

SCHEDULE 1

Article 11(1)

ENACTMENTS UNDER WHICH FUNCTIONS ARE TO BE EXERCISABLE BY THE SECRETARY OF STATE AND THE LORD CHANCELLOR CONCURRENTLY

The Representation of the People Act 1983(1), except sections 54 and 161 and rules 3(3) and 51(6) of Schedule 1.

The Representation of the People Act 1985(2), except sections 6 to 10.

The Parliamentary Constituencies Act 1986(3).

Schedule 4 to the Representation of the People Act 2000(4).

The Political Parties, Elections and Referendums Act 2000(5) except section 70.

The Election Publications Act 2001(6).

The European Parliamentary Elections Act 2002(7).

SCHEDULE 2

Article 20

CONSEQUENTIAL AMENDMENTS

New Forest Act 1949 (c. 69)

1.—(1) The New Forest Act 1949 is amended as follows.

(2) In section 16(8), in each of subsections (4), (7) and (9)(b), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

(3) In section 17(9), in each of subsections (3)(a) and (5), for “Secretary of State for Transport, Local Government and the Regions” substitute “Secretary of State for Transport”.

Transport Act 1962 (c. 46)

2. In section 86(6A) of the Transport Act 1962(10), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the First Secretary of State”.

New Forest Act 1964 (c. 83)

3. In section 4(3) of the New Forest Act 1964(11) for “Secretary of State for Transport, Local Government and the Regions” substitute “Secretary of State for Transport”.

(1) 1983 c. 2.

(2) 1985 c. 50.

(3) 1986 c. 56.

(4) 2000 c. 2.

(5) 2000 c. 41.

(6) 2001 c. 5.

(7) 2002 c. 24.

(8) s.16(4), (7) and (9)(b) were amended by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2001, S.I. 2002/794, Sched.1, para. 8.

(9) s.17(3)(a) and (5) were amended by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2001, S.I. 2002/794, Sched.1, para. 9.

(10) s.86(6A) was inserted by the Secretary of State for the Environment Order 1970, S.I. 1970/1681, Sched. 3, para 20(2); and amended by the Secretary of State for Transport Order 1976, S.I. 1976/1775, art.6(1), Sched. 3, para. 6, the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., para. 1, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art.16, Sched., para.1.

(11) s.4(3) was amended by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2001, S.I. 2002/794, Sched. 1., para. 12.

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Parliamentary Commissioner Act 1967 (c. 13)

4. In Schedule 2 to the Parliamentary Commissioner Act 1967(12)—
- (a) for the entry relating to the Department for Transport, Local Government and the Regions substitute “Department for Transport”, and
 - (b) in the appropriate place insert “Office of the Deputy Prime Minister”.

Transport Act 1968 (c. 73)

5. In section 137(7)(c) of the Transport Act 1968(13), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

New Forest Act 1970 (c. 69)

6. In section 2(3) of the New Forest Act 1970(14), for “Secretary of State for Transport, Local Government and the Regions” substitute “Secretary of State for Transport”.

Courts Act 1971 (c. 23)

7. In section 28 of the Courts Act 1971(15), for “Secretary of State for Transport, Local Government and the Regions” in both places substitute “First Secretary of State”.

Fair Trading Act 1973 (c. 41)

8. In section 51(3) of the Fair Trading Act 1973(16), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

Local Government, Planning and Land Act 1980 (c. 65)

9. In section 4 of the Local Government, Planning and Land Act 1980—
- (a) omit subsection (5)(17), and
 - (b) in subsection (6)(18), for “subsections (5) and” substitute “subsection”.

(12) Sched.2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39) s.1(2), Sched. 1; the entry relating to the Department for Transport, Local Government and the Regions was inserted by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art.16, Sched., para. 2.

(13) S.137(7) was substituted by the Secretary of State for Transport Order 1976, S.I. 1976/1775, art. 6(1), Sched. 3, para. 8; and amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, Sched., para. 3 and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 3.

(14) s.2(3) was amended by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002, S.I. 2002/794, art. 5(1), Sched. 1, para. 17.

(15) s.28 was amended by the Planning (Consequential Provisions) Act 1990 (c. 11), s.4, Sched. 2, para. 25, the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art.6(1), Sched., para. 4, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 4.

(16) s.51(3) was repealed in part by the Ministry of Posts and Telecommunications (Dissolution) Order 1974, S.I. 1974/691, art. 4(1), Sched; and amended by the Railways Act 1993 (c. 43), s.66(2), the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., para. 5, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I.2001/2568, art. 16, Sched., para. 5.

(17) s.4(5) was repealed in part by the London Regional Transport Act 1984 (c. 32), s.71(3), Sched.7; and amended by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art.16, Sched., para. 6.

(18) s.4(6) was amended by the Water Act 1989 (c. 15), s.190(1), Sched. 25, para. 61(1).

Representation of the People Act 1983 (c. 2)

10. In Part 5 of the Representation of the People Act 1983, before section 200 insert—

“Functions of the Lord Chancellor

199A In this Act, except—

- (a) sections 54 and 161 above, and
- (b) rules 3(3) and 51(6) of Schedule 1 to this Act,

“the Secretary of State” means the Secretary of State or the Lord Chancellor.”

Road Traffic Regulation Act 1984 (c. 27)

11.—(1) The Road Traffic Regulation Act 1984 is amended as follows.

(2) In section 74(9), in the definition of “appropriate authority”, for “Secretary of State” substitute “minister”.

(3) In Schedule 5(19), for “The Secretary of State for Transport, Local Government and the Regions” in each place substitute “The Secretary of State”.

Representation of the People Act 1985 (c. 50)

12. In section 27 of the Representation of the People Act 1985 (interpretation), after subsection (2) insert—

“(2A) But section 199A of the principal Act (functions of the Lord Chancellor) does not apply to section 10 of this Act.”

Airports Act 1986 (c. 31)

13. In paragraph 1(2) of Schedule 2 to the Airports Act 1986(20), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

Parliamentary Constituencies Act 1986 (c. 56)

14. In the Parliamentary Constituencies Act 1986, after section 6 insert—

“Functions of the Lord Chancellor

6A In this Act, “the Secretary of State” means the Secretary of State or the Lord Chancellor.”

Town and Country Planning Act 1990 (c. 8)

15.—(1) The Town and Country Planning Act 1990 is amended as follows.

(19) Sched. 5 was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 6 and 8, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I.2001/2568, art. 16, Sched., para. 7.

(20) para 1(2) was repealed in part by the Planning (Consequential Provisions) Act 1990 (c. 11), s.3, Sched. 1, Pt1; and amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., para. 9, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 8.

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(2) In section 228(21), for “Secretary of State for Transport, Local Government and the Regions” in both places substitute “First Secretary of State”.

(3) In section 245(1)(22), for “the Secretary of State for Transport, Local Government and the Regions” in both places substitute “the First Secretary of State”.

(4) In section 265(1)(23)—

(a) before paragraph (b) insert—

“(a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour, pier or lighthouse undertaking, the Civil Aviation Authority, a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000, or a relevant airport operator (within the meaning of Part 5 of the Airports Act 1986), the Secretary of State for Transport;”, and

(b) for paragraph (d) substitute—

“(d) in relation to any other statutory undertakers, the First Secretary of State.”

(5) In paragraph 8(2) of Schedule 6(24), for “the Department for Transport, Local Government and the Regions” substitute “the Office of the Deputy Prime Minister”.

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

16. In paragraph 7(2) of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990(25), for “the Department for Transport, Local Government and the Regions” substitute “the Office of the Deputy Prime Minister”.

Planning (Hazardous Substances) Act 1990 (c. 10)

17. In paragraph 7(2) of the Schedule to the Planning (Hazardous Substances) Act 1990(26), for “the Department for Transport, Local Government and the Regions” substitute “the Office of the Deputy Prime Minister”.

Water Resources Act 1991 (c. 57)

18.—(1) The Water Resources Act 1991 is amended as follows.

(2) In section 21(3)(e)(27), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

(21) s.228 was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras 11 and 12, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 9.

(22) s.245(1) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras.11 and 13, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art.16, Sched., para. 9.

(23) In s.265(1), para. (a) was repealed and para. (d) amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art.6(1), Sched., paras. 11 and 14, and para. (d) was further amended by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 9.

(24) para. 8(2) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 11 and 15, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 9.

(25) para. 7(2) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., para. 16, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 10.

(26) para. 7(2) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., para. 17, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 11.

(27) s.21(3)(e) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 18 and 19, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 12.

(3) In paragraph 2(3)(f) of Schedule 5(28), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

(4) In Schedule 6, in each of paragraphs 1(4)(g)(29) and 3(5)(30), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

Land Drainage Act 1991 (c. 59)

19. In section 35(3)(b) of the Land Drainage Act 1991(31), for “the Secretary of Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

Transport and Works Act 1992 (c. 42)

20. In section 23(10) of the Transport and Works Act 1992(32)—

(a) for “the Department for Transport, Local Government and the Regions” in the words before paragraph (a) substitute “the Office of the Deputy Prime Minister, the Department for Transport”, and

(b) for paragraph (a) substitute—

“(a) if he was appointed by the Secretary of State for the time being having general responsibility in transport matters in relation to England, as functions of the Department for Transport;

(b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of the Office of the Deputy Prime Minister;”.

Channel Tunnel Rail Link Act 1996 (c. 61)

21.—(1) The Channel Tunnel Rail Link Act 1996 is amended as follows.

(2) In section 29(4)(33), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

(3) In section 50(5)(b)(34), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

(28) s.21(3)(f) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 18 and 20, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 12.

(29) para. 1(4)(g) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 18 and 21, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 12.

(30) para. 3(5) was amended by the Environment Act 1995 (c. 25), s.120, Sched. 22, para. 128, and the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 18 and 21, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 12.

(31) s.35(3)(b) was amended by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 13.

(32) s.23(10) was amended and para.(a) substituted by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., para. 23; s23(10) was further amended by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 14.

(33) s.29(4) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 25 and 27, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 15.

(34) s.50(5)(b) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 25 and 29, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 15.

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(4) In paragraph 2(12) of Schedule 3(35), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

(5) In paragraph 5(5)(a) of Schedule 7(36), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

(6) In paragraph 13 of Schedule 14(37), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

(7) In paragraph 2(4)(a) of Part 2 of Schedule 15(38), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

Town and Country Planning (Scotland) Act 1997 (c. 8)

22. In Schedule 7 to the Town and Country Planning (Scotland) Act 1997(39), in each of paragraphs 3(8) and 8(4)(b), for “the Secretary of State for Transport, Local Government and the Regions” substitute “the Secretary of State for Transport”.

National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672)

23. In the entry relating to the Water Resources Act 1991 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, for paragraph (d) (functions referring to the Secretary of State for Transport, Local Government and the Regions)(40) substitute—

“(d) any function which is expressly referred to in this Act as a function of the Secretary of State for Transport.”

Regulation of Investigatory Powers Act 2000 (c. 23)

24. In Part 1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000(41)—

(a) the entry relating to the Department for Transport, Local Government and the Regions is repealed;

(b) in the appropriate places insert—

“The Department for Transport”

“the Office of the Deputy Prime Minister”.

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

25.—(1) The Political Parties, Elections and Referendums Act 2000 is amended as follows.

(35) para. 2(12) was inserted by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 15(4)(f).

(36) para 5(5) was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 25 and 33, and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 15.

(37) para. 13 was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 25 and 34 and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 15.

(38) para. 2(4)(a) was substituted by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 6(1), Sched., paras. 25 and 35; and amended by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 15.

(39) Sched. 7 was amended by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art.6(1), Sched., paras. 38 and 40 and the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 16.

(40) para.(d) was substituted by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 17.

(41) Sched.1 was amended by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 16, Sched., para. 18.

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- (2) For paragraph (b) of section 2(2) (membership of Speaker’s Committee)(**42**), substitute—
“(b) the Lord Chancellor;”.
- (3) After section 159 insert—

“Functions of the Lord Chancellor

159A In this Act, except—

- (a) sections 9, 18(2) and (4) and 70, and
- (b) paragraph 7 of Schedule 9,

“the Secretary of State” means the Secretary of State or the Lord Chancellor.”

- (4) In paragraph 2(1)(c) of Schedule 2 (Speaker’s Committee: term of office)(**43**), for “Secretary of State for Transport, Local Government and the Regions” substitute “Lord Chancellor”.

Election Publications Act 2001 (c. 5)

- 26.** In section 2 of the Election Publications Act 2001, after “Secretary of State” in each place insert “or the Lord Chancellor”.

European Parliamentary Elections Act 2002 (c. 24)

- 27.** In the European Parliamentary Elections Act 2002, before section 17 insert—

“Functions of the Lord Chancellor

16A In this Act “the Secretary of State” means the Secretary of State or the Lord Chancellor.”

(**42**) s.2(2)(b) was amended by the Transfer of Functions (Miscellaneous) Order 2001, S.I. [2001/3500](#), art. 8, Sched. 2, para. 9(1).
(**43**) para. 2(1)(c) was amended by the Transfer of Functions (miscellaneous) Order 2001, S.I. [2001/3500](#), art. 8, Sched. 2, para. 9(2).