

2006 No. 1640

LORD CHANCELLOR

TRANSFER OF FUNCTIONS

The Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No. 3) Order 2006

Made - - - - - *21st June 2006*

Coming into force in accordance with article 1

The Lord Chancellor makes the following Order in exercise of the powers conferred upon him by sections 19, 140(4)(b) and 143 of the Constitutional Reform Act 2005(a).

In accordance with section 144(4) and (5)(b) and (d) of that Act, a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No. 3) Order 2006 and shall come into force—

- (a) for the purposes of article 4 and Schedule 2, on the day after the day on which the Lord Chancellor ceases to hold the office of Speaker of the House of Lords;
- (b) for all other purposes, on the day after the day on which it is made.

Savings

2. Nothing in article 4 or Schedule 2 affects any salary or pension payable in respect of service by a person in the office of Lord Chancellor or Speaker of the House of Lords before 12th June 2003.

Transfer of functions

3. Schedule 1 has effect with respect to the transfer of functions of the Lord Chancellor.

Supplementary provisions

4. Schedule 2 has effect with respect to making provision supplementary to—

- (a) the transfers under Schedule 1 to this Order; and
- (b) section 18 of, and Schedule 6 to, the Constitutional Reform Act 2005.

(a) 2005 c.4. Section 140(4)(b) is cited because of the meaning ascribed to the word “enactment”.

Dated 21st June 2006

Falconer of Thoroton , C

Transfer of functions of the Lord Chancellor

Civil Contingencies Act 2004

1.—(1) Section 28 (parliamentary scrutiny: prorogation and adjournment) of the Civil Contingencies Act 2004(a) is amended in accordance with this paragraph.

(2) In subsection (2), after “the Speaker” insert “of the House of Commons”.

(3) In subsection (3), for “the Lord Chancellor” substitute “the Speaker of the House of Lords”.

(4) In subsection (4)—

(a) for “the Lord Chancellor or the Speaker” in both places substitute “the Speaker of the House of Commons or the Speaker of the House of Lords”;

(b) for “the House of Lords or of the House of Commons” substitute “the House of Commons or of the House of Lords”.

Church Commissioners Measure 1947

2. In paragraph 1(a) of Schedule 1 (constitution of the Commissioners) to the Church Commissioners Measure 1947(b)—

(a) omit “the Lord Chancellor;”;

(b) after the entry relating to the Speaker of the House of Commons insert—
“the Speaker of the House of Lords;”.

Statutory Instruments Regulations 1947

3.—(1) Regulation 11 (constitution and powers of the Reference Committee) of the Statutory Instruments Regulations 1947(c) is amended in accordance with this paragraph.

(2) In paragraph (1), for “the Lord Chancellor and the Speaker of the House of Commons” substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”.

(3) In paragraph (2), for “the Lord Chancellor and the Speaker” substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”.

(a) 2004 c.36.
(b) 1947 No. 2.
(c) S.I. 1948/1.

Supplementary provisions

Parliamentary and other Pensions Act 1972

1.—(1) Subsection (1) of section 28 (pension of the Lord Chancellor) of the Parliamentary and other Pensions Act 1972(a) is amended in accordance with this paragraph.

(2) For the words from “the aggregate of” to the end substitute “one-half of the annual amount of the salary which, at the time when he ceases to hold that office, is payable to a holder of that office who is not also Speaker of the House of Lords.”.

Ministerial and other Salaries Act 1975

2. The Ministerial and other Salaries Act 1975(b) is amended as follows.

3.—(1) Section 1 (salaries) is amended in accordance with this paragraph.

(2) In subsection (2), for “together with the salary payable to him as Speaker of the House of Lords” substitute “together with any salary payable to him as Speaker of the House of Lords”.

(3) After subsection (3) insert—

“(3A) There shall be paid to the Speaker of the House of Lords a salary (which shall be paid out of money provided by Parliament) of £103,701 a year.”.

4. In subsection (1) of section 1A (alteration of salaries), for “section 1(1) or (3)” substitute “section 1(1), (3) or (3A)”.

Parliamentary and other Pensions Act 1987

5.—(1) Subsection (2) of section 2 (power to provide for pensions) of the Parliamentary and other Pensions Act 1987(c) is amended in accordance with this paragraph.

(2) At the end of paragraph (c) omit “or”.

(3) After paragraph (c) insert—

“(ca) the Speaker of the House of Lords; or”.

Ministerial and other Pensions and Salaries Act 1991

6. The Ministerial and other Pensions and Salaries Act 1991(d) is amended as follows.

7. After subsection (6)(b) of section 4 (grants to persons ceasing to hold ministerial and other offices) insert—

“(ba) the office of Speaker of the House of Lords;”.

8. In subsection (1) of section 5 (allowance for ministerial and other office-holders in House of Lords)—

(a) at the end of paragraph (b) omit “and”;

(a) 1972 c.48. Section 28(1) was substituted by section 1(2) of the Ministerial and other Pensions and Salaries Act 1991 (c.5).
 (b) 1975 c.27. Section 1 was amended by section 84(d) of, and Schedule 20 to, the Courts and Legal Services Act 1990 (c.41), section 3(1) of the Ministerial and other Pensions and Salaries Act 1991(c.5), section 1(1) of the Ministerial and other Salaries Act 1997 (c.62), and by articles 4 and 5(b) of S.I. 1996/1913. Section 1A was inserted by section 1(2) of the Ministerial and other Salaries Act 1997 (c.62).
 (c) 1987 c.45. Section 2 was amended by section 2(1) of the Ministerial and other Pensions and Salaries Act 1991 (c.5).
 (d) 1991 c.5.

(b) after paragraph (b) insert—

“(ba) the Speaker of the House of Lords; and”.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of, and Schedule 1 to, this Order transfer certain functions of the Lord Chancellor in respect of the House of Lords to the Speaker of the House of Lords. This completes the transfer of functions with respect to those offices transferred by virtue of section 18 and Schedule 6 to the Constitutional Reform Act 2005 (c.4).

Article 4 of, and Schedule 2 to, this Order make provision supplementary to the transfers in Schedule 1 in respect of:

- (i) pay (paragraphs 2 to 4 of Schedule 2);
- (ii) pension (paragraph 5 of Schedule 2);
- (iii) grants to persons ceasing to hold office (paragraph 7 of Schedule 2); and
- (iv) allowances (paragraph 8 of Schedule 2),
for the office of Speaker of the House of Lords.

Paragraph 1 of Schedule 2 makes an amendment to the pension provision for the Lord Chancellor consequential on the provision made for the Speaker of the House of Lords.

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