
STATUTORY INSTRUMENTS

2010 No. 1551

The Secretary of State for Culture,
Olympics, Media and Sport Order 2010

Citation and commencement

1.—(1) This Order may be cited as the Secretary of State for Culture, Olympics, Media and Sport Order 2010.

(2) This Order comes into force on 7th July 2010.

Interpretation

2. In this Order—

“instrument” includes, in particular, Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents;

“Olympics or Paralympics function” means a function which, by virtue of article 7, ceases to be exercisable concurrently by the Paymaster General.

Incorporation of the Secretary of State for Culture, Olympics, Media and Sport

3.—(1) The person who at the coming into force of this Order is the Secretary of State for Culture, Olympics, Media and Sport and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Culture, Olympics, Media and Sport—

(a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and

(b) is to be officially and judicially noticed.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Culture, Olympics, Media and Sport and to be—

(a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for by paragraph (2), or

(b) signed or executed by a person authorised by a Secretary of State to act in that behalf,

is to be received in evidence and to be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Secretary of State for Culture, Olympics, Media and Sport that an instrument purporting to be made or issued by—

(a) the Secretary of State for Culture, Olympics, Media and Sport, or

(b) the Secretary of State for Culture, Media and Sport,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(1) applies in relation to the Secretary of State for Culture, Olympics, Media and Sport—

- (a) as if references to regulations and orders included references to any document, and
- (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

Transfer of functions from Secretary of State for Culture, Media and Sport

4. The functions of the Secretary of State for Culture, Media and Sport are transferred to the Secretary of State for Culture, Olympics, Media and Sport.

Transfer of property, rights and liabilities from Secretary of State for Culture, Media and Sport

5. There are transferred to the Secretary of State for Culture, Olympics, Media and Sport all property, rights and liabilities to which the Secretary of State for Culture, Media and Sport is entitled or subject at the coming into force of this Order.

Other supplemental provision: Culture, Media and Sport functions etc

6.—(1) 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 Secretary of State for Culture, Media and Sport may be continued by or in relation to the Secretary of State for Culture, Olympics, Media and Sport.

(2) Anything done (or having effect as if done) by or in relation to the Secretary of State for Culture, Media and Sport has effect, so far as 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 for Culture, Olympics, Media and Sport.

(3) Documents or forms printed for use in connection with a CMS function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Culture, Media and Sport; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Culture, Olympics, Media and Sport.

(4) Any 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—

- (a) the transfer or entrusting to the Secretary of State for Culture, Olympics, Media and Sport of any CMS function, or
- (b) the transfer of anything by article 5,

as if references to (and references which are to be read as references to) the Secretary of State for Culture, Media and Sport were or included references to the Secretary of State for Culture, Olympics, Media and Sport.

(5) For the purposes of this article a function is a “CMS function” so far as—

- (a) it is transferred by article 4, or
- (b) it was entrusted to the Secretary of State for Culture, Media and Sport immediately before 12th May 2010 and has before the making of this Order been entrusted to the Secretary of State for Culture, Olympics, Media and Sport.

(6) In paragraphs (1) to (4) references to the Secretary of State for Culture, Media and Sport include references to the department or an officer of that Secretary of State; and references to the Secretary of State for Culture, Olympics, Media and Sport are to be read accordingly.

Transfer of functions relating to Olympics and Paralympics

7. The functions under the following enactments and instrument which are exercisable by the Secretary of State and the Paymaster General concurrently(2) shall cease to be exercisable by the Paymaster General—

- (a) the National Lottery etc. Act 1993(3);
- (b) the Olympic Symbol etc. (Protection) Act 1995(4);
- (c) the Horserace Betting and Olympic Lottery Act 2004(5);
- (d) the London Olympic Games and Paralympic Games Act 2006(6); and
- (e) the Olympic Lotteries (Payments out of Fund) Regulations 2006(7).

Transfer of property, rights and liabilities relating to Olympics and Paralympics

8. There are transferred to the Secretary of State for Culture, Olympics, Media and Sport all property, rights and liabilities to which the Paymaster General is entitled or subject at the coming into force of this Order in connection with any Olympics or Paralympics function.

Other supplemental provision: Olympics and Paralympics

9.—(1) 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 Paymaster General may, so far as it relates to any Olympics or Paralympics function or anything transferred by article 8, be continued by or in relation to the Secretary of State for Culture, Olympics, Media and Sport.

(2) Anything done (or having effect as if done) by or in relation to the Paymaster General in connection with any Olympics or Paralympics function or anything transferred by article 8 has effect, so far as 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 for Culture, Olympics, Media and Sport.

(3) Any enactment or instrument passed or made before the coming into force of this Order has effect—

- (a) so far as is necessary for the purposes of or in consequence of article 7 as if references to (and references which are to be read as references to) the Paymaster General were or included references to the Secretary of State;
- (b) so far as is necessary for the purposes of or in consequence of article 8 as if references to (and references which are to be read as references to) the Paymaster General were or included references to the Secretary of State for Culture, Olympics, Media and Sport.

(4) In paragraphs (1) to (3) references to the Paymaster General include references to the department or an officer of the Paymaster General; and references to the Secretary of State or the Secretary of State for Culture, Olympics, Media and Sport are to be read accordingly.

(2) The functions are exercisable concurrently by virtue of S.I. 2007/2129, art. 3.
(3) 1993 c. 39.
(4) 1995 c. 32.
(5) 2004 c. 25.
(6) 2006 c. 12.
(7) S.I. 2006/655.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Supplemental: validity of things done before coming into force of Order

10.—(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 for Culture, Media and Sport or the Paymaster General before the coming into force of this Order.

(2) In paragraph (1) a reference to a Minister includes a reference to the department or an officer of that Minister.

Consequential amendments

11. The Schedule (consequential amendments) has effect.

Judith Simpson
Clerk of the Privy Council