

2010 No. 1551

MINISTERS OF THE CROWN

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

Made - - - - - *9th June 2010*

Laid before Parliament *16th June 2010*

Coming into force - - - *7th July 2010*

At the Court at Buckingham Palace, the 9th day of June 2010

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by sections 1 and 2 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 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) 1975 c. 26; section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

- (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^(a) 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.

(a) 1868 c. 37.

(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^(a) shall cease to be exercisable by the Paymaster General—

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

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) The functions are exercisable concurrently by virtue of S.I. 2007/2129, art. 3.
(b) 1993 c. 39.
(c) 1995 c. 32.
(d) 2004 c. 25.
(e) 2006 c. 12.
(f) S.I. 2006/655.

- (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.

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

SCHEDULE Article 11
CONSEQUENTIAL AMENDMENTS

PART 1
PRIMARY LEGISLATION

Imperial War Museum Act 1920

1. In paragraph (1) of the Schedule to the Imperial War Museum Act 1920(a) (trustees), for “The Secretary of State for Culture, Media and Sport” substitute “The Secretary of State for Culture, Olympics, Media and Sport”.

Olympic Symbol etc. (Protection) Act 1995

2. In the following provisions of the Olympic Symbol etc. (Protection) Act 1995(b), in each place omit “or the Paymaster General”—

- (a) section 1 (creation of Olympics association right);
- (b) section 4 (limits on effect of Olympics association right)(c);

(a) 1920 c. 16. Paragraph (1) was substituted by S.I. 1986/2239, Sched. and amended by S.I. 1992/1311, Sched. 2 and S.I. 1997/1744, Sched. Other amendments have been made to paragraph (1) which are not relevant to this Order.

(b) 1995 c. 32. These provisions were amended by S.I. 2007/2129, Sched. Other amendments have been made to certain of those provisions, i.e. sections 1, 4, 5, 7 and 18, which (apart from the amendments referred to in footnotes below) are not relevant to this Order; certain of those provisions, i.e. sections 4(11) to (14), 5, 7 and 15, are applied by the London Olympic Games and Paralympic Games Act 2006 (c. 12), Sched. 4, para. 10.

(c) Section 4(1) to (5) was substituted by the London Olympic Games and Paralympic Games Act 2006 (c. 12), Sched. 3, para. 4; section 4(16) was amended by the Northern Ireland Act 1998 (c. 47), Sched. 13, para. 15.

- (c) section 5 (power to prescribe further limits on effect);
- (d) section 7 (orders in relation to infringing goods, material or articles);
- (e) section 15 (power to give directions to proprietor);
- (f) section 18 (interpretation)(a).

Channel Tunnel Rail Link Act 1996

3. In paragraph 5(5)(a) of Schedule 7 to the Channel Tunnel Rail Link Act 1996(b) (heritage), for “the Secretary of State for Culture, Media and Sport” substitute “the Secretary of State for Culture, Olympics, Media and Sport”.

Horseshoe Betting and Olympic Lottery Act 2004

4. In the following provisions of the Horseshoe Betting and Olympic Lottery Act 2004 (“the 2004 Act”)(c), in each place omit “or the Paymaster General” (and “or the Paymaster General’s”)—

- (a) section 22 (Olympic lotteries: timing);
- (b) section 23 (Olympic lottery distribution fund);
- (c) section 26 (payments out of Olympic lottery distribution fund);
- (d) section 28 (winding up of Olympic lottery distribution fund);
- (e) section 30 (distribution);
- (f) section 31 (distribution policy);
- (g) section 32(1) (dissolution of Olympic lottery distributor);
- (h) section 35 (changes in Olympic procedure);
- (i) in Schedule 5 (Olympic lottery distributor), paragraphs 1, 4, 5, 14 (including the heading), 17, 19, 23 and 25.

5. In section 32 of the 2004 Act (dissolution of Olympic lottery distributor), in subsections (5) and (7), for “Neither the Secretary of State nor the Paymaster General may” substitute “The Secretary of State may not”.

6.—(1) Section 34 of the 2004 Act (consequential amendments etc.) is amended as follows.

(2) In subsection (2)—

- (a) insert “and” at the end of paragraph (a); and
- (b) omit paragraph (aa) (together with the “and” following it).

(3) In subsection (7), omit paragraph (b) and the “and” immediately before it.

(4) In subsection (11), omit paragraph (za).

7. In paragraph 3 of Schedule 5 to the 2004 Act (Olympic lottery distributor), for “Neither the Secretary of State nor the Paymaster General shall” substitute “The Secretary of State shall not”.

London Olympic Games and Paralympic Games Act 2006

8.—(1) In the following provisions of the London Olympic Games and Paralympic Games Act 2006(d), in each place omit “or the Paymaster General” (and “or the Paymaster General’s”)—

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- (a) Section 18 was amended by the London Olympic Games and Paralympic Games Act 2006 (c. 12), Sched. 3, paras. 7 and 9.
 - (b) 1996 c. 61. Para. 5(5)(a) was amended by S.I. 1997/1744, Sched. Other amendments have been made to para. 5(5)(a) which are not relevant to this Order.
 - (c) 2004 c. 25. The provisions of the 2004 Act amended by this Order were amended by S.I. 2007/2129, Sched. Amendments have been made to certain of those provisions, i.e. sections 22, 26 and 28, which are not relevant to this Order.
 - (d) 2006 c. 12. The provisions of the 2006 Act amended by this Order were amended by S.I. 2007/2129, Sched. Amendments have been made to section 4 which are not relevant to this Order.

- (a) section 2 (alteration of Olympic documents);
 - (b) section 4 (general functions of Olympic Delivery Authority);
 - (c) section 8 (transfer schemes);
 - (d) section 9 (dissolution of Olympic Delivery Authority);
 - (e) section 19 (advertising regulations);
 - (f) section 20 (regulations: supplemental);
 - (g) section 23 (advertising: role of Olympic Delivery Authority);
 - (h) section 24 (local planning authorities);
 - (i) section 25 (street trading etc.);
 - (j) section 26 (section 25: supplemental);
 - (k) section 29 (trading: role of Olympic Delivery Authority);
 - (l) section 30 (trading: other authorities);
 - (m) section 35 (section 34: supplemental);
 - (n) section 36 (regional development agencies);
 - (o) section 37 (Scotland);
 - (p) section 40 (commencement and duration);
 - (q) section 41 (extent and application);
 - (r) in Schedule 1 (Olympic Delivery Authority), paragraphs 1, 3, 4, 6, 7, 8, 10, 11, 18 (including the heading), 24, 26, 28 and 32;
 - (s) in Schedule 2 (transfer schemes), paragraphs 2 (including the heading) and 10;
 - (t) in Schedule 4 (London Olympics association right), paragraphs 1, 3, 5 and 10.
- (2) In section 34(3) of that Act (Greater London Authority: powers), omit paragraph (aa).

Crossrail Act 2008

9. In paragraph 5(5) of Schedule 9 to the Crossrail Act 2008(a) (heritage), for “the Secretary of State for Culture, Media and Sport” substitute “the Secretary of State for Culture, Olympics, Media and Sport”.

PART 2

SECONDARY LEGISLATION

Planning (Listed Buildings and Conservation Areas) Regulations 1990

10. In Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Regulations 1990(b), as it applies in relation to England only, for “the Secretary of State for Culture, Media and Sport” in each place substitute “the Secretary of State for Culture, Olympics, Media and Sport”.

Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005

11. In Schedule 2 to the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005(c) (reporting authorities), for “The Secretary of State for Culture, Media and Sport” substitute “The Secretary of State for Culture, Olympics, Media and Sport”.

(a) 2008 c.18.

(b) S.I. 1990/1519. Schedule 4 was substituted, in its application to England only, by S.I. 2009/2711, reg.2.

(c) S.I. 2005/2966. Amendments have been made to Schedule 2 which are not relevant to this Order.

Olympic Lotteries (Payments out of Fund) Regulations 2006

12. In regulations 2 and 3 of the Olympic Lotteries (Payments out of Fund) Regulations 2006(a), in each place omit “or the Paymaster General”.

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

13. In column (2) of the table in Schedule 5 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(b) (persons to be served with copy of application etc.), for “Secretary of State for Culture, Media and Sport” in each place substitute “Secretary of State for Culture, Olympics, Media and Sport”.

Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2010

14. In regulation 1(2) of the Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2010(c) (interpretation), in the definition of “Culture Secretary”, for “the Secretary of State for Culture, Media and Sport” substitute “the Secretary of State for Culture, Olympics, Media and Sport”.

(a) S.I. 2006/655. These provisions were amended by S.I. 2007/2129, Sched.
(b) S.I. 2006/1466. An amendment has been made to the table which is not relevant to this Order.
(c) S.I. 2010/501.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under sections 1 and 2 of the Ministers of the Crown Act 1975. It makes provision in connection with the establishment of the office of Secretary of State for Culture, Olympics, Media and Sport.

Article 3 provides for the incorporation of the Secretary of State for Culture, Olympics, Media and Sport as a corporation sole and for the authentication of the corporate seal and execution and certification of documents.

Article 4 transfers to the Secretary of State for Culture, Olympics, Media and Sport the functions of the Secretary of State for Culture, Media and Sport. Article 5 transfers to the Secretary of State for Culture, Olympics, Media and Sport the property, rights and liabilities of the Secretary of State for Culture, Media and Sport. Articles 6 and 10 make other supplemental provision.

Article 7 provides that functions relating to the 2012 Olympics and Paralympics under specified legislation which are exercisable by the Secretary of State and Paymaster General concurrently cease to be exercisable by the Paymaster General. Article 8 transfers to the Secretary of State for Culture, Olympics, Media and Sport property, rights and liabilities relating to the 2012 Olympics and Paralympics to which the Paymaster General is entitled or subject. Articles 9 and 10 make other supplemental provision.

Article 11 and the Schedule to the Order make consequential amendments to Acts of Parliament and subordinate legislation.

Nothing in this Order alters the functions of the Welsh Ministers, the Scottish Ministers or the devolved authorities in Northern Ireland.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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