
STATUTORY INSTRUMENTS

2001 No. 3500

The Transfer of Functions (Miscellaneous) Order 2001

Functions passing from Home Secretary to other Secretaries of State: supplemental

- 6.—(1) This article applies to a function which—
- (a) relates to a matter within paragraph (2),
 - (b) was entrusted to the Secretary of State for the Home Department immediately before 7th June 2001, and
 - (c) has been entrusted to another Secretary of State before the making of this Order or is transferred by article 5.
- (2) The matters mentioned in paragraph (1)(a) are—
- (a) gambling,
 - (b) horse-racing,
 - (c) liquor licensing,
 - (d) late night refreshment,
 - (e) public entertainments,
 - (f) video recording (including, in particular, the subject matter of the Video Recordings Act 1984⁽¹⁾),
 - (g) films (including, in particular, the subject matter of the Cinemas Act 1985⁽²⁾),
 - (h) street trading and pedlars,
 - (i) fairs,
 - (j) fire services and fire precautions (including, in particular, the subject matter of the Fire Services Act 1947⁽³⁾ and the Fire Precautions Act 1971⁽⁴⁾ and any provision which relates, or in so far as it relates, to a fire authority),
 - (k) elections,
 - (l) bye-laws, and
 - (m) animals.
- (3) In this article “the new Secretary of State” means—
- (a) in relation to the matters mentioned in paragraph (2)(a) to (g), the Secretary of State for Culture, Media and Sport,
 - (b) in relation to the matters mentioned in paragraph (2)(h) and (i), the Secretary of State for Trade and Industry,
 - (c) in relation to the matters mentioned in paragraph (2)(j) to (l), the Secretary of State for Transport, Local Government and the Regions, and

(1) 1984 c. 39.
(2) 1985 c. 13.
(3) 1947 c. 41.
(4) 1971 c. 40.

(d) in relation to the matter mentioned in paragraph 2(m), the Secretary of State for Environment, Food and Rural Affairs.

(4) A transfer by this Order of a function to which this article applies shall not affect the validity of anything done by or in relation to the Secretary of State for the Home Department before the coming into force of this Order.

(5) So far as is necessary in consequence of the entrusting or transfer to the new Secretary of State of a function to which this article applies, an enactment or instrument passed or made before this Order comes into force shall have effect as if—

- (a) a reference to the Secretary of State for the Home Department were a reference to the new Secretary of State,
- (b) a reference to the Home Department (or the “Home Office”) were a reference to the department of the new Secretary of State, and
- (c) a reference to an officer of the Home Department (or the “Home Office”) were a reference to an officer of the department of the new Secretary of State.

(6) Anything done by or in relation to the Secretary of State for the Home Department in connection with a function to which this article applies shall, so far as necessary for continuing its effect after the coming into force of this Order, have effect as if done by or in relation to the new Secretary of State.

(7) Anything which is in the process of being done by or in relation to the Secretary of State for the Home Department when this Order comes into force may, if it relates to a function to which this article applies, be continued by or in relation to the new Secretary of State.

(8) Legal proceedings to which the Secretary of State for the Home Department is party at the coming into force of this Order in relation to a function to which this article applies may be continued by or against the new Secretary of State.

(9) Any property right or liability to which the Secretary of State for the Home Department is entitled or subject immediately before the coming into force of this Order in connection with a function to which this article applies is hereby transferred to the new Secretary of State.