

2008 No. 3134

MINISTERS OF THE CROWN

**The Transfer of Functions (Administration of Rent Officer
Service in England) Order 2008**

Made - - - - - *10th December 2008*
Laid before Parliament *17th December 2008*
Coming into force - - - *1st April 2009*

At the Court at Buckingham Palace, the 10th day of December 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1 and 5A of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Administration of Rent Officer Service in England) Order 2008.

(2) This Order comes into force on 1st April 2009.

Interpretation

2. In this Order—

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“instrument” 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 functions of the Secretary of State under the Administration of the Rent Officer Service (England) Order 1999(b), except functions under article 6 of that order (expenditure), are transferred to the Commissioners.

(a) 1975 c. 26; section 5A was inserted by the Commissioners for Revenue and Customs Act 2005 (c. 11), section 8(1).
(b) S.I. 1999/2403.

Transfer of rights and liabilities

4. All rights and liabilities to which the Secretary of State 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 Commissioners.

Supplementary

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

(2) Anything which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State may, so far as it relates to any transferred matter, be continued by or in relation to the Commissioners.

(3) Any legal proceedings to which the Secretary of State is a party at the coming into force of this Order may, if they relate to any transferred matter, be continued by or against the Commissioners.

(4) Any appointment made, approval, consent or direction given, or other thing done, by or in relation to the Secretary of State in relation to any transferred matter (or having effect as if so made, given or done) has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if made, given or done by or in relation to the Commissioners.

(5) In this article “transferred matter” means a function, right or liability of the Secretary of State transferred by this Order.

Consequential amendments etc.

6.—(1) The Schedule (consequential amendments) has effect.

(2) Subject to the amendments made by the Schedule, any enactment or instrument passed or made before the coming into force of this Order has effect, so far as necessary for the purposes of or in consequence of article 3, 4 or 5, as if any reference to the Secretary of State were or included a reference to the Commissioners.

Judith Simpson
Clerk of the Privy Council

SCHEDULE

Article 6(1)

Consequential amendments

Rent Act 1977 (c. 42)

1. In section 63(4)(b) of the Rent Act 1977(a) (meaning of “the rent officer” in Part 4 of that Act) for “Secretary of State” substitute “Commissioners for Her Majesty’s Revenue and Customs”.

(a) Section 63(4) was substituted by the Administration of the Rent Officer Service (England) Order 1999 (S.I. 1999/2403), art. 7(a) and amended by the Administration of the Rent Officer Service (Wales) Order 2003 (S.I. 2003/973), art. 11.

Administration of the Rent Officer Service (England) Order 1999 (S.I. 1999/2403)

2.—(1) The Administration of the Rent Officer Service (England) Order 1999 is amended as follows.

(2) After article 1 insert—

“The Commissioners

1A. In this Order “the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs.”

(3) In article 3 (appointment etc. of rent officers in England)—

(a) in paragraph (1)—

(i) for “Secretary of State” substitute “Commissioners”, and

(ii) for “he considers” substitute “they consider”, and

(b) in paragraph (2), for “Secretary of State” substitute “Commissioners”.

(4) In article 4 (remuneration, pensions, allowances and gratuities), in paragraph (1)—

(a) for “Secretary of State” substitute “Commissioners”, and

(b) for “he accepts” substitute “they accept”.

(5) In article 5 (administration of rent officers)—

(a) in paragraph (1), for “Secretary of State” substitute “Commissioners”,

(b) in paragraph (2)—

(i) for “Secretary of State’s” substitute “Commissioners’ ”, and

(ii) for “Secretary of State” substitute “Commissioners”,

(c) in paragraph (3), for “Secretary of State” (in both places) substitute “Commissioners”, and

(d) in paragraph (4)—

(i) for “Secretary of State” (wherever occurring) substitute “Commissioners”,

(ii) for “his” (in both places) substitute “the Commissioners’ ”, and

(iii) in sub-paragraph (c), for “is” substitute “are”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council, made under the Ministers of the Crown Act 1975, transfers to the Commissioners for Her Majesty's Revenue and Customs the functions of the Secretary of State relating to the appointment, administration and remuneration of rent officers in England.

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 it has no impact on the private or voluntary sectors.

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