
STATUTORY INSTRUMENTS

2006 No. 1927

MINISTERS OF THE CROWN

The Transfer of Functions (Statutory Instruments) Order 2006

Made - - - - 19th July 2006
Laid before Parliament 31st July 2006
Coming into force - - 31st October 2006

At the Court at Buckingham Palace, the 19th day of July 2006

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 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 ordered, as follows:

Citation and commencement

- 1.—(1) This Order may be cited as the Transfer of Functions (Statutory Instruments) Order 2006.
- (2) This Order comes into force on 31st October 2006.

Interpretation

2. In this Order—
 - (a) “the Minister” means the Minister for the Civil Service;
 - (b) “instrument”, without prejudice to the generality of that expression, includes in particular Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

Transfer of Functions

3. The following are transferred to the Secretary of State—
 - (a) the Minister's functions under section 8(1) of the Statutory Instruments Act 1946⁽²⁾; and

⁽¹⁾ 1975 c. 26.

⁽²⁾ 1946 c. 36. Section 8(1) is amended by section 19 of, and Schedule 6, paragraph 4(1) and (3) to, the Constitutional Reform Act 2005 (c. 4) and, with retrospective effect, by section 1(1)(a) of the Statutory Instruments (Production and Sale) Act 1996

(b) his functions under regulation 10(1) of the Statutory Instruments Regulations 1947(3).

Transfer of property, rights and liabilities

4. All property, rights and liabilities to which the Minister is entitled or subject at the coming into force of this Order in connection with the functions transferred by article 3 are transferred to the Secretary of State for Constitutional Affairs.

Supplementary and consequential

5.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Minister before the coming into force of this Order.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Minister may, so far as it relates to anything transferred by article 3 or 4, be continued by or in relation to the Secretary of State or, as the case may be, the Secretary of State for Constitutional Affairs.

(3) Anything done (or having effect as if done) by or in relation to the Minister in connection with anything transferred by article 3 or 4 has effect, so far as is necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State or, as the case may be, the Secretary of State for Constitutional Affairs.

6.—(1) In section 8(1) of the Statutory Instruments Act 1946, for the words “The Treasury” (which have effect as a reference to the Minister by virtue of article 3(2) of the Minister for the Civil Service Order 1968)(4) substitute “The Secretary of State”.

(2) In regulation 10(1) of the Statutory Instruments Regulations 1947, for the words “the Treasury” (which have effect as a reference to the Minister by virtue of article 3(2) of the Minister for the Civil Service Order 1968), substitute “the Secretary of State”.

(3) Any other enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of article 3 or 4, as if references to (and references which are to be read as references to) the Minister were or included references to the Secretary of State or, as the case may be, the Secretary of State for Constitutional Affairs.

A. K. Galloway
Clerk of the Privy Council

(c. 54). The reference to the Treasury in section 8(1) is to be read as a reference to the Minister for the Civil Service by virtue of the Minister for the Civil Service Order 1968 (S.I.1968/1656).

(3) S.I. 1948/1; as amended by S.I. 1977/641 and S.I. 1982/1728. The reference to the Treasury in regulation 10(1) is to be read as a reference to the Minister for the Civil Service by virtue of the Minister for the Civil Service Order 1968 (S.I. 1968/1656).

(4) S.I. 1968/1656.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council, made under the Ministers of the Crown Act 1975, transfers functions from the Minister for the Civil Service to the Secretary of State. The reason for the transfer is that Her Majesty's Stationery Office and the Office of Public Sector Information will move from the Cabinet Office to merge with The National Archives (which falls under the remit of the Secretary of State for Constitutional Affairs and Lord Chancellor). The functions transferred are those provided for by—

- (i) Section 8 of the Statutory Instruments Act 1946 which confers a power on the Minister for the Civil Service (with the concurrence of the Speakers of the House of Commons and House of Lords) to make regulations for the purposes of the Act; and
- (ii) Regulation 10 of the Statutory Instruments Regulations 1947 which requires the Minister for the Civil Service to cause to be prepared an edition of statutory instruments known as the “annual edition”.

Nothing in this Order alters the functions of the National Assembly for Wales, the Scottish Ministers or the devolved authorities in Northern Ireland.