

EXPLANATORY MEMORANDUM TO
THE TRANSFER OF FUNCTIONS (STATUTORY INSTRUMENTS) ORDER 2006
2006 No. 1927

1. This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This instrument transfers functions from the Minister for the Civil Service to the Secretary of State.
 - 2.2 The functions transferred relate to the making of regulations under section 8 of the Statutory Instruments Act 1946 (for the purpose of that Act) and the obligation under regulation 10 of the Statutory Instruments Regulations 1947 for an annual edition of statutory instruments to be prepared.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.
4. **Legislative Background**
 - 4.1 The instrument is being made in order to transfer the functions referred to in paragraph 2 above from the Minister for the Civil Service to the Secretary of State and for any property, rights and/or liabilities (in respect of the functions transferred) to be transferred specifically to the Secretary of State for Constitutional Affairs.
 - 4.2 The reason for the transfer of functions is that Her Majesty's Stationery Office and the Office of Public Sector Information are to 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.
5. **Extent**
 - 5.1 This Instrument applies to all of the United Kingdom.
 - 5.2 It does not alter the functions of the National Assembly for Wales, the Scottish Ministers or the devolved authorities in Northern Ireland.
6. **European Convention on Human Rights**

As the instrument is subject to the negative resolution procedure, no statement is required. In any event, the Convention Rights are not engaged.

7. Policy background

- 7.1 The merger of Her Majesty's Stationery Office and the Office of Public Sector Information with The National Archives results from a review conducted by Sir Gus O'Donnell, the Cabinet Secretary, into the role and functions of the Cabinet Office.
- 7.2 The merger will deliver a strong centre for information management policy. It will benefit both organisations and their stakeholders by bringing together complementary strands of UK information management policy and advisory functions under one lead.
- 7.3 HMSO will retain its existing responsibilities including those in relation to Statutory Instruments, which will from 31st October 2006 operate from within the merged organisation. From that date the existing responsibilities of the Minister for the Civil Service under section 8 of the Statutory Instruments Act 1946 (for the purpose of that Act) and the obligation under regulation 10 of the Statutory Instruments Regulations 1947 will transfer to the Secretary of State.
- 7.4 HMSO will also retain its existing editorial responsibility in relation to Statutory Instrument Practice.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Alan Pawsey at Her Majesty's Stationery Office/The Office of Public Sector Information (Tel: 01603 723014 or e-mail: alan.pawsey@cabinet-office.x.gov.uk) can answer any queries regarding the instrument.