
STATUTORY INSTRUMENTS

2007 No. 2914

The Transfer of Functions (Equality) Order 2007

Citation and commencement

- 1.—(1) This Order may be cited as the Transfer of Functions (Equality) Order 2007.
(2) This Order comes into force on 12th October 2007.

Interpretation

2. In this Order, “instrument” includes, in particular, Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

Transfer of equality functions

3.—(1) The functions of the Secretary of State under the enactments specified in paragraph (2) are transferred to the Lord Privy Seal.

- (2) The enactments are—
- (a) the Equal Pay Act 1970(1);
 - (b) the Sex Discrimination Act 1975(2), except sections 24, 25, 66(5), 78, 79, 85(9E) and Schedule 2;
 - (c) the Race Relations Act 1976(3), except sections 19E, 57(5) and 75(10)(aa);
 - (d) the Sex Discrimination (Election Candidates) Act 2002(4);
 - (e) section 213 of the Civil Partnership Act 2004(5);
 - (f) the Equality Act 2006(6), except section 66(2) and paragraph 14(4) of Schedule 2.

(3) The functions of the Secretary of State under the enactments specified in paragraph (4) are to be exercisable concurrently with the Lord Privy Seal.

- (4) The enactments are—
- (a) in the Employment and Training Act 1973(7), sections 2 and 9 and the other provisions of that Act so far as relating to those sections;
 - (b) section 70 of the Charities Act 2006(8).

(1) 1970 c. 41.
(2) 1975 c. 65.
(3) 1976 c. 74.
(4) 2002 c. 2.
(5) 2004 c. 33.
(6) 2006 c. 3.
(7) 1973 c. 50.
(8) 2006 c. 50.

Incorporation of the Lord Privy Seal

4.—(1) The person who at the coming into force of this Order is the Lord Privy Seal and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Lord Privy Seal—

- (a) is to be authenticated by the signature of the Lord Privy Seal or a person authorised by the Lord Privy Seal to act in that behalf, and
- (b) is to be officially and judicially noticed.

(3) Every document purporting to be an instrument made or issued by the Lord Privy Seal and to be—

- (a) sealed with the corporate seal of the Lord Privy Seal authenticated in the manner provided for by paragraph (2), or
- (b) signed or executed by a person authorised by the Lord Privy Seal to act in that behalf,

is to be received in evidence and to be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Lord Privy Seal that any instrument purporting to be made or issued by the Lord Privy Seal was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(9) applies in relation to the Lord Privy Seal as if—

- (a) the Lord Privy Seal were mentioned in the first column of the Schedule,
- (b) any person authorised to act on behalf of the Lord Privy Seal were mentioned in the second column of the Schedule, and
- (c) the references in section 2 to any regulation issued by or under the authority of an officer mentioned in the first column of the Schedule included references to any document issued by or under the authority of the Lord Privy Seal.

Transfer of property, rights and liabilities

5. All property, rights and liabilities to which the Secretary of State for Communities and Local Government is entitled or subject at the coming into force of this Order in connection with the functions transferred by article 3(1) are transferred to the Lord Privy Seal.

Designation for purposes of European Communities Act 1972

6.—(1) For the purposes of section 2(2) of the European Communities Act 1972, the Lord Privy Seal is designated in relation to discrimination.

(2) Paragraph (1) does not restrict the scope of any designation made by any other Order.

(3) Where—

- (a) the Lord Privy Seal is designated in relation to a matter as a result of paragraph (1), and
- (b) any other Minister or department is designated in relation to the same matter by another Order,

they may make subordinate legislation in relation to that matter jointly.

(4) In this article “Minister or department” means—

- (a) a Minister of the Crown or government department, including a Northern Ireland Minister or Northern Ireland department, or
- (b) the Welsh Ministers.

(9) 1868 c. 37.

(5) In this article “subordinate legislation” means orders, rules, regulations or schemes made under section 2(2) of the 1972 Act.

Supplementary

7.—(1) This Order does not affect the validity of anything done by or in relation to the Secretary of State before the coming into force of this Order.

(2) In this article, “transferred matter” means—

- (a) a function transferred under article 3, or
- (b) any property, right or liability transferred by article 5,

and for the purposes of this article the transfer of a function includes a function becoming exercisable concurrently with the Lord Privy Seal.

(3) 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 Secretary of State may, so far as it relates to a transferred matter, be continued by or in relation to the Lord Privy Seal.

(4) Anything done by or in relation to the Secretary of State in connection with a transferred matter 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 Lord Privy Seal (instead of or, as the case may be, as well as by or in relation to the Secretary of State).

(5) 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 a transfer under article 3 or 5, as if—

- (a) references to the Secretary of State were or, as the case may be, included references to the Lord Privy Seal,
- (b) references to the department of the Secretary of State were or, as the case may be, included references to the Government Equalities Office, and
- (c) references to an officer of the Secretary of State were or, as the case may be, included references to an officer of the Government Equalities Office.

(6) Documents or forms produced for use in connection with the functions transferred by article 3 may be used in connection with those functions even though they contain references to the Secretary of State, his department or an officer of his; and, for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Lord Privy Seal, the Government Equalities Office or an officer of the Government Equalities Office (as appropriate).

Consequential amendments

8. The Schedule contains consequential amendments.

Judith Simpson
Clerk of the Privy Council