
EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under sections 1 and 2 of the Ministers of the Crown Act 1975. It makes provision in connection with the establishment of the Departments for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the transfer of certain functions to the Department for Education.

The responsibilities entrusted to the Secretary of State for Business, Energy and Industrial Strategy were described in the Cabinet Office paper “Machinery of Government: Merging the Department of Energy and Climate Change with the Department for Business, Innovation and Skills to create the Department for Business, Energy and Industrial Strategy”. The responsibilities entrusted to the Secretary of State for International Trade were described in the Cabinet Office paper “Machinery of Government: Creation of a new Department for International Trade”. The responsibilities entrusted to the Secretary of State for Exiting the European Union were described in the Cabinet Office paper “Machinery of Government: Creating a new Department for Exiting the European Union”. The transfer of functions to the Department for Education was described in the Cabinet Office paper “Machinery of Government: Moving higher and further education, apprenticeships and skills policy from the former Department for Business, Innovation and Skills to the Department for Education”. The papers were placed in the Libraries of both Houses of Parliament and were referred to in the Prime Minister’s written statement to Parliament dated 18th July 2016: see Hansard (House of Commons) 18th July 2016 at column [94], available at www.parliament.uk.

Articles 3, 4 and 5 provide for the incorporation of the Secretary of State for Business, Energy and Industrial Strategy, the Secretary of State for International Trade and the Secretary of State for Exiting the European Union as corporations sole, and for the authentication of their corporate seals and the execution and certification of documents.

Article 6 transfers certain functions of the Secretary of State for Business, Innovation and Skills and functions of the Secretary of State for Energy and Climate Change to the Secretary of State for Business, Energy and Industrial Strategy. *Article 7* makes provision for the transfer of property, rights and liabilities to the Secretary of State for Business, Energy and Industrial Strategy. *Article 8* makes other supplemental provision in connection with the transfer or entrusting of functions to the Secretary of State for Business, Energy and Industrial Strategy.

Article 9 makes supplementary provision (including provision for the transfer of property, rights and liabilities) in connection with the entrusting of functions to the Secretary of State for International Trade.

Article 10 transfers certain functions of the Secretary of State for Business, Innovation and Skills to the Secretary of State for Education, and *article 11* makes supplementary provision (including provision for the transfer of property, rights and liabilities) in connection with the transfer and entrusting of certain education and skills functions to the Secretary of State for Education.

Article 12 makes supplementary provision (including provision for the transfer of property, rights and liabilities) in connection with the transfer and entrusting of education or training (adult detention) functions to the Secretary of State for Justice.

Article 13 makes provision preserving the validity of anything done by or in relation to the Secretary of State for Business, Innovation and Skills, the Secretary of State for Energy and Climate Change or the Secretary of State for Education before the coming into force of this Order.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 14 and the Schedule make consequential amendments to Acts of Parliament and subordinate legislation.

Nothing in this Order alters the functions of the Welsh Ministers, the Scottish Ministers or the devolved authorities in Northern Ireland.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.