

**EXPLANATORY MEMORANDUM TO**  
**THE TRANSFER OF FUNCTIONS (PARLIAMENTARY CONSTITUENCIES ACT**  
**1986) ORDER 2018**

**2018 No. 780**

**1. Introduction**

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

**2. Purpose of the instrument**

- 2.1 This Order provides for certain statutory functions in relation to UK Parliamentary boundaries under the Parliamentary Constituencies Act 1986 that are currently exercisable by the Leader of the House of Commons to be instead exercisable by the Minister for the Cabinet Office. These functions will continue to be exercisable concurrently with the Secretary of State. The Order makes supplementary provision and consequential amendments in connection with this transfer of functions.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 This Order transfers functions in relation to UK Parliamentary boundaries under sections 3 and 4 of the Parliamentary Constituencies Act 1986 so as to be exercisable concurrently by the Secretary of State and the Minister for the Cabinet Office. Those functions were transferred from the Chancellor of the Duchy of Lancaster (concurrently with the Secretary of State) to the Leader of the House of Commons (concurrently with the Secretary of State) by the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997).
- 4.2 S.I 2016/997 transferred the functions under Schedule 1 to the Parliamentary Constituencies Act 1986 from the Chancellor of the Duchy of Lancaster (concurrently with the Secretary of State) to the Minister for the Cabinet Office (concurrently with the Secretary of State). As a result of this Order all functions under the Parliamentary Constituencies Act 1986 will be exercisable concurrently by the Secretary of State and the Minister for the Cabinet Office.

**5. Extent and Territorial Application**

- 5.1 The extent of this instrument is the United Kingdom.
- 5.2 The territorial application of this instrument is the United Kingdom.

## **6. European Convention on Human Rights**

- 6.1 Chloe Smith MP, the Minister for the Constitution, Cabinet Office has made the following statement regarding Human Rights:

“In my view the provisions of the Transfer of Functions (Parliamentary Constituencies Act 1986) Order 2018 are compatible with the Convention rights.”.

## **7. Policy background**

### *What is being done and why*

- 7.1 The Order provides for certain statutory functions in relation to UK Parliamentary boundaries under the Parliamentary Constituencies Act 1986 to be exercisable by the Minister for the Cabinet Office instead of by the Leader of the House of Commons.
- 7.2 The transfer of functions is being made to reflect the make-up of the current ministerial team in Cabinet Office. The functions under sections 3 and 4 of the Parliamentary Constituencies Act 1986 relate to receiving the final reports of the Boundary Commissions, and laying before Parliament of the reports and the Order that will give effect to the Boundary Commissions’ recommendations. These functions are to be exercised by the Minister for the Cabinet Office, and will also continue to be exercisable concurrently with the Secretary of State. This is to retain flexibility and to reflect that there is a Boundary Commission for each constituent nation of the United Kingdom so that, where appropriate, functions in relation to Boundary Commission reports may be performed by the relevant Secretary of State.
- 7.3 The transfer of functions from the Chancellor of the Duchy of Lancaster made by the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), provided that the remaining functions in relation to UK Parliamentary constituency boundaries and the Boundary Commissions, contained in Schedule 1 to the Parliamentary Constituencies Act 1986, are exercisable concurrently by the Minister for the Cabinet Office and the Secretary of State. This Order does not make any transfer in relation to those functions, and as a result of this Order all functions under the Parliamentary Constituencies Act 1986 will be exercisable concurrently by the Minister for the Cabinet Office and the Secretary of State.

### *Consolidation*

- 7.4 While this Order amends certain enactments in consequence of the transfer of functions, it does not in itself create a need for consolidation.

## **8. Consultation outcome**

- 8.1 There is no requirement to consult on this Order, which is being made to reflect the make-up of the current Cabinet Office ministerial team, and there has not been any formal consultation on the Order itself.

## **9. Guidance**

- 9.1 No guidance is being produced in connection with this Order.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

**11. Regulating small business**

11.1 The legislation does not apply to activities that are undertaken by small businesses.

**12. Monitoring & review**

12.1 There are no plans to monitor or review this Order.

**13. Contact**

13.1 Peter Richardson at the Cabinet Office Telephone: 020 7271 6433 or email: [peter.richardson@cabinetoffice.gov.uk](mailto:peter.richardson@cabinetoffice.gov.uk) can answer any queries regarding the instrument.