

**EXPLANATORY MEMORANDUM TO
THE TRANSFER OF FUNCTIONS (POLICE AND CRIME COMMISSIONER
ELECTIONS) ORDER 2015**

2015 No. 1526

1. This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order, makes provision for functions of the Secretary of State for the Home Department in relation to elections of Police and Crime Commissioners to be exercisable concurrently with the Chancellor of the Duchy of Lancaster.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The decision to make the statutory functions in question exercisable concurrently by the Chancellor of the Duchy of Lancaster and the Secretary of State requires an Order under the Ministers of the Crown Act 1975 and cannot be implemented administratively. The Order is also required to make appropriate supplementary provision in relation to these matters.

4.2 The functions that are to be exercisable under the Order by the Chancellor of the Duchy of Lancaster concurrently with the Secretary of State include those functions that were made exercisable by the Lord President of the Council by the Transfer of Functions (Elections) Order 2014 (SI 2014/268)..

5. Territorial Extent and Application

5.1 This instrument extends to England and Wales. The functions referred to in the Order apply to England and Wales.

6. European Convention on Human Rights

6.1 The Chancellor of the Duchy of Lancaster considers that the provisions of the Order are compatible with Convention rights.

7. Policy background

7.1 The Prime Minister made a Written Ministerial Statement [HCWS 401] on 12 March 2015 confirming that policy responsibility for the conduct of elections in relation to Police and Crime Commissioners would transfer from the Home Office to the Cabinet Office, effective from 1 April 2015, though the Home Office retain responsibility for the conduct of any Police and Crime Commissioner elections held

before May 2016. The Home Office retains all other responsibilities in relation to Police and Crime Commissioners.

7.2 The Order makes provision for the functions related to the conduct of Police and Crime Commissioner elections after 1 April 2016 and related matters to be exercisable concurrently by the Secretary of State and the Chancellor of the Duchy of Lancaster.

7.3 While this Order amends a number of enactments in consequence of the transfer of functions, it does not in itself create a need for consolidation. The question of whether there is a need for consolidation of the body of electoral legislation will be more appropriately addressed in the context of further reforms.

8. Consultation outcome

8.1 There is no statutory requirement to consult on this order, which gives effect to a machinery of Government change already announced by the Prime Minister; and there has not been any formal consultation on the Order itself.

9. Guidance

9.1 There does not appear to be any need to issue guidance on the change in ministerial responsibilities or on the Machinery of Government change, and there are no plans to do so.

10. Impact

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

10.2 The impact on the public sector is negligible.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As the Order is limited to making provision giving effect to a change in ministerial responsibilities, no monitoring or review is felt to be necessary. Should experience indicate that any further adjustment of functions between Ministers of the Crown is necessary, that will be addressed by further changes in ministerial responsibilities, machinery of Government change or in the course of further reforms.

13. Contact

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