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STATUTORY INSTRUMENTS

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**2016 No. 997**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Elections, Referendums,  
Third Sector and Information) Order 2016**

<i>Made</i>	- - - -	<i>12th October 2016</i>
<i>Laid before Parliament</i>		<i>19th October 2016</i>
<i>Coming into force</i>	- -	<i>9th November 2016</i>

At the Court at Buckingham Palace, the 12th day of October 2016

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 1 of the Ministers of the Crown Act 1975 <sup>M1</sup>, is pleased, by and with the advice of Her Privy Council, to order as follows:

**Marginal Citations**

**M1** 1975 c. 26. Section 1 was amended by section 20 of the [Constitutional Reform Act 2005 \(c. 4\)](#).

**Citation and commencement**

1.—(1) This Order may be cited as the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016.

(2) This Order comes into force on 9th November 2016.

**Interpretation**

2. In this Order—

“article 3 function” means a function which is directed by article 3(1) to be exercisable by the Secretary of State concurrently with the Minister for the Cabinet Office;

“article 5 function” means a function which is directed by article 5 to be exercisable by the Secretary of State concurrently with the Leader of the House of Commons;

“the Chancellor of the Duchy” means the Chancellor of the Duchy of Lancaster;

“instrument” includes Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences,

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authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents;

“the Leader of the House of Commons” means the Minister of the Crown who is for the time being designated as Leader of the House of Commons by the Prime Minister.

### **Transfer of concurrently exercisable functions of the Chancellor of the Duchy to the Minister for the Cabinet Office**

3.—(1) The functions of the Secretary of State under—

- (a) an Act, or a provision of an Act or instrument, listed in Schedule 1, or
- (b) an instrument having effect under any such Act or provision of such an Act,

which are exercisable concurrently with the Chancellor of the Duchy are to cease to be exercisable concurrently with the Chancellor of the Duchy and are instead to be exercisable concurrently with the Minister for the Cabinet Office <sup>M2</sup>.

(2) The functions to which paragraph (1) applies include functions under any provision not yet in force at the time this Order is made (and in Schedule 1 a reference to an Act or provision of an Act or instrument includes a reference to the Act or provision as amended by any provision of an enactment or instrument passed or made before that time even though the amending provision is not yet in force at that time).

#### **Marginal Citations**

**M2** The functions that are to be exercisable by the Minister for the Cabinet Office (concurrently with the Secretary of State) include those functions that were made exercisable by the Chancellor of the Duchy (concurrently with the Secretary of State) by [S.I. 2015/1376, art. 3](#), [S.I. 2015/1526, art. 3](#) and by [S.I. 2015/1897, art. 3](#).

### **Transfer of property, rights and liabilities in connection with article 3**

4. There are transferred to the Minister for the Cabinet Office all property, rights and liabilities to which the Chancellor of the Duchy is entitled or subject at the coming into force of this Order in connection with an article 3 function.

### **Transfer of concurrently exercisable functions of the Chancellor of the Duchy to the Leader of the House of Commons**

5. The functions of the Secretary of State under sections 3 and 4 of the Parliamentary Constituencies Act 1986 <sup>M3</sup> are to cease to be exercisable concurrently with the Chancellor of the Duchy and are instead to be exercisable concurrently with the Leader of the House of Commons.

#### **Marginal Citations**

**M3** 1986 c. 56. Section 3 was amended by section 2 of the [Boundary Commissions Act 1992 \(c. 55\)](#), [section 10](#) of the [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#) and section 6 of the [Electoral Registration and Administration Act 2013 \(c. 6\)](#). Section 4 was amended by section 10 of the [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#) and the Schedule to the [Fixed-term Parliaments Act 2011 \(c. 14\)](#). There are other amendments to the 1986 Act not relevant to this Order.

### Supplementary provision in connection with articles 3 to 5

6.—(1) This article applies to—

- (a) an article 3 function,
- (b) anything transferred by article 4, and
- (c) an article 5 function.

(2) In this article, “the transferee” means—

- (a) in relation to an article 3 function or anything transferred by article 4, the Minister for the Cabinet Office, and
- (b) in relation to an article 5 function, the Leader of the House of Commons.

(3) 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 Chancellor of the Duchy may, so far as it relates to anything to which this article applies, be continued by or in relation to the transferee.

(4) Anything done (or having effect as if done) by or in relation to the Chancellor of the Duchy in connection with anything to which this article applies 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 transferee.

(5) Documents or forms printed for use in connection with an article 3 function or an article 5 function may be used in connection with the exercise of that function by the transferee even though they contain, or are to be read as containing, references to the Chancellor of the Duchy; and for the purposes of the use of any such documents or forms in connection with the exercise of that function by the transferee, those references are to be read as references to the transferee.

(6) 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 the transfer of anything to which this article applies, as if references to the Chancellor of the Duchy (and references which are to be read as references to the Chancellor of the Duchy) were references to the transferee.

### Transfer of functions exercisable by the Chancellor of the Duchy only to the Minister for the Cabinet Office

7. The following functions of the Chancellor of the Duchy are transferred to the Minister for the Cabinet Office—

- (a) functions under the Freedom of Information Act 2000 <sup>M4</sup> (other than functions to which article 3(1) applies);
- (b) functions under section 2(2)(b) of the Political Parties, Elections and Referendums Act 2000 <sup>M5</sup>;
- (c) functions under—
  - (i) the Representation of the People (England and Wales) Regulations 2001 <sup>M6</sup>;
  - (ii) the Representation of the People (Scotland) Regulations 2001 <sup>M7</sup>.

#### Marginal Citations

**M4** 2000 c. 36. The functions that are to be transferred to the Minister for the Cabinet Office are those that were transferred to the Chancellor of the Duchy by S.I. 2015/1897, art. 4.

**M5** 2000 c. 41. Section 2(2)(b) was amended by S.I. 2001/3500, Sch. 2, substituted by S.I. 2002/2626, Sch. 2 and amended by S.I. 2010/1837, Sch. and S.I. 2015/1376, Sch. 2. The functions that are to be transferred to the Minister for the Cabinet Office are those that were transferred to the Chancellor of the Duchy by S.I. 2015/1376.

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- M6** S.I. 2001/341, amended by S.I. 2013/3198, 2015/1376; there are other amending instruments but none is relevant. The functions that are to be transferred to the Minister for the Cabinet Office are those that were transferred to the Chancellor of the Duchy by S.I. 2015/1376.
- M7** S.I. 2001/497, amended by S.I. 2013/3206, 2015/1376; there are other amending instruments but none is relevant. The functions that are to be transferred to the Minister for the Cabinet Office are those that were transferred to the Chancellor of the Duchy by S.I. 2015/1376.

### Supplementary provision in connection with article 7

8.—(1) There are transferred to the Minister for the Cabinet Office all property, rights and liabilities to which the Chancellor of the Duchy is entitled or subject at the coming into force of this Order in connection with a function which is transferred by article 7 to the Minister for the Cabinet Office (an “article 7 function”).

(2) 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 Chancellor of the Duchy may, so far as it relates to an article 7 function or anything transferred by paragraph (1), be continued by or in relation to the Minister for the Cabinet Office.

(3) Anything done (or having effect as if done) by or in relation to the Chancellor of the Duchy in connection with an article 7 function or anything transferred by paragraph (1) 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 Minister for the Cabinet Office.

(4) Documents or forms printed for use in connection with an article 7 function may be used in connection with the exercise of that function by the Minister for the Cabinet Office even though they contain, or are to be read as containing, references to the Chancellor of the Duchy; and for the purposes of the use of any such documents or forms in connection with the exercise of that function by the Minister for the Cabinet Office, those references are to be read as references to the Minister for the Cabinet Office.

(5) 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 7 or paragraph (1), as if references to the Chancellor of the Duchy (and references which are to be read as references to the Chancellor of the Duchy) were references to the Minister for the Cabinet Office.

### Function of the Secretary of State to be exercisable concurrently with the Minister for the Cabinet Office

9. The function of the Secretary of State under regulation 114(6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016<sup>M8</sup> is to be exercisable concurrently with the Minister for the Cabinet Office.

#### Marginal Citations

**M8** S.I. 2016/295.

### Transfer of functions from the Minister for the Cabinet Office to the Secretary of State

10.—(1) The functions of the Minister for the Cabinet Office under an Act, a provision of an Act or an instrument listed in paragraph (2) are transferred to the Secretary of State.

(2) The Acts, provisions and instruments referred to in paragraph (1) are—

- (a) sections 2, 3 and 4 of the House to House Collections Act 1939<sup>M9</sup>;

- (b) the Charities Act 1992 <sup>M10</sup>;
- (c) sections 22, 34, 36B and 36E of and Schedule 4A to the National Lottery etc. Act 1993 <sup>M11</sup>;
- (d) sections 496, 497, 497A, 497AA, 507B and 571 of the Education Act 1996 <sup>M12</sup>;
- (e) sections 63, 72, 73, 77 and 79 of the Charities Act 2006 <sup>M13</sup>;
- (f) the Dormant Bank and Building Society Accounts Act 2008 <sup>M14</sup>;
- (g) the Charities Act 2011 <sup>M15</sup>;
- (h) the Tax Relief for Social Investments (Accreditation of Social Impact Contractor) Regulations 2014 <sup>M16</sup>;
- (i) sections 16 and 17 of the Charities (Protection and Social Investment) Act 2016 <sup>M17</sup>.

(3) The functions to which paragraph (1) applies include functions under any provision not yet in force at the time this Order is made (and in paragraph (2) a reference to an Act, a provision of an Act or an instrument includes a reference to the Act, provision or instrument as amended by any provision of an enactment or instrument passed or made before that time even though the amending provision is not yet in force at that time).

(4) The function of the Secretary of State under section 5(1) of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (regulation of street collections) <sup>M18</sup> which is exercisable by the Secretary of State and the Minister for the Cabinet Office concurrently is to cease to be exercisable by the Minister for the Cabinet Office.

#### Marginal Citations

- M9** 1939 c. 44. The functions under sections 2, 3 and 4 were transferred to the Minister for the Cabinet Office by [S.I. 2006/2951](#), [art. 3](#).
- M10** 1992 c. 41, amended by sections 68 and 69 of the Charities Act 2006. The functions under this Act were transferred to the Minister for the Cabinet Office by [S.I. 2006/2951](#), [art. 3](#).
- M11** 1993 c. 39. Section 22 was amended by section 7 of the [National Lottery Act 2006](#) (c. 23). Sections 36B, 36E and Schedule 4A were inserted by sections 14 and 15 of that Act. The functions under sections 22, 34, 36B and 36E and Schedule 4A were transferred to the Minister for the Cabinet Office by [S.I. 2011/739](#), [art. 2](#). There are other amendments to the 1993 Act not relevant to this Order.
- M12** 1996 c. 56. Section 497A was inserted by section 8 of the [School Standards and Framework Act 1998](#) (c. 31). Section 497AA was inserted by section 61 of the [Education Act 2002](#) (c. 32). Section 507B was inserted by section 6 of the Education and Inspections Act (c. 40). The functions under sections 496, 497, 497A, 497AA, 507B and 571 were transferred to the Minister for the Cabinet Office by [S.I. 2013/1721](#), [art. 2](#). The functions under sections 496, 497, 497A and 497AA were transferred so far as relating to the exercise of any function of a local authority under section 507B. The function under section 571 was transferred so far as relating to guidance under section 507B(12). There are other amendments to the 1996 Act not relevant to this Order.
- M13** 2006 c. 50, amended by section 354 and schedule 7 of the Charities Act 2011 and section 1177 and Schedule 1 of the [Corporation Tax Act 2010](#) (c. 4).
- M14** 2008 c. 31. The functions under this Act were transferred to the Minister for the Cabinet Office by [S.I. 2010/2967](#), [art. 2](#).
- M15** 2011 c. 25, amended by sections 9 and 10 of the [Charities \(Protection and Social Investment\) Act 2016](#) (c. 4).
- M16** [S.I. 2014/3066](#), amended by [S.I. 2015/2051](#).
- M17** 2016 c. 4.
- M18** 1916 c. 31. The function under section 5 was conferred on the Minister for the Cabinet Office by [S.I. 2006/2951](#), [art. 3](#).

### **Supplementary provision in connection with article 10**

**11.**—(1) In this article, “article 10 function” means a function which—

- (a) is transferred by article 10(1) from the Minister for the Cabinet Office to the Secretary of State, or
- (b) ceases by virtue of article 10(4) to be exercisable concurrently by the Minister for the Cabinet Office.

(2) There are transferred to the Secretary of State for Culture, Media and Sport all property, rights and liabilities to which the Minister for the Cabinet Office is entitled or subject at the coming into force of this Order in connection with an article 10 function.

(3) 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 Minister for the Cabinet Office may, so far as it relates to an article 10 function or anything transferred by paragraph (2), be continued by or in relation to the Secretary of State.

(4) Anything done (or having effect as if done) by or in relation to the Minister for the Cabinet Office in connection with an article 10 function or anything transferred by paragraph (2) 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.

(5) Documents or forms printed for use in connection with an article 10 function may be used in connection with the exercise of that function by the Secretary of State even though they contain, or are to be read as containing, references to the Minister for the Cabinet Office; and for the purposes of the use of any such documents or forms in connection with the exercise of that function by the Secretary of State, those references are to be read as references to the Secretary of State.

(6) 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 10 or paragraph (2), as if references to the Minister for the Cabinet Office were references to the Secretary of State.

(7) In paragraphs (3) to (6)—

- (a) references to the Minister for the Cabinet Office are to be read as including references to the Cabinet Office or an officer in that Office, and
- (b) references to the Secretary of State are to be read as including references to a department or an officer of the Secretary of State accordingly.

### **Validity of things done before coming into force of Order**

**12.**—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Chancellor of the Duchy or the Minister for the Cabinet Office before the coming into force of this Order.

(2) In paragraph (1), the references to the Chancellor of the Duchy and the Minister for the Cabinet Office include references to the Cabinet Office or an officer in that Office.

### **Consequential amendments**

**13.** Schedule 2 has effect.

*Richard Tilbrook*  
Clerk of the Privy Council

## SCHEDULE 1

Article 3(1)

### Acts and provisions referred to in article 3(1)

The Acts and provisions referred to in article 3(1) are—

- (a) the Representation of the People Act 1983 <sup>M19</sup>;
- (b) the Representation of the People Act 1985 <sup>M20</sup>;
- (c) Schedule 1 to the Parliamentary Constituencies Act 1986 <sup>M21</sup>;
- (d) paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 <sup>M22</sup>;
- (e) section 52ZQ of the Local Government Finance Act 1992 <sup>M23</sup>;
- (f) section 17A of the Greater London Authority Act 1999 <sup>M24</sup>;
- (g) the Representation of the People Act 2000 <sup>M25</sup>;
- (h) the Local Government Act 2000 <sup>M26</sup>;
- (i) the Freedom of Information Act 2000 <sup>M27</sup>;
- (j) the Political Parties, Elections and Referendums Act 2000 <sup>M28</sup>;
- (k) regulation 8 of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 <sup>M29</sup>;
- (l) the European Parliamentary Elections Act 2002 <sup>M30</sup>;
- (m) the European Parliament (Representation) Act 2003 <sup>M31</sup>;
- (n) the Electoral Administration Act 2006 <sup>M32</sup>;
- (o) the Political Parties and Elections Act 2009 <sup>M33</sup>;
- (p) sections 114(1) and 116(1) of, and paragraphs 3 and 12 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009 <sup>M34</sup>;
- (q) section 14 of the Parliamentary Voting System and Constituencies Act 2011 <sup>M35</sup>;
- (r) the Police Reform and Social Responsibility Act 2011 <sup>M36</sup>;
- (s) the Electoral Registration and Administration Act 2013 <sup>M37</sup>;
- (t) the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 <sup>M38</sup>;
- (u) section 13 of, and Schedule 1 to, the Wales Act 2014 <sup>M39</sup>;
- (v) the Recall of MPs Act 2015 <sup>M40</sup>;
- (w) the European Union Referendum Act 2015 <sup>M41</sup>;
- (x) Part 7 of the Immigration Act 2016 <sup>M42</sup>.

#### Marginal Citations

**M19** 1983 c. 2.

**M20** 1985 c. 50.

**M21** 1986 c. 56.

**M22** 1990 c. 8. Schedule 4B was inserted by Schedule 10 to the [Localism Act 2011 \(c. 20\)](#). It is applied with modifications by sections 38A(3) and 38C(5) of the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#)

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and paragraph 7 of Schedule 4C to the Town and Country Planning Act 1990 as inserted by Schedules 9 and 11 to the Localism Act 2011.

- M23** 1992 c. 14. Section 52ZQ was inserted by Schedule 5 to the Localism Act 2011.
- M24** 1999 c. 29. Section 17A was inserted by section 14 of the [Representation of the People Act 2000 \(c. 2\)](#).
- M25** 2000 c. 2.
- M26** 2000 c. 22.
- M27** 2000 c. 36.
- M28** 2000 c. 41.
- M29** S.I. 2001/1184.
- M30** 2002 c. 24.
- M31** 2003 c. 7.
- M32** 2006 c. 22.
- M33** 2009 c. 12.
- M34** 2009 c. 20. Sections 114 and 116 were amended by the [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **Sch. 5**. Schedule 5B was inserted by the Cities and Local Government Devolution Act 2016, Sch. 1.
- M35** 2011 c. 1. Section 14 was amended by the [Electoral Registration and Administration Act 2013 \(c. 6\)](#), **section 6**.
- M36** 2011 c. 13.
- M37** 2013 c. 6.
- M38** 2014 c. 4.
- M39** 2014 c. 29.
- M40** 2015 c. 25.
- M41** 2015 c. 36.
- M42** 2016 c. 19.

### Marginal Citations

- M19** 1983 c. 2.
- M20** 1985 c. 50.
- M21** 1986 c. 56.
- M22** 1990 c. 8. Schedule 4B was inserted by Schedule 10 to the [Localism Act 2011 \(c. 20\)](#). It is applied with modifications by sections 38A(3) and 38C(5) of the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#) and paragraph 7 of Schedule 4C to the Town and Country Planning Act 1990 as inserted by Schedules 9 and 11 to the Localism Act 2011.
- M23** 1992 c. 14. Section 52ZQ was inserted by Schedule 5 to the Localism Act 2011.
- M24** 1999 c. 29. Section 17A was inserted by section 14 of the [Representation of the People Act 2000 \(c. 2\)](#).
- M25** 2000 c. 2.
- M26** 2000 c. 22.
- M27** 2000 c. 36.
- M28** 2000 c. 41.
- M29** S.I. 2001/1184.
- M30** 2002 c. 24.
- M31** 2003 c. 7.
- M32** 2006 c. 22.
- M33** 2009 c. 12.
- M34** 2009 c. 20. Sections 114 and 116 were amended by the [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **Sch. 5**. Schedule 5B was inserted by the Cities and Local Government Devolution Act 2016, Sch. 1.
- M35** 2011 c. 1. Section 14 was amended by the [Electoral Registration and Administration Act 2013 \(c. 6\)](#), **section 6**.
- M36** 2011 c. 13.



**M37** 2013 c. 6.  
**M38** 2014 c. 4.  
**M39** 2014 c. 29.  
**M40** 2015 c. 25.  
**M41** 2015 c. 36.  
**M42** 2016 c. 19.

## SCHEDULE 2

Article 13

### Consequential amendments

## PART 1

### Primary legislation

#### **Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31)**

1. In section 5(1)(a) and (2) of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (regulation of street collection)<sup>M43</sup>, in each place omit “or the Minister for the Cabinet Office”.

#### **Marginal Citations**

**M43** Section 5(1)(a) and (2) were amended by S.I. 2006/2951, **Sch.** Other amendments have been made to section 5 which are not relevant to this Order.

#### **House to House Collections Act 1939 (c. 44)**

2. In the following provisions of the House to House Collections Act 1939<sup>M44</sup>, for “Minister for the Cabinet Office” in each place substitute “ Secretary of State ”

- (a) section 2(4) and (6) (appeal against refusal of licence);
- (b) section 3 (exemptions);
- (c) section 4(1) and (2) (regulations).

#### **Marginal Citations**

**M44** The provisions in question were amended by S.I. 2006/2951, **Sch.**

#### **Representation of the People Act 1983 (c. 2)**

3. For section 199ZA of the Representation of the People Act 1983<sup>M45</sup> substitute—

#### **“199ZA Functions of the Minister for the Cabinet Office**

**199ZA** See the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016, by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Minister for the Cabinet Office.”

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#### Marginal Citations

**M45** Section 199ZA was inserted by S.I. 2010/1837, **Sch.** and substituted by S.I. 2015/1376, **Sch. 2.**

#### Representation of the People Act 1985 (c. 50)

4. In section 27 of the Representation of the People Act 1985 (interpretation) <sup>M46</sup>, for subsection (2ZA) substitute—

“(2ZA) See the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016, by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Minister for the Cabinet Office.”

#### Marginal Citations

**M46** Section 27(2ZA) was inserted by S.I. 2010/1837, **Sch.** and substituted by S.I. 2015/1376, **Sch. 2.** Section 27 is applied with modifications by S.I. 2001/2599, **art. 3** and Sch. 1.

#### Parliamentary Constituencies Act 1986 (c. 56)

5.—(1) The Parliamentary Constituencies Act 1986 is amended as follows.

(2) In section 3 (reports of the Boundary Commissions) <sup>M47</sup>, after subsection (7) insert—

“(7A) In this section—

“the Secretary of State” means the Secretary of State or the Leader of the House of Commons;

“the Leader of the House of Commons” means the Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) who is for the time being designated as Leader of the House of Commons by the Prime Minister.”

(3) In section 4 (Orders in Council) <sup>M48</sup>, after subsection (7) insert—

“(8) In this section, “the Secretary of State” means the Secretary of State or the Leader of the House of Commons (within the meaning of section 3(7A)).”

(4) Omit section 6B <sup>M49</sup>.

(5) In Schedule 1 (the Boundary Commissions), after paragraph 12 insert—

#### “Functions of the Minister for the Cabinet Office

13. In this Schedule, “the Secretary of State” means the Secretary of State or the Minister for the Cabinet Office.”

#### Marginal Citations

**M47** Section 3 was amended by section 2 of the [Boundary Commissions Act 1992 \(c. 55\)](#), [section 10](#) of the [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#) and section 6 of the [Electoral Registration and Administration Act 2013 \(c. 6\)](#). Other amendments have been made to section 3 which are not relevant to this Order.

**M48** Section 4 was amended by section 10 of the [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#) and the Schedule to the [Fixed-term Parliaments Act 2011 \(c. 14\)](#).

**M49** Section 6B was inserted by S.I. 2010/1837, **Sch.** and substituted by S.I. 2015/1376, **Sch. 2.**

### Town and Country Planning Act 1990 (c. 8)

6. In paragraph 16(1) and (5) of Schedule 4B to the Town and Country Planning Act 1990 (regulations about referendums relating to neighbourhood development orders)<sup>M50</sup>, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”.

#### Marginal Citations

**M50** Schedule 4B was inserted by Schedule 10 to the Localism Act 2011. It is applied with modifications by sections 38A(3) and 38C(5) of the Planning and Compulsory Purchase Act 2004 and paragraph 7 of Schedule 4C to the Town and Country Planning Act 1990 as inserted by Schedules 9 and 11 to the Localism Act 2011. Paragraph 16(1) and (5) of Schedule 4B were amended by S.I. 2013/2597, Sch. and by S.I. 2015/1376, Sch. 2.

### Local Government Finance Act 1992 (c. 14)

7. In the following provisions of the Local Government Finance Act 1992, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”

- (a) section 52ZQ(1), (2) and (6) (regulations about referendums relating to council tax increases)<sup>M51</sup>;
- (b) section 113(1), (2) and (3) (orders and regulations)<sup>M52</sup>.

#### Marginal Citations

**M51** Section 52ZQ was inserted by Schedule 5 to the Localism Act 2011 and amended by S.I. 2013/2597, Sch. and by S.I. 2015/1376, Sch. 2.

**M52** Section 113 was amended by paragraph 52 of Schedule 7 to the Local Government Act 2003 (c. 26), by section 80(4) and (5) of, and paragraph 32 of Schedule 6 to, the Localism Act 2011, by S.I. 2013/2597, Sch. and by S.I. 2015/1376, Sch. 2. Other amendments have been made to section 113 which are not relevant to this Order.

### Charities Act 1992 (c. 41)

8.—(1) The Charities Act 1992 is amended as follows.

- (2) In section 58(1) (interpretation)<sup>M53</sup>, omit the definition of “the Minister”.
- (3) In the following provisions<sup>M54</sup>, for “Minister” in each place substitute “ Secretary of State ”
  - (a) section 58(10) (power to amend definition of “professional fund-raiser”);
  - (b) section 60B(6) (power to amend earnings limit in relation to lower-paid collectors)<sup>M55</sup>;
  - (c) section 61(8) (power to amend specified sums)<sup>M56</sup>;
  - (d) section 64(1) (regulations about fund-raising);
  - (e) section 64A(1) (regulations in connection with regulating fund-raising)<sup>M57</sup>;
  - (f) section 64B(3) (approval of regulator)<sup>M58</sup>;
  - (g) section 77(1), (3) and (4) (regulations and orders);
  - (h) section 79(2) (commencement).

**Status:** Point in time view as at 09/11/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016. (See end of Document for details)

### Marginal Citations

- M53** The definition of “the Minister” in section 58(1) was inserted by section 75(1) of the [Charities Act 2006](#) (c. 50).
- M54** The provisions in question, other than sections 60B, 64A and 64B, were amended by [S.I. 2006/2951](#).
- M55** [Section 60B](#) was inserted by section 68 of the Charities Act 2006. Subsections (2) and (5) were amended by [S.I. 2009/508](#), [art. 2](#).
- M56** The sums currently specified in section 61(1), (2) and (3) were substituted by [S.I. 2009/508](#), [art. 6](#).
- M57** [Section 64A](#) was inserted by section 69 of the Charities Act 2006.
- M58** [Section 64B](#) was inserted by section 14 of the [Charities \(Protection and Social Investment\) Act 2016](#) (c. 4).

### National Lottery etc. Act 1993 (c. 39)

9.—(1) The National Lottery etc. Act 1993 is amended as follows.

(2) In section 22(3A) and (3C) (power to prescribe descriptions of expenditure for which money allocated to the Big Lottery Fund may be distributed) <sup>M59</sup>, for “Minister for the Cabinet Office” substitute “ Secretary of State ”.

(3) In section 25C(3)(a) (strategic plans for distributing bodies) <sup>M60</sup>, omit “or the Minister for the Cabinet Office”.

(4) Omit section 34(7) (annual reports by distributing bodies).

(5) In section 36B(3) and (5) (limits on amount distributed by the Big Lottery Fund) <sup>M61</sup>, for “Minister for the Cabinet Office” substitute “ Secretary of State ”.

(6) Section 36E (directions to the Big Lottery Fund) <sup>M62</sup> is amended in accordance with paragraphs (7) to (13).

(7) In subsection (1), for the words from “by” to the end substitute “ by the Secretary of State (subject to subsection (4)) ”.

(8) For subsection (2) substitute—

“(2) A direction under this section may, in particular, specify matters to be taken into account in determining the person to whom, the purposes for which and the conditions subject to which the Fund distributes money.”

(9) In subsection (3)—

(a) for “subsection (1)(a) may” substitute “ this section may, in particular ”,

(b) after paragraph (a) insert—

“(ab) relate to the employment of staff;”, and

(c) in paragraph (d), for “paragraph (a) or (c)” substitute “ paragraphs (a) to (c) ”.

(10) In subsection (4), for the words from “subsection (1)(b)” to “Cabinet Office” substitute “ this section, other than a direction given by virtue only of subsection (3), may not be given by the Secretary of State ”.

(11) In subsection (5), for the words from “subsection (1)(b)” to “Cabinet Office” substitute “ this section, other than by virtue only of subsection (3), the Secretary of State ”.

(12) In subsection (7), for the words from “under subsection (1)(a)” to “Cabinet Office” substitute “ by virtue only of subsection (3) the Secretary of State ”.

(13) In subsection (8)(b), for “Minister for the Cabinet Office” substitute “ Secretary of State ”.

(14) In section 60(6) (orders and regulations) <sup>M63</sup>, omit “or the Minister for the Cabinet Office”.

- (15) In Schedule 4A (the Big Lottery Fund: constitution, proceedings and money)<sup>M64</sup>—
- (a) for “Minister for the Cabinet Office” in each place substitute “ Secretary of State ”, and
  - (b) in paragraphs 6 and 18(1), for “section 36E(2)(b)” substitute “ section 36E(3)(ab) ”.

**Marginal Citations**

- M59** Section 22(3A) to (3C) were inserted by section 7(3) of the [National Lottery Act 2006 \(c. 23\)](#). Subsections (3A) and (3C) were amended by [S.I. 2011/739, Sch.](#)
- M60** Section 25C was inserted by section 13 of the National Lottery Act 1998. Subsection (3)(a) was amended by section 19(2) of the National Lottery Act 2006 and by [S.I. 2011/739, Sch.](#)
- M61** Section 36B was inserted by section 15 of the National Lottery Act 2006. Subsections (3) and (5) were amended by [S.I. 2011/739, Sch.](#)
- M62** Section 36E was inserted by section 15 of the National Lottery Act 2006 and amended by [S.I. 2011/739, Sch.](#)
- M63** Section 60(6) was amended by [S.I. 2011/739, Sch.](#)
- M64** Schedule 4A was inserted by section 14 of and Schedule 2 to the National Lottery Act 2006 and amended by [S.I. 2011/739, Sch.](#)

**Education Act 1996 (c. 56)**

10. In section 507B(12) of the Education Act 1996<sup>M65</sup>, for “the Minister for the Cabinet Office” substitute “ the Secretary of State ”.

**Marginal Citations**

- M65** 1996 c. 56. Section 507B was inserted by section 6 of the [Education and Inspections Act 2006 \(c. 40\)](#).

**Greater London Authority Act 1999 (c. 29)**

11. In section 17A(3) and (6) of the Greater London Authority Act 1999 (free delivery of election addresses)<sup>M66</sup>, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”.

**Marginal Citations**

- M66** Section 17A was inserted by section 14 of the [Representation of the People Act 2000 \(c. 2\)](#). Section 17A(3) was amended by [S.I. 2001/648, Sch. 1](#) and Schedule 12 to the [Postal Services Act 2011 \(c. 5\)](#). Section 17A(3) and (6) were both amended by [S.I. 2010/1837, Sch.](#) and by [S.I. 2015/1376, Sch. 2](#).

**Representation of the People Act 2000 (c. 2)**

12. For section 16A of the Representation of the People Act 2000<sup>M67</sup> substitute—

**“16A Functions of the Minister for the Cabinet Office**

16A See the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016, by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Minister for the Cabinet Office.”

*Status: Point in time view as at 09/11/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016. (See end of Document for details)*

#### Marginal Citations

**M67** Section 16A was inserted by S.I. 2010/1837, Sch. and substituted by S.I. 2015/1376, Sch. 2.

#### Local Government Act 2000 (c. 22)

13. In the following provisions of the Local Government Act 2000, for “Chancellor of the Duchy of Lancaster” in each place substitute “ Minister for the Cabinet Office ”

- (a) section 9HE(1), (4) and (5) (regulations about elections for elected mayors) <sup>M68</sup>;
- (b) section 9MG(2), (3) and (6) (regulations about referendums relating to local authority governance arrangements) <sup>M69</sup>;
- (c) section 44(1), (3A) and (3B) (power to make provision about elections) <sup>M70</sup>;
- (d) section 105(2A) (orders and regulations) <sup>M71</sup>.

#### Marginal Citations

**M68** Section 9HE was inserted by Schedule 2 to the Localism Act 2011 and was amended by S.I. 2013/2597, Sch. and by S.I. 2015/1376, Sch. 2.

**M69** Section 9MG was inserted by Schedule 2 to the Localism Act 2011 and was amended by S.I. 2013/2597, Sch. and by S.I. 2015/1376, Sch. 2.

**M70** Section 44(3A) and (3B) were inserted by Schedule 21 to the Political Parties, Elections and Referendums Act 2000. Section 44(1), (3A) and (3B) were amended by S.I. 2015/1376, Sch. 2.

**M71** Section 105(2A) was inserted by S.I. 2013/2597, Sch. and amended by S.I. 2015/1376, Sch. 2.

#### Freedom of Information Act 2000 (c. 36)

14.—(1) The Freedom of Information Act 2000 is amended as follows.

(2) In the following provisions <sup>M72</sup> for “Chancellor of the Duchy” in each place substitute “ Minister for the Cabinet Office ”

- (a) section 4(1), (5) and (7) (amendment of Schedule 1) <sup>M73</sup>;
- (b) section 5(1) and (3) (further power to designate public authorities);
- (c) section 7(3), (4) and (8) (public authorities to which the Act has limited application) <sup>M74</sup>;
- (d) section 9(3) (power to make regulations about fees for requests for information);
- (e) section 10(4) (power to make regulations amending time for compliance with request);
- (f) section 11A(8) (in the definition of “the specified licence”) (power, in code of practice issued under section 45, to specify different licences for different purposes) <sup>M75</sup>;
- (g) section 11B(1) (regulations about fees for making relevant copyright works available for re-use) <sup>M76</sup>;
- (h) section 12(4) and (5) (regulations about costs of complying with requests);
- (i) section 13(1) (regulations about fees for disclosing information where cost of compliance with request exceeds appropriate limit);
- (j) the heading of Part 3;
- (k) section 45(1), (4) and (5) (code of practice giving public authorities guidance in connection with discharge of functions under Part 1 of Act);

- (l) section 46(5)(a) (requirement to be consulted in relation to code of practice issued under section 46) <sup>M77</sup>;
  - (m) section 47(4B) to (4D) (amendment of list of services for which Information Commissioner may charge) <sup>M78</sup>;
  - (n) section 53(1)(a)(iii) and (5) (power to designate public authorities for purposes of exemption from duty to comply with decision notice or enforcement notice) <sup>M79</sup>;
  - (o) section 75(1) and (3) (power to amend or repeal enactments prohibiting disclosure of information);
  - (p) section 82(1) (power to make regulations or order under Act exercisable by statutory instrument) <sup>M80</sup>;
  - (q) section 83(2) and (3) (designation of public authorities as excluded from definition of Welsh public authority) <sup>M81</sup>;
  - (r) section 84 (in the definition of “prescribed”) (interpretation of Act);
  - (s) section 85(b) (expenses payable out of money provided by Parliament) <sup>M82</sup>.
- (3) In section 84, omit the definition of “the Chancellor of the Duchy”.
- (4) In the heading of section 45, for the words from “by Chancellor” to the end substitute “ by the Minister for the Cabinet Office ”.

#### Marginal Citations

- M72** The provisions listed in paragraph 14(2) were amended by [S.I. 2015/1897](#), [Sch.](#)
- M73** Subsection (5) was amended by [S.I. 2007/1388](#), [Sch. 1](#).
- M74** [Section 7\(4\)](#) was amended by [S.I. 2007/1388](#), [Sch. 1](#) and section 4(4) of the [Wales Act 2014 \(c. 29\)](#).
- M75** [Section 11A](#) was inserted by section 102(3) of the [Protection of Freedoms Act 2012 \(c. 9\)](#) and amended by [S.I. 2015/1415](#), [reg. 21\(2\)](#).
- M76** [Section 11B](#) was inserted by section 102(3) of the [Protection of Freedoms Act 2012](#).
- M77** Subsection (5)(a) was inserted by [S.I. 2003/1887](#), [Sch. 2](#).
- M78** [Section 47](#) was amended by section 107(3) of the [Protection of Freedoms Act 2012](#).
- M79** Subsection (1) was amended by [S.I. 2007/1388](#), [Sch. 1](#) and section 4(4) of the [Wales Act 2014](#); subsection (5) was also amended by [S.I. 2007/1388](#), [Sch. 1](#).
- M80** [Section 82](#) was amended by [S.I. 2001/3500](#), [Sch. 2](#) and by section 107(4) of the [Protection of Freedoms Act 2012](#).
- M81** Subsections (2) and (3) were amended by [S.I. 2003/1887](#), [Sch. 2](#); subsection (3) was also amended by [S.I. 2007/1388](#), [Sch. 1](#).
- M82** Sub-paragraph (b) was amended by [S.I. 2003/1887](#), [Sch. 2](#).

#### Political Parties, Elections and Referendums Act 2000 (c. 41)

**15.** In the following provisions of the Political Parties, Elections and Referendums Act 2000, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”

- (a) section 2(2)(b) (Speaker's Committee) <sup>M83</sup>;
- (b) section 159A (functions of the Chancellor of the Duchy of Lancaster), including in the heading <sup>M84</sup>;
- (c) paragraph 2(1)(c) of Schedule 2 (Speaker's Committee) <sup>M85</sup>.

**Status:** Point in time view as at 09/11/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016. (See end of Document for details)

**Marginal Citations**

- M83** Section 2(2)(b) was amended by S.I. 2001/3500, **Sch. 2**, substituted by S.I. 2002/2626, **Sch. 2** and amended by S.I. 2010/1837, **Sch.** and S.I. 2015/1376, **Sch. 2**.
- M84** Section 159A was inserted by S.I. 2002/2626, **Sch. 2** and amended by S.I. 2008/1319, **art. 4**, by S.I. 2010/1837, **Sch.** and by S.I. 2015/1376, **Sch.2**. There are other amendments to section 159A not relevant to this Order.
- M85** Paragraph 2(1)(c) was amended by S.I. 2001/3500, **Sch. 2**, by S.I. 2002/2626 Sch. 2, by S.I. 2010/1837, **Sch.** and by S.I. 2015/1376, **Sch. 2**.

**European Parliamentary Elections Act 2002 (c. 24)**

16. For section 16B of the European Parliamentary Elections Act 2002 <sup>M86</sup> substitute—

**“16B Functions of the Minister for the Cabinet Office**

**16B** See the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016, by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Minister for the Cabinet Office.”

**Marginal Citations**

- M86** Section 16B was inserted by S.I. 2010/1837, **Sch.** and substituted by S.I. 2015/1376, **Sch. 2**.

**European Parliament (Representation) Act 2003 (c. 7)**

17. For section 26A of the European Parliament (Representation) Act 2003 <sup>M87</sup> substitute—

**“26A Functions of the Minister for the Cabinet Office**

**26A** See the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016, by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Minister for the Cabinet Office.”

**Marginal Citations**

- M87** Section 26A was inserted by S.I. 2010/1837, **Sch.** and substituted by S.I. 2015/1376, **Sch. 2**.

**Electoral Administration Act 2006 (c. 22)**

18. For section 74A of the Electoral Administration Act 2006 <sup>M88</sup> substitute—

**“74A Functions of the Minister for the Cabinet Office**

**74A** See the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016, by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Minister for the Cabinet Office.”



**Marginal Citations**

**M88** Section 74A was inserted by S.I. 2010/1837, Sch. and substituted by S.I. 2015/1376, Sch. 2.

**Charities Act 2006 (c. 50)**

**19.**—(1) The Charities Act 2006 is amended as follows.

(2) In the following provisions, for “Minister” substitute “ Secretary of State ”

- (a) section 63(1) and (6) (regulations);
- (b) section 72(2) (disclosure of information to and by the Northern Ireland regulator);
- (c) section 73(1) and (4) (duty to review and report on operation of the Act);
- (d) section 77 (amendments reflecting changes in company law audit provisions);
- (e) section 79(2) and (3) (commencement).

(3) In section 78(6) (interpretation), omit the definition of “the Minister”.

**Dormant Bank and Building Society Accounts Act 2008 (c. 31)**

**20.**—(1) The Dormant Bank and Building Society Accounts Act 2008 is amended as follows.

(2) In the following provisions<sup>M89</sup>, for “Minister for the Cabinet Office” in each place substitute “ Secretary of State ”

- (a) section 17(4) and (5) (apportionment of dormant account money);
- (b) the heading before section 22;
- (c) section 22(2), (4)(e)(iii) and (5) (directions to Big Lottery Fund);
- (d) section 23(1), (2) and (4) (power to prohibit distribution in certain cases);
- (e) section 24(1), (2) and (6) (power to add or remove distributors);
- (f) section 26(3) (expenses);
- (g) section 28 (orders);
- (h) Schedule 3 (further provision about the functions of the Big Lottery Fund).

(3) In section 22(4)(e)(ii), for “Minister for the Cabinet Office's” substitute “Secretary of State's”.

(4) In sections 23(1) and 26(3), for “Minister” in each place substitute “ Secretary of State ”.

**Marginal Citations**

**M89** The provisions in question were amended by S.I. 2010/2967, art. 3.

**Political Parties and Elections Act 2009 (c. 12)**

**21.** For section 38A of the Political Parties and Elections Act 2009<sup>M90</sup> substitute—

**“38A Functions of the Minister for the Cabinet Office**

**38A** See the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016, by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Minister for the Cabinet Office.”

**Status:** Point in time view as at 09/11/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016. (See end of Document for details)

#### Marginal Citations

**M90** [Section 38A](#) was inserted by [S.I. 2010/1837](#), [Sch.](#) and substituted by [S.I. 2015/1376](#), [Sch. 2](#).

### Local Democracy, Economic Development and Construction Act 2009 (c. 20)

**22.** In the following provisions of the Local Democracy, Economic Development and Construction Act 2009, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”

- (a) section 114(1A) (power to make incidental etc provision in relation to orders under Schedule 5B) <sup>M91</sup>;
- (b) section 116(1A) (power to make consequential provision in relation to orders under Schedule 5B) <sup>M92</sup>;
- (c) in Schedule 5B (mayors for combined authority areas: further provision about elections) <sup>M93</sup>, paragraphs 3 and 12(1), (4) and (5).

#### Marginal Citations

**M91** [Section 114\(1A\)](#) was inserted by Schedule 5 to the [Cities and Local Government Devolution Act 2016](#) (c. 1).

**M92** [Section 116\(1A\)](#) was inserted by Schedule 5 to the Cities and Local Government Devolution Act 2016.

**M93** [Schedule 5B](#) was inserted by Schedule 1 to the Cities and Local Government Devolution Act 2016.

### Parliamentary Voting System and Constituencies Act 2011 (c. 1)

**23.** In section 14(4) of the Parliamentary Voting System and Constituencies Act 2011 (review of reduction in number of constituencies) <sup>M94</sup>, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”.

#### Marginal Citations

**M94** [Section 14\(4\)](#) was amended by [S.I. 2015/1376](#), [Sch.2](#).

### Police Reform and Social Responsibility Act 2011 (c. 13)

**24.** In the following provisions of the Police Reform and Social Responsibility Act 2011, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”

- (a) section 50(4) (power to specify different day for police and crime commissioner election) <sup>M95</sup>;
- (b) section 54(1)(b) and (2) (power to designate and confer functions on returning officers) <sup>M96</sup>;
- (c) section 55(12) (returning officers: expenditure) <sup>M97</sup>;
- (d) section 58(1) and (5) (power to make provision about police and crime commissioner elections) <sup>M98</sup>;
- (e) section 65(3) (power to make provision about reference to an entity under the control of a local policing body etc) <sup>M99</sup>;

- (f) section 66(8) (power to make provision about reference to an entity under the control of a relevant council) <sup>M100</sup>;
- (g) section 70(1)(a) (power to specify form for declaration of acceptance of office by police and crime commissioner) <sup>M101</sup>;
- (h) section 71(6) (judicial proceedings as to disqualification or vacancy: power to specify different maximum sum as security for costs of proceedings) <sup>M102</sup>;
- (i) section 75(1) (duty to designate a local authority for each police area other than the metropolitan police district) <sup>M103</sup>;
- (j) section 154(1) and (5) (orders and regulations) <sup>M104</sup>.

#### Marginal Citations

**M95** Section 50(4) was amended by S.I. 2015/1526, **Sch.**

**M96** Section 54(1)(b) and (2) were amended by S.I. 2015/1376, **Sch. 2.**

**M97** Section 55(12) was amended by S.I. 2015/1526, **Sch.**

**M98** Section 58(1) was amended by S.I. 2014/268, **art. 4(2)** and S.I. 2015/1376, **Sch. 2.** Section 58(5) was amended by S.I. 2015/1526, **Sch.**

**M99** Section 65(3) was amended by S.I. 2015/1526, **Sch.**

**M100** Section 66(8) was amended by S.I. 2015/1526, **Sch.**

**M101** Section 70(1)(a) was amended by S.I. 2015/1526, **Sch.**

**M102** Section 71(6) was amended by S.I. 2015/1526, **Sch.**

**M103** Section 75(1) was amended by S.I. 2015/1526, **Sch.**

**M104** Section 154(1) and (5) were amended by S.I. 2014/268, **art 4(3)** and S.I. 2015/1376, **Sch. 2.**

#### Charities Act 2011 (c. 25)

**25.**—(1) The Charities Act 2011 is amended as follows.

(2) In the following provisions for “Minister” in each place substitute “ Secretary of State ”

- (a) section 19(1) (fees payable to the Charity Commission);
- (b) section 23(1), (2) and (3) (power to add or remove exempt charities);
- (c) section 24 (power to remove defunct institutions);
- (d) section 27(1) (amendments in relation to duty of principal regulator);
- (e) section 30(2)(c)(i) (description of charity not required to be registered)
- (f) section 32(1), (2) and (3) (amendment of registration requirements);
- (g) section 33 (repeal of provisions relating to excepted charities);
- (h) section 35(2)(b) (duties of trustees in connection with registration);
- (i) section 36(2) (claims and objections to registration);
- (j) section 40 (requirement for disclosure of registered charity status);
- (k) section 42(2)(c) (power to require charity's name to be changed);
- (l) section 58(5) (disclosure to and by principal regulators of exempt charities);
- (m) section 72 (amendment of power of Commission to make schemes);
- (n) section 73(2) (power to make schemes altering provision made by Acts);
- (o) section 78(8) (appointment of interim managers);
- (p) section 88(1)(b) (publicity relating to schemes);

**Status:** Point in time view as at 09/11/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016. (See end of Document for details)

- (q) section 109(3)(d) (dormant bank accounts);
- (r) section 119(4) requirements for dispositions other than certain leases);
- (s) section 128 (release of charity rentcharges);
- (t) section 132(1) (preparation of statement of accounts);
- (u) section 139(2) and (3) (exceptions to requirement to prepare group accounts);
- (v) section 142(1)(b) (definition of “group accounts”);
- (w) section 145(6) (examination of accounts for lower-income charities);
- (x) section 154(1) (audits and examinations);
- (y) section 162(1) (preparation of annual reports by charity trustees);
- (z) section 166(2) (annual reports and group accounts);
- (aa) section 174(1) (powers to set financial thresholds);
- (bb) section 175 (aggregate gross income of group);
- (cc) section 176(3) (powers to set financial thresholds);
- (dd) section 178A(4) (specified offences) <sup>M105</sup>;
- (ee) section 181A(8) (disqualification orders) <sup>M106</sup>;
- (ff) section 190 (indemnity insurance);
- (gg) section 247 (charitable incorporated organisations);
- (hh) section 285(1) (unincorporated charities);
- (ii) section 292 (special trusts);
- (jj) section 324(1) and (2) (appeals and applications to the Tribunal);
- (kk) section 331(1)(b) (definition of “charity law”);
- (ll) section 340(3) (enrolment and deposit of documents);
- (mm) section 347(1), (2) and (3) (general provisions on regulations and orders);
- (nn) section 348(4) (requirement to consult before making certain regulations);
- (oo) in Schedule 1 (Charity Commission), paragraphs 1(1)(a), (b) and (2), 3(2)(a), (b) and (3), 4(1), (2), (2)(a), (3) and (4);
- (pp) in Part 3 of Schedule 8 (transitionals and savings), paragraph 15(1);
- (qq) in Schedule 9 (transitory modifications), paragraphs 6(2), 29(3)(b) and 29(5)(b);
- (3) In section 25 (meaning of the “principal regulator”), for “Minister”, in the second place it appears, substitute “ Secretary of State ”.
- (4) In section 353(1), omit the definition of “the Minister”.
- (5) In Schedule 11 (index of defined expressions), omit the entry for “the Minister”.

#### **Marginal Citations**

**M105** Section 178A was inserted by section 9 of the [Charities \(Protection and Social Investment\) Act 2016](#) (c.4).

**M106** Section 181A was inserted by section 10 of the [Charities \(Protection and Social Investment\) Act 2016](#) (c.4).

### **Electoral Registration and Administration Act 2013 (c. 6)**

26. In section 25(1) of the Electoral Registration and Administration Act 2013 (meaning of “the Minister” etc)<sup>M107</sup>, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”.

#### **Marginal Citations**

**M107** Section 25(1) was amended by [S.I. 2015/1376, Sch. 2](#).

### **Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4)**

27. In the following provisions of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”

- (a) the definition of “the Minister” in section 25(1) (interpretation)<sup>M108</sup>;
- (b) section 33(13) (reporting of donations to recognised third parties)<sup>M109</sup>.

#### **Marginal Citations**

**M108** The definition of “the Minister” in section 25(1) was amended by [S.I. 2015/1376, Sch. 2](#).

**M109** Section 33(13) was amended by [S.I. 2015/1376, Sch. 2](#).

### **Wales Act 2014 (c. 29)**

28. In the following provisions of the Wales Act 2014, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”

- (a) section 13(4)(a) (Assembly proposal for referendum on income tax provisions)<sup>M110</sup>;
- (b) the definition of “the Minister” in paragraph 15(1) of Schedule 1 (referendum on income tax provisions)<sup>M111</sup>.

#### **Marginal Citations**

**M110** Section 13(4)(a) was amended by [S.I. 2015/1376, Sch. 2](#).

**M111** The definition of “the Minister” in paragraph 15 of Schedule 1 was amended by [S.I. 2015/1376, Sch. 2](#).

### **Recall of MPs Act 2015 (c. 25)**

29. In section 22(1) of the Recall of MPs Act 2015 (interpretation)<sup>M112</sup>, in the definition of “the Minister”, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”.

#### **Marginal Citations**

**M112** The definition of “the Minister” in section 22(1) was amended by [S.I. 2015/1376, Sch. 2](#).

**Status:** Point in time view as at 09/11/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016. (See end of Document for details)

### **European Union Referendum Act 2015 (c. 36)**

**30.** In section 11(1) of the European Union Referendum Act 2015, in the definition of “the Minister”, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”.

### **Charities (Protection and Social Investment) Act 2016 (c. 4)**

**31.—**(1) The Charities (Protection and Social Investment) Act 2016 is amended as follows.

(2) In the following provisions, for “Minister for the Cabinet Office” substitute “ Secretary of State ”

- (a) section 16(1) (review of operation of Act);
  - (b) section 17(4) (power to make commencement regulations).
- (3) In section 16(2), for “Minister” substitute “ Secretary of State ”.

### **Immigration Act 2016 (c. 19)**

**32.** In the following provisions of the Immigration Act 2016, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”

- (a) the definition of “relevant Minister” in section 83 (interpretation);
- (b) section 93(1), (4)(a) and (6) (regulations).

## **PART 2**

### Secondary legislation

### **Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341)**

**33.—**(1) The Representation of the People (England and Wales) Regulations 2001 are amended as follows.

(2) In the following provisions, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”

- (a) the definition of “digital service” in regulation 3(1) (interpretation) <sup>M113</sup>;
- (b) regulation 26(6), (9) and (11) (applications for registration) <sup>M114</sup>;
- (c) regulation 26A(3) (application for alteration of name on register) <sup>M115</sup>;
- (d) regulation 29ZA(1), (2) and (4) to (6) (verification of information provided in application) <sup>M116</sup>;
- (e) regulation 29ZB(7) (processing of information provided in connection with application) <sup>M117</sup>;
- (f) regulation 29(2BF)(b) (procedure for determining applications for registration and objections without a hearing) <sup>M118</sup>;
- (g) regulation 32ZA(2)(b) (annual canvass) <sup>M119</sup>;
- (h) regulation 32ZC(1)(b) (invitations to apply for registration) <sup>M120</sup>.

(3) In the following provisions, for “Chancellor of the Duchy” substitute “ Minister for the Cabinet Office ”

- (a) regulation 29ZA(1);

- (b) regulation 29ZB(8) <sup>M121</sup>.

#### **Marginal Citations**

- M113** The definition of “digital service” was inserted by S.I. 2013/3198, **reg. 3** and amended by S.I. 2015/1376, **Sch. 2**.
- M114** Regulation 26 was substituted by S.I. 2013/3198, **reg. 10**. Paragraphs (6), (9) and (11) were amended by S.I. 2015/1376, **Sch. 2**.
- M115** Regulation 26A was inserted by S.I. 2013/3198, **reg.11**. Paragraph (3) was amended by S.I. 2015/1376, **Sch. 2**.
- M116** Regulation 29ZA was inserted by S.I. 2013/3198, **reg.14**. Paragraph (1) was amended by S.I. 2015/467, **reg. 4**. Paragraphs (1), (3) and (4) to (6) were amended by S.I. 2015/1376, **Sch. 2**.
- M117** Regulation 29ZB was inserted by S.I. 2013/3198, **reg.14**. Paragraph (7) was amended by S.I. 2015/1376, **Sch. 2**.
- M118** Paragraphs (2BA)-(2BE) of regulation 29 were inserted by S.I. 2013/3198, **reg. 15**. Paragraphs (2BA)-(2BF) of regulation 29 were substituted by S.I. 2015/1971, **reg. 6**.
- M119** Regulation 32ZA was inserted by S.I. 2013/3198, **reg. 22**. Paragraph (2)(b) was amended by S.I. 2015/1376, **Sch. 2**.
- M120** Regulation 32ZC was inserted by S.I. 2013/3198, **reg. 22**. Paragraph (1)(b) was amended by S.I. 2015/1376, **Sch. 2**.
- M121** Paragraph (8) of regulation 29ZB was amended by S.I. 2015/1376, **Sch. 2**.

#### **Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497)**

**34.**—(1) The Representation of the People (Scotland) Regulations 2001 are amended as follows.

(2) In the following provisions, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”

- (a) the definition of “digital service” in regulation 3(1) (interpretation) <sup>M122</sup>;
- (b) regulation 26(6), (9) and (11) (applications for registration) <sup>M123</sup>;
- (c) regulation 26A(3) (application for alteration of name on register) <sup>M124</sup>;
- (d) regulation 29ZA(1), (2) and (4) to (6) (verification of information provided in application) <sup>M125</sup>;
- (e) regulation 29ZB(7) (processing of information provided in connection with application) <sup>M126</sup>;
- (f) regulation 29(2AF)(b) (procedure for determining applications for registration and objections without a hearing) <sup>M127</sup>;
- (g) regulation 32ZA(2)(b) (annual canvass) <sup>M128</sup>;
- (h) regulation 32ZC(1)(b) (invitations to apply for registration) <sup>M129</sup>.

(3) In the following provisions, for “Chancellor of the Duchy” substitute “ Minister for the Cabinet Office ”

- (a) regulation 29ZA(1);
- (b) regulation 29ZB(8) <sup>M130</sup>.

**Status:** Point in time view as at 09/11/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016. (See end of Document for details)

#### Marginal Citations

- M122** The definition of “digital service” was inserted by S.I. 2013/3206, **reg. 3** and amended by S.I. 2015/1376, **Sch. 2**.
- M123** Regulation 26 was substituted by S.I. 2013/3206, **reg. 10**. Paragraphs (6), (9) and (11) were amended by S.I. 2015/1376, **Sch. 2**.
- M124** Regulation 26A was inserted by S.I. 2013/3206, **reg.11**. Paragraph (3) was amended by S.I. 2015/1376, **Sch. 2**.
- M125** Regulation 29ZA was inserted by S.I. 2013/3206, **reg.14**. Paragraph (1) was amended by S.I. 2015/467, **reg. 4**. Paragraphs (1), (2) and (4) to (6) were amended by S.I. 2015/1376, **Sch. 2**.
- M126** Regulation 29ZB was inserted by S.I. 2013/3206, **reg.14**. Paragraph (7) was amended by S.I. 2015/1376, **Sch. 2**.
- M127** Paragraphs (2AA)-(2AE) of regulation 29 were inserted by S.I. 2013/3206, **reg. 15**. Paragraphs (2AA)-(2AF) of regulation 29 were substituted by S.I. 2015/1966, **reg. 6**.
- M128** Regulation 32ZA was inserted by S.I. 2013/3206, **reg. 22**. Paragraph (2)(b) was amended by S.I. 2015/1376, **Sch. 2**.
- M129** Regulation 32ZC was inserted by S.I. 2013/3206, **reg. 22**. Paragraph (1)(b) was amended by S.I. 2015/1376, **Sch. 2**.
- M130** Paragraph (8) of regulation 29ZB was amended by S.I. 2015/1376, **Sch. 2**.

#### European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184)

**35.** In regulation 8(1) and (3) of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (copies of certain applications etc to be sent to the Secretary of State)<sup>M131</sup>, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”.

#### Marginal Citations

- M131** Regulation 8(1) and (3) were amended by S.I. 2003/1557, **reg. 5**, by S.I. 2009/726, **reg. 2**, by S.I. 2013/2876, **reg. 4** and by S.I. 2015/1376, **Sch. 2**. Regulation 8(1) is applied with modifications by S.I. 2003/1557, **reg. 6** and Sch. 1. Regulation 8(3) was also amended by S.I. 2014/1803, **reg. 6**.

#### Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917)

**36.** In article 2(1) of the Police and Crime Commissioner Elections Order 2012 (interpretation), in the definition of “the Minister”<sup>M132</sup>, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”.

#### Marginal Citations

- M132** The definition of “the Minister” was inserted in article 2(1) by S.I. 2015/1526, **Sch.**

#### Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 (S.I. 2012/2088)

**37.** In regulation 3 of the Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 (address for submission of accounts)<sup>M133</sup>, for “Chancellor of the Duchy of Lancaster” substitute “ Minister for the Cabinet Office ”.



**Marginal Citations**

M133 Regulation 3 was amended by S.I. 2015/1526, Sch.

**Tax Relief for Social Investments (Accreditation of Social Impact Contractor) Regulations 2014 (S.I. 2014/3066)**

**38.**—(1) The Tax Relief for Social Investments (Accreditation of Social Impact Contractor) Regulations 2014 are amended as follows.

(2) In the following provisions, for “Minister for the Cabinet Office” in each place substitute “Secretary of State ”

- (a) regulation 3(1)(c), (f) and (g) (criteria for social impact contracts) <sup>M134</sup>;
- (b) regulations 4 and 5 (notification of accreditation or refusal);
- (c) regulation 6 (publication of information) <sup>M135</sup>;
- (d) regulation 7(3)(a) and (b) (requirements of accreditation) <sup>M136</sup>;
- (e) regulation 7A(1) (provision of information) <sup>M137</sup>;
- (f) regulation 8(1) (notification of changes to contract and breach of conditions for approval);
- (g) regulation 9(1) and (2) (withdrawal of accreditation);
- (h) regulation 10(2) and (4)(a) and (b) (appeals against refusal to grant, or withdrawal of accreditation) <sup>M138</sup>.

(3) In regulations 7(3)(b)(ii) and (4) and 7A(2), for “Minister” substitute “ Secretary of State ”.

(4) In regulation 7A(2), for “Minister's” substitute “Secretary of State's”.

**Marginal Citations**

M134 Regulation 3(1) was amended by S.I. 2015/2051, reg. 4.

M135 Regulation 6(e)(ii) was amended by S.I. 2015/2051, reg. 5.

M136 Regulation 7 was substituted by S.I. 2015/2051, reg. 6.

M137 Regulation 7A was substituted by S.I. 2015/2051, reg. 6.

M138 Regulation 10 was amended by S.I. 2015/2051, reg. 7.

**Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I. 2016/295)**

**39.** In regulation 114(6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (forwarding of documents), for “Secretary of State” substitute “ Minister ”.

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Further to recent machinery of government changes, this Order makes provision for the transfer of functions to specified Ministers of the Crown.

**Status:** Point in time view as at 09/11/2016.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016. (See end of Document for details)

By virtue of article 3 and Schedule 1, functions previously exercisable by the Secretary of State concurrently with the Chancellor of the Duchy of Lancaster (except those dealt with in article 5) will now instead be exercisable concurrently with the Minister for the Cabinet Office.

Article 5 provides for the functions of the Secretary of State under sections 3 and 4 of the Parliamentary Constituencies Act 1986 (c. 56) that are exercisable concurrently with the Chancellor of the Duchy of Lancaster to instead be exercisable concurrently with the Leader of the House of Commons.

Articles 4 and 6 make supplementary provision in connection with articles 3 to 5.

Article 7 transfers functions previously exercisable solely by the Chancellor of the Duchy of Lancaster to the Minister for the Cabinet Office. Article 8 makes supplementary provision in connection with article 7.

Article 9 provides for the Secretary of State's function under regulation 114(6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I. 2016/925) to be exercisable concurrently with the Minister for the Cabinet Office.

Article 10 transfers from the Minister for the Cabinet Office to the Secretary of State, functions related to the work of the Office for Civil Society, for example functions relating to charities, charitable house to house collections, social impact contractor accreditation and functions relating to the Big Lottery Fund under the National Lottery etc. Act 1993 (c. 39) and the Dormant Bank and Building Society Accounts Act 2008 (c. 31). Article 10 also provides for the function of the Secretary of State under section 5(1) of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31), which is currently exercisable by the Secretary of State concurrently with the Minister for the Cabinet Office, to cease to be exercisable by the Minister for the Cabinet Office.

Article 11 makes supplementary provision in connection with article 10.

Article 12 is a saving provision in respect of anything done by or in relation to the Chancellor of the Duchy of Lancaster or the Minister for the Cabinet Office before the Order comes into force.

Article 13 and Schedule 2 make consequential amendments to primary and secondary legislation. An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

**Status:**

Point in time view as at 09/11/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016.