

EXPLANATORY MEMORANDUM TO
THE TRANSFER OF FUNCTIONS (HER MAJESTY'S LAND REGISTRY, THE
METEOROLOGICAL OFFICE AND ORDNANCE SURVEY) ORDER 2011

2011 No. 2436

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 The Order is made following the Prime Minister's announcement of 18 July 2011 that, to enable the development of a Public Data Corporation, functions relating to HM Land Registry, the Met Office and Ordnance Survey would transfer from, respectively, the Lord Chancellor, the Secretary of State for Defence and the Secretary of State for Communities and Local Government to the Secretary of State for Business, Innovation and Skills.

- 2.2 This Order transfers to the Secretary of State for Business, Innovation and Skills the express statutory functions of the Lord Chancellor which relate to HM Land Registry and of the Secretary of State for Defence which relate to the Met Office.

- 2.3 The functions of the Lord Chancellor under Part 11 of and sections 127(2) and 136(2) of the Land Registration Act 2002 are not transferred.

- 2.4 The Order also transfers to the Secretary of State for Communities and Local Government any immovable property held by the Secretary of State for Defence in connection with any function which is being transferred. This effectively transfers the immovable property to the Civil Estate held by the Secretary of State for Communities and Local Government.

- 2.5 The Order transfers to the Secretary of State for Business, Innovation and Skills all other property, rights and liabilities in connection with any function which is being transferred from the Lord Chancellor, the Secretary of State for Defence and the Secretary of State for Communities and Local Government.

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

- 3.1 None.

4. **Legislative Context**

4.1 The statutory functions of the Lord Chancellor, in relation to HM Land Registry which are listed in Schedule 1 to the Order, are transferred to the Secretary of State for Business, Innovation and Skills. The relevant statutory functions arise under the Agricultural Credits Act 1928, the Land Charges Act 1972, the Land Registration Act 2002 (excluding Part 11, section 127(2) and section 136(2)), the Commonhold and Leasehold Reform Act 2002, the Land Registration Rules 2003, the Land Registration (Acting Chief Land Registrar) Regulations 2003 and the Land Registration (Network Access) Rules 2008.

4.2 In addition, the functions of the Secretary of State for Defence under Article 3 of the Meteorological Office Trading Fund Order 1996 are transferred to the Secretary of State for Business, Innovation and Skills.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

Vince Cable, Secretary of State for Business has made the following statement regarding Human Rights:

In my view the provisions of the Transfer of Functions (Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey) Order 2011 are compatible with the Convention rights.

7. Policy background

7.1 The Order is made following the Prime Minister's announcement of 18 July 2011 that, to enable the development of a Public Data Corporation, the Secretary of State for Business, Innovation and Skills would take responsibility for functions relating to HM Land Registry, the Met Office and Ordnance Survey.

7.2 In January 2011 the Government announced its intention to establish a Public Data Corporation which would bring together Government bodies and datasets with the aims of:

- providing a more consistent approach towards access to and accessibility of public sector information, balancing the desire for more data free for re-use whilst ensuring affordability and value for taxpayers;
- creating a centre of excellence driving further efficiencies in the public sector; and
- creating a vehicle that can attract private investment.

7.3 While in itself the transfer of responsibilities effected by this instrument does not represent the establishment of a Public Data Corporation, the three organisations may

ultimately form part of a Public Data Corporation in some form. Bringing these responsibilities under single Departmental sponsorship will enable proposals to be developed, refined and tested more effectively to inform decisions on the form and structure of a Public Data Corporation.

Consolidation

7.4 It is not intended to consolidate the Order.

8. Consultation outcome

8.1 There is no statutory requirement for a public consultation on the Order.

8.2 It is not considered that a public consultation would be proportionate or necessary for this transfer of functions from one Department to another.

9. Guidance

9.1 It is not considered that any further guidance is required.

10. Impact

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

10.2 The impact on the public sector is to transfer certain statutory functions and certain staff, property, rights and liabilities from the Department for Communities and Local Government, the Ministry of Defence and the Ministry of Justice to the Department for Business, Innovation and Skills.

10.3 An Impact Assessment has not been prepared for this instrument because no impact on the private or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation does not regulate small business.

12. Monitoring & review

12.1 Considering the nature of this Order, a review is not expected to be undertaken.

13. Contact

Faith Quigley at the Department for Business, Innovation and Skills, Tel: 0207 215 8525 or email: faith.quigley@bis.gsi.gov.uk, can answer any queries regarding the instrument.