

EXPLANATORY MEMORANDUM TO

THE TRANSFER OF FUNCTIONS (SECRETARY OF STATE FOR DIGITAL, CULTURE, MEDIA AND SPORT) ORDER 2017

2017 No. 979

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Digital, Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument transfers the functions of the Secretary of State for Culture, Media and Sport to the Secretary of State for Digital, Culture, Media and Sport. It also makes supplementary provision in connection with both that transfer and entrusting of other functions to the Secretary of State for Digital, Culture, Media and Sport.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 Section 1 of the Ministers of the Crown Act 1975 provides for the transfer of functions between Ministers. This is particularly relevant where it is intended that functions which are assigned by legislation to a named Minister be transferred to another Minister. Sections 1 and 2 allow for supplementary and consequential provision (including the amendment of legislation) in connection with such a transfer or a change in the functions of a Secretary of State.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is the whole of the United Kingdom.
5.2 The territorial application of this instrument is the whole of the United Kingdom.

6. European Convention on Human Rights

- 6.1 The Secretary of State for Digital, Culture, Media and Sport has made the following statement regarding Human Rights:

“In my view the provisions of the Transfer of Functions (Secretary of State for Digital, Culture, Media and Sport) Order 2017 are compatible with the Convention rights.”

7. Policy background

7.1 The Prime Minister has decided that the Secretary of State for Digital, Culture, Media and Sport will exercise functions that were previously exercisable by the Secretary of State for Culture, Media and Sport.

7.2 Accordingly, the Order transfers to the Secretary of State for Digital, Culture, Media and Sport all of those functions. The Order also makes consequential and supplementary provision in connection with that transfer and the entrusting of functions to the Secretary of State for Digital, Culture, Media and Sport. That provision includes amending legislation and other instruments and transferring property, rights and liabilities. The Order also provides for the incorporation of the Secretary of State for Digital, Culture, Media and Sport as a corporation sole.

Consolidation

7.3 The Department does not intend to consolidate the legislation which is amended by this Order.

8. Consultation outcome

8.1 No impact on business or the voluntary sector is foreseen as a result of this Order, therefore there has not been a public consultation on the Order.

9. Guidance

9.1 No guidance has been prepared.

10. Impact

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

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 Considering the nature of this Order, there are no success criteria or any intention to review the outcome.

13. Contact

13.1 Annie Ferguson at the Department for Digital, Culture, Media and Sport. Telephone: 02072116000 or email: annie.ferguson@culture.gov.uk can answer any queries regarding the instrument.