaws, minutes, agreements and other documents;

“the Minister” means the Minister for the Civil Service.

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

(5) This Order shall come into operation on 1st November 1968.

Transfer of functions from Treasury

2.—(1) There are hereby transferred to the Minister the following functions of the Treasury—

(a) functions with respect to the organisation and conduct of the civil service of the State, the manner of admitting persons thereto or to situations therein, and the remuneration, conditions of service, expenses and allowances of persons serving therein;

(b) functions with respect to the pay and allowances of, and the charges payable by, members of the armed forces of the Crown;

(a) 1946 c. 31.

(b) 1889 c. 63.

- (c) functions with respect to pensions, allowances, gratuities and other benefits (including benefits payable in case of injury, disease or death) payable under the Superannuation Act 1965(a) or under any other superannuation scheme or arrangement (whether or not contained in any enactment);
- (d) functions under any enactment or instrument providing for the payment of compensation for loss of employment, or for loss or diminution of emoluments or of pension rights; and
- (e) without prejudice to paragraph (a) above, functions relating to the exercise by any person or body other than the Treasury of any power requiring for its exercise the sanction of the Treasury (whether by way of approval, consent, agreement or otherwise) being a power to determine the remuneration, conditions of service, expenses or allowances of persons serving as members of any body (not being a court or other judicial body) or the numbers, remuneration, conditions of service, expenses or allowances of persons employed (under whatever title) as officers, servants or staff of any person or body (not being respectively the holder of a judicial office or a court or other judicial body),

but not including functions with respect to benefits under the Insurance Acts or the Redundancy Payments Act 1965(b) or benefits under the Personal Injuries (Emergency Provisions) Act 1939(c) or under any warrant or other instrument providing for payments in respect of disablement or death due to service in any of the armed forces of the Crown being an instrument administered immediately before the coming into operation of this Order by the Minister of Social Security.

(2) There are hereby also transferred to the Minister the functions of the Treasury under the enactments specified in the Schedule to this Order.

(3) In this Article—

“body” (without prejudice to the generality of that expression) includes in particular any board, commission, authority, council, committee, body of trustees, panel or other body, whether corporate or unincorporate;

“the Insurance Acts” means the National Insurance Acts 1965 to 1968(d), the National Insurance (Industrial Injuries) Acts 1965 to 1968(e) and the Industrial Injuries and Diseases (Old Cases) Acts 1967(f).

Consequential provisions

3.—(1) In Schedule 2 to the Parliamentary Commissioner Act 1967(g) after the entry “Civil Service Commission” there shall be inserted the entry “Civil Service Department”, and for note 6 there shall be substituted—

“6. The references to the Civil Service Department and the Treasury do not include the Cabinet Office, but subject to that include the subordinate departments of the Civil Service Department and of the Treasury and the office of any Minister whose expenses are defrayed out of moneys provided by Parliament for the service of the Civil Service Department or the Treasury.”

(2) Subject to paragraph (1) above, 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 foregoing provisions of this Order, as if for any reference to the Treasury or any officer of the Treasury there were substituted a reference to, or to an officer of, the Minister.

(a) 1965 c. 74.

(c) 1939 c. 82.

(e) 1965 c. 52; 1966 c. 6; 1967 c. 25;
1967 c. 73; 1967 c. 90; 1968 c. 40.

(g) 1967 c. 13.

(b) 1965 c. 62.

(d) 1965 c. 51; 1966 c. 6; 1967 c. 73;
1967 c. 90; 1968 c. 40.

(f) 1967 c. 34; 1967 c. 73.

(3) Paragraphs 5 to 8 of Schedule 1 to the Ministers of the Crown Act 1964(a) shall apply to the Minister for the Civil Service, and references in those paragraphs to the Minister and the Ministry shall accordingly be construed as including references to the Minister for the Civil Service and his department.

Supplemental

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Treasury 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 the Treasury may, if it relates to any functions transferred by this Order, be continued by or in relation to the Minister.

(2) Any approval, consent, direction or appointment given or made or other thing whatsoever done by the Treasury for the purposes 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, made or done by the Minister.

SCHEDULE

Article 2(2)

ENACTMENTS REFERRED TO IN ARTICLE 2(2)

1946 c. 36. ...	...	The Statutory Instruments Act 1946, sections 8(1) and 11(2).
1947 c. 44. ...	...	The Crown Proceedings Act 1947, section 17(1).
1955 (4 & 5 Eliz. 2.) c. 18.		The Aliens' Employment Act 1955, section 1(1)(b) and (4).
1958 c. 55. ...	...	The Local Government Act 1958, section 60(2).
1965 c. 38. ...	...	The Overseas Development and Service Act 1965, section 2(3) and (4).
1965 c. 51. ...	...	The National Insurance Act 1965, sections 79 and 110(1).
1965 c. 62. ...	...	The Redundancy Payments Act 1965, section 41(3).
1968 c. 14. ...	...	The Public Expenditure and Receipts Act 1968, section 5.
1968 c. 71. ...	...	The Race Relations Act 1968, section 27(9)(a).

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order in Council transfers to the Minister for the Civil Service the following functions of the Treasury—

- (a) functions relating to the organisation and conduct of the Civil Service and Civil Service pay and conditions of service (Article 2(1)(a));
- (b) functions in connection with the work of the Civil Service Commissioners (*ibid.*);
- (c) functions relating to the pay and allowances of members of the Armed Forces (Article 2(1)(b));

(a) 1964 c. 98.

- (d) functions relating to arrangements for superannuation and injury payments applicable to civil servants and others in the public sector and to members of the Armed Forces, where not administered by the Minister of Social Security (Article 2(1)(c));
- (e) functions relating to arrangements for the payment of compensation for loss of employment or loss or diminution of pay or pension rights applicable to the classes of persons mentioned in (d) above, where not administered by the Minister of Social Security (Article 2(1)(d));
- (f) functions relating to the exercise by other persons and bodies of powers enabling them, subject to the sanction of the Treasury, to determine the pay or conditions of service of members of public bodies (excluding judicial bodies) or the numbers, pay or conditions of service of persons employed as staff by such bodies or by the holders of certain non-judicial offices.

Functions of the Treasury in relation to benefits under the social security arrangements and benefits under the Redundancy Payments Act 1965 are not affected.

Article 2(2) and the Schedule transfer to the Minister for the Civil Service the Treasury's functions under the Statutory Instruments Act 1946 and section 17(1) of the Crown Proceedings Act 1947; certain "referee" functions of theirs under the Local Government Act 1958 and the National Insurance Act 1965; their functions under section 1 of the Aliens Employment Act 1955 and section 27(9)(a) of the Race Relations Act 1968; their functions under section 2 of the Overseas Development and Service Act 1965; and their power under section 5 of the Public Expenditure and Receipts Act 1968 to make orders varying the level of fees payable for the services of civil servants in connection with certain statutory inquiries.