
EXPLANATORY NOTE

(This note is not part of the Order)

Further to recent machinery of government changes, this Order makes provision for the transfer of functions to specified Ministers of the Crown.

By virtue of article 3 and Schedule 1, functions previously exercisable by the Secretary of State concurrently with the Chancellor of the Duchy of Lancaster (except those dealt with in article 5) will now instead be exercisable concurrently with the Minister for the Cabinet Office.

Article 5 provides for the functions of the Secretary of State under sections 3 and 4 of the Parliamentary Constituencies Act 1986 (c. 56) that are exercisable concurrently with the Chancellor of the Duchy of Lancaster to instead be exercisable concurrently with the Leader of the House of Commons.

Articles 4 and 6 make supplementary provision in connection with articles 3 to 5.

Article 7 transfers functions previously exercisable solely by the Chancellor of the Duchy of Lancaster to the Minister for the Cabinet Office. Article 8 makes supplementary provision in connection with article 7.

Article 9 provides for the Secretary of State's function under regulation 114(6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I. 2016/925) to be exercisable concurrently with the Minister for the Cabinet Office.

Article 10 transfers from the Minister for the Cabinet Office to the Secretary of State, functions related to the work of the Office for Civil Society, for example functions relating to charities, charitable house to house collections, social impact contractor accreditation and functions relating to the Big Lottery Fund under the National Lottery etc. Act 1993 (c. 39) and the Dormant Bank and Building Society Accounts Act 2008 (c. 31). Article 10 also provides for the function of the Secretary of State under section 5(1) of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31), which is currently exercisable by the Secretary of State concurrently with the Minister for the Cabinet Office, to cease to be exercisable by the Minister for the Cabinet Office. Article 11 makes supplementary provision in connection with article 10.

Article 12 is a saving provision in respect of anything done by or in relation to the Chancellor of the Duchy of Lancaster or the Minister for the Cabinet Office before the Order comes into force.

Article 13 and Schedule 2 make consequential amendments to primary and secondary legislation. An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016.