

*These notes refer to the European Parliament (Representation)
Act 2003 (c.7) which received Royal Assent on 8 May 2003*

EUROPEAN PARLIAMENT (REPRESENTATION) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Supplementary

Section 26: Functions of Lord Chancellor exercisable concurrently with Secretary of State

45. **Section 26** enables the Secretary of State to exercise the powers that are specified in the Act to be exercisable by the Lord Chancellor. Under the Transfer of Functions (Transport, Local Government and the Regions) Order 2002, responsibility for European Parliamentary elections transferred to the Lord Chancellor, although the Secretary of State also retains powers under that legislation. Who in practice will make any particular provision of subordinate legislation is likely to depend upon which Minister of the Crown (that is the Lord Chancellor or any of the individual Secretaries of State) has been entrusted with handling the relevant law. Under this Act an approach consistent with the Transfer of Functions Order has been taken (see also paragraph 22).