

2018 No. 780

MINISTERS OF THE CROWN

**The Transfer of Functions (Parliamentary Constituencies Act
1986) Order 2018**

Made - - - - - 27th June 2018

Laid before Parliament 4th July 2018

Coming into force - - - 25th July 2018

At the Court at Buckingham Palace, the 27th day of June 2018

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(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Parliamentary Constituencies Act 1986) Order 2018.

(2) This Order comes into force on 25th July 2018.

Interpretation

2. In this Order “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 Leader of the House of Commons to the Minister for the Cabinet Office

3. The functions of the Secretary of State under sections 3 and 4 of the Parliamentary Constituencies Act 1986(b) are to cease to be exercisable concurrently with the Leader of the House of Commons and are instead to be exercisable concurrently with the Minister for the Cabinet Office.

(a) 1975 c. 26. Section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

(b) 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), section 6 of the Electoral Registration and Administration Act 2013 (c. 6) and S.I. 2016/997, Sch. 2. Section 4 was amended by section 10 of the Parliamentary Voting System and Constituencies Act 2011 (c. 1), paragraph 17 of the Schedule to the Fixed-term Parliaments Act 2011 (c. 14) and S.I. 2016/997, Sch. 2. There are other amendments to the 1986 Act not relevant to this Order.

Supplementary provision

4.—(1) In this article “article 3 function” means a function which is directed by article 3 to be exercisable concurrently with the Minister for the Cabinet Office.

(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 Leader of the House of Commons may, so far as it relates to an article 3 function, 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 Leader of the House of Commons in connection with an article 3 function 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) 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 article 3, as if references to (and references which are to be read as references to) the Leader of the House of Commons were references to the Minister for the Cabinet Office.

(5) In paragraph (4) “instrument” includes 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.

Validity of things done before coming into force of Order

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

Consequential amendments

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

(2) Before section 7 insert—

“Functions of the Minister for the Cabinet Office

6C. In this Act “the Secretary of State” means the Secretary of State or the Minister for the Cabinet Office.”

(3) Omit the following—

- (a) in section 3, subsection (7A);
- (b) in section 4, subsection (8);
- (c) in Schedule 1, paragraph 13 (and the italic heading before that paragraph).

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under section 1 of the Ministers of the Crown Act 1975 (c. 26). It makes provision for, and in connection with, the transfer of functions under the Parliamentary Constituencies Act 1986 (c. 56) (“the 1986 Act”).

Article 3 provides for the functions of the Secretary of State under sections 3 and 4 of the 1986 Act that are exercisable concurrently with the Leader of the House of Commons to be instead exercisable concurrently with the Minister for the Cabinet Office.

Article 4 makes supplementary provision. Article 5 makes provision preserving the validity of anything done by or in relation to the Leader of the House of Commons before the coming into force of this Order.

Article 6 makes consequential amendments to the 1986 Act.

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

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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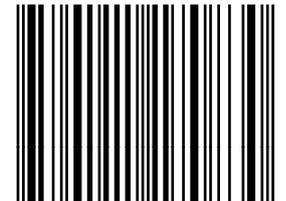
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