

SCHEDULE 1

Article 3

FUNCTIONS TRANSFERRED TO THE LORD CHANCELLOR

Ceremonial

1. The function of the Secretary of State under section 2(4) of the Lieutenancies Act 1997⁽¹⁾ (consent to appointment of deputy lieutenant).
2. Functions of the Secretary of State for the Home Department under the Royal Warrant concerning the preparation and maintenance of the Official Roll of the Baronetage.

Channel Islands and Isle of Man

3. Functions of the Secretary of State under—
 - (a) the Schedule to the Channel Islands (Church Legislation) Measure 1931⁽²⁾;
 - (b) the Royal Assent to Legislation (Isle of Man) Order 1981;
 - (c) the Royal Assent to Sodor and Man Diocesan Synod Measures Order 1994.
4. Any function of the Secretary of State which—
 - (a) is conferred by Letters Patent or Royal Warrant, and
 - (b) reflects a relationship between the administration of any of the Channel Islands or of the Isle of Man and the Crown or a Minister of the Crown.

Human rights

5. Functions of the Secretary of State under the Human Rights Act 1998⁽³⁾ except for the powers under—
 - (a) section 2(3)(a) (interpretation of Convention: tribunal),
 - (b) section 7(9)(a) (proceedings),
 - (c) section 18(7) (judge of European Court of Human Rights), and
 - (d) section 22(3) (commencement).

Chartered associations

6. Functions of the Secretary of State under section 1(2) of the Chartered Associations (Protection of Names and Uniforms) Act 1926⁽⁴⁾ (application for protection of name, uniform, &c. of chartered association).
7. Any function which—
 - (a) is conferred on or entrusted to the Secretary of State for the Home Department, and
 - (b) arises under a charter which provides for the incorporation or establishment of an organisation or body.

(1) 1997 c. 23.

(2) 1931 No. 4.

(3) 1998 c. 42.

(4) 1926 c. 26.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Appointments

8. The function of the Secretary of State for the Home Department of appointing a Conservator under section 12 of the Wimbledon and Putney Commons Act 1871⁽⁵⁾.

Ecclesiastical

9. The function of the Secretary of State for the Home Department under section 12(2) of the Church Commissioners Measure 1947⁽⁶⁾ (annual report and accounts).

Marriage

10. The functions of the Secretary of State under section 1 of the Provisional Order (Marriages) Act 1905⁽⁷⁾ (doubt about validity of marriage).

Access to information

11. The functions of the Secretary of State under the Data Protection Act 1998⁽⁸⁾ except for—

- (a) the function under section 6(4)(a) (chairman of Tribunal: consultation), and
- (b) the duty under section 25(1) (which relates to the first set of notification regulations and is therefore spent).

12. The functions of the Secretary of State under the Freedom of Information Act 2000⁽⁹⁾ except for the power to make regulations under section 74 (Aarhus Convention on environmental matters).

Buildings and structures in London

13. Functions of the Secretary of State under the London Building Acts (Amendment) Act 1939⁽¹⁰⁾.

SCHEDULE 2

Article 8

CONSEQUENTIAL AMENDMENTS

PART I

ACTS

The Wimbledon and Putney Commons Act 1871 (c. cciv)

1. In Section 12 of the Wimbledon and Putney Commons Act 1871 (appointment of Conservators) for the words “Secretary of State for the Home Department” there shall be substituted the words “the Lord Chancellor”.

(5) 1871 c. cciv.
(6) 1947 No. 2
(7) 1905 c. 23.
(8) 1998 c. 29.
(9) 2000 c. 36.
(10) 1939 c. xcvi.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Provisional Order (Marriages) Act 1905 (c. 23)

2. In section 1 of the Provisional Order (Marriages) Act 1905—
- (a) in subsection (1), for the words “A Secretary of State” there shall be substituted the words “Lord Chancellor”, and
 - (b) in subsections (2) and (3) for the words “Secretary of State” there shall be substituted, in each place, the words “Lord Chancellor”.

The Chartered Associations (Protection of Names and Uniforms) Act 1926 (c. 26)

3. In Section 1(2) of the Chartered Associations (Protection of Names and Uniforms) Act 1926 (application for protection of name, uniform, &c. of chartered institution) for the words “Secretary of State” there shall be substituted, in each place, the words “Lord Chancellor”.

The London Building Acts (Amendment) Act 1939 (c. xcvi)

4. In the following provisions of the London Building Acts (Amendment) Act 1939 for the words “Secretary of State” there shall be substituted, in each place, the words “Lord Chancellor”—
- (a) section 55(f) (settlement of disputes),
 - (b) section 109 (appeal tribunal), and
 - (c) section 110 (appeal tribunal: staff).

The Lieutenancies Act 1997 (c. 23)

5. In section 2(4) of the Lieutenancies Act 1997 (consent to appointment of deputy lieutenant) for the words “Secretary of State” there shall be substituted the words “Lord Chancellor”.

The Data Protection Act 1998 (c. 29)

- 6.—(1) In the following provisions of the Data Protection Act 1998 for the words “Secretary of State” there shall be substituted, in each place, the words “Lord Chancellor”—
- (a) section 6(4)(c) (appointment of members of Information Tribunal),
 - (b) section 7(10) (access to personal data),
 - (c) section 8(1) (request for information),
 - (d) section 9(3) (prescribed form),
 - (e) section 9A(5) (compliance with request),
 - (f) section 10(2)(b) (processing of data),
 - (g) section 12(5)(b) (automatic decision-making),
 - (h) section 16(2) (fees regulations and notification regulations),
 - (i) section 17(3) (unregistered processing of personal data),
 - (j) section 22(1) and (7) (assessment by Commissioner),
 - (k) section 23(1) (data protection supervisors),
 - (l) section 25(2), (3) and (4) (involvement of Commissioner in making notification regulations),
 - (m) section 26(2) (fees regulations),
 - (n) section 30(1), (2) and (3) (health education and social work),

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (o) section 32(3)(b) (journalism, literature and art),
- (p) section 38(1) and (2) (exemptions),
- (q) section 51(3)(a) and (8) (Commissioner: general functions),
- (r) section 52(3) (code of practice),
- (s) section 54(2), (3), (4) and (5) (Convention and international functions),
- (t) section 56(8) (prohibition of requirement to produce records),
- (u) section 64(3) (document to be in writing),
- (v) section 67(1), (2) and (3) (subordinate legislation),
- (w) section 75(3) (commencement),
- (x) Schedule 1 (data protection principles), Part II (interpretation), paragraphs 3(1), 4(1) and 14,
- (y) Schedule 2 (first principle: personal data: conditions), paragraph 6(2),
- (z) Schedule 3 (first principle: sensitive personal data: conditions), paragraphs 2(2), 7(2), 9(2) and 10,
- (aa) Schedule 4 (eighth principle: exceptions), paragraph 4(2),
- (bb) Schedule 5 (Commissioner and Tribunal), paragraphs 4(5), 8, 9(1), (2) and (3), 10(1)(b), 13, 14 and 15,
- (cc) Schedule 6 (appeal), paragraph 7(1), (2)(k) and (3), and
- (dd) Schedule 7 (exemptions), paragraphs 4 and 6(2).

(2) In section 25(4)(a) of that Act (involvement of Commissioner in making notification regulations) for the words “subsection (1), (2) or (3)” there shall be substituted the words “subsection (2) or (3)”.

(3) In paragraph 12(2) of Schedule 5 to that Act (Commissioner and Tribunal) the words from “(in the case of the chairman” to the end shall cease to have effect.

The Human Rights Act 1998 (c. 42)

7. In the following provisions of the Human Rights Act 1998 for the words “Secretary of State” there shall be substituted the words “Lord Chancellor”—

- (a) section 1(4) (power to amend Act),
- (b) section 14(1)(b), (4) and (5) (derogation),
- (c) section 15(1)(b), (4) and (5) (reservation), and
- (d) section 16(2) and (7) (derogation: duration).

The Freedom of Information Act 2000 (c. 36)

8.—(1) In the following provisions of the Freedom of Information Act 2000 for the words “Secretary of State” there shall be substituted, in each place, the words “Lord Chancellor”—

- (a) section 4(1), (5) and (7) (amendment of list of public authorities),
- (b) section 5(1) and (3) (additional authorities),
- (c) section 7(3), (4) and (8) (limited application),
- (d) section 9(3) (fees),
- (e) section 10(4) (timing),

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (f) section 12(4) and (5) (cost of compliance),
- (g) section 13(1) (fees),
- (h) section 45(1), (4) and (5) (code of practice) (as a result of which the words “Secretary of State” in the sidenote to section 45 and in the heading of Part III become redundant),
- (i) section 47(4) (charge for services of Commissioner),
- (j) section 53(1)(a)(iii) and (5) (decision or enforcement notice: exemption),
- (k) section 75(1) and (3)(a) and (b) (amendment of legislation),
- (l) section 83(2) and (3) (Welsh public authority),
- (m) in section 84 (interpretation), the definition of “prescribed”,
- (n) section 85(a) and (b) (expenses), and
- (o) section 87(3), (4) and (5) (commencement).

(2) Section 46(5)(a) of that Act (code of practice: Lord Chancellor to consult Secretary of State) shall cease to have effect.

(3) In section 82(1) of that Act (orders and regulations) after the words “any power of the” there shall be inserted the words “Lord Chancellor or the”.

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

9.—(1) In section 2(2)(b) of the Political Parties, Elections and Referendums Act 2000 (membership of Speaker’s Committee) for the words “Secretary of State for the Home Department” there shall be substituted the words “Secretary of State for Transport, Local Government and the Regions”.

(2) In paragraph 2(1)(c) of Schedule 2 to that Act (Speaker’s Committee: term of office) for the words “Secretary of State for the Home Department” there shall be substituted the words “Secretary of State for Transport, Local Government and the Regions”.

PART II

OTHER LEGISLATION

The Channel Islands (Church Legislation) Measure 1931 (No. 4)

10. In the Schedule to the Channel Islands (Church Legislation) Measure 1931—

- (a) in paragraph 3 for the words “Secretary of State for the Home Department” there shall be substituted the words “Lord Chancellor”, and
- (b) in paragraph 5 for the words “said Secretary of State” there shall be substituted the words “Lord Chancellor”.

The Church Commissioners Measure 1947 (No. 2)

11. In section 12(2) of the Church Commissioners Measure 1947 (annual report and accounts) for the words “Secretary of State for the Home Department” there shall be substituted the words “Lord Chancellor”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Plant Varieties and Seeds (Isle of Man) Order 1969 (S.I.1969/1829)

12. In paragraph 9 of the Schedule to the Plant Varieties and Seeds (Isle of Man) Order 1969 (definition of Ministers) for the substituted definition of Ministers there shall be substituted—

““The Ministers” means the Secretary of State for Environment, Food and Rural Affairs and the Lord Chancellor acting jointly;”.

The Royal Assent to Legislation (Isle of Man) Order 1981

13. In articles 3 and 4 of the Royal Assent to Legislation (Isle of Man) Order 1981 for the words “Secretary of State” there shall be substituted, in each place, the words “Lord Chancellor”.

The Company and Business Names Regulations 1981 (S.I. 1981/1685)

14. At the end of the Schedule to the Company and Business Names Regulations 1981 (names requiring approval of Secretary of State) the following shall be added—

“**Note:** The reference in Column (2) to the Home Office shall be treated as a reference to the Lord Chancellor’s Department in relation to the following entries in Column (1)—

- (a) Duke,
- (b) Her Majesty,
- (c) His Majesty,
- (d) King,
- (e) Prince,
- (f) Princess,
- (g) Queen,
- (h) Royal,
- (i) Royale,
- (j) Royalty, and
- (k) Windsor.”.

The Fire Service College Trading Fund Order 1992 (S.I. 1992/640)

15. In article 3 of the Fire Service College Trading Fund Order 1992 (source of loans) for the words “Secretary of State for the Home Department” there shall be substituted the words “Secretary of State for Transport, Local Government and the Regions”.

The Royal Assent to Sodor and Man Diocesan Synod Measures Order 1994

16. In articles 3 and 4 of the Royal Assent to Sodor and Man Diocesan Synod Measures Order 1994 for the words “Secretary of State” there shall be substituted, in each place, the words “Lord Chancellor”.