
STATUTORY INSTRUMENTS

2023 No. 424

The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023

Citation and commencement

1.—(1) This Order may be cited as the Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023.

(2) This Order comes into force on 3rd May 2023.

Interpretation

2.—(1) In this Order—

“business function” means any function so far as—

- (a) it is transferred by [article 11](#), or
- (b) it was entrusted to the Secretary of State for Business, Energy and Industrial Strategy immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Business and Trade;

“CMS function” means any function so far as—

- (a) it is transferred by [article 13](#), or
- (b) it was entrusted to the Secretary of State for Digital, Culture, Media and Sport immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Culture, Media and Sport;

“digital function” means any function so far as—

- (a) it is transferred by [article 9\(1\), \(2\), \(3\)\(b\), \(5\) or \(6\)](#), or
- (b) it was entrusted to the Secretary of State for Digital, Culture, Media and Sport immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Science, Innovation and Technology;

“energy function” means any function so far as—

- (a) it is transferred by [article 7](#), or
- (b) it was entrusted to the Secretary of State for Business, Energy and Industrial Strategy immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Energy Security and Net Zero;

“Geospatial Commission function” means a function relating to the Geospatial Commission which was entrusted to the Minister for the Cabinet Office immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Science, Innovation and Technology;

“NSI function” means any function which is directed by article 15 to be exercisable concurrently with the Chancellor of the Duchy of Lancaster;

“OSTS function” means a function relating to the Office for Science and Technology Strategy which was entrusted to the Chancellor of the Duchy of Lancaster immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Science, Innovation and Technology;

“SIT function” means any function so far as—

- (a) it is transferred by article 9(3)(a), or
- (b) it was entrusted to the Secretary of State for Business, Energy and Industrial Strategy immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Science, Innovation and Technology;

“trade function” means any function so far as it was entrusted to the Secretary of State for International Trade immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Business and Trade.

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

Incorporation of the Secretary of State for Energy Security and Net Zero

3.—(1) The person who at the coming into force of this Order is the Secretary of State for Energy Security and Net Zero and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Energy Security and Net Zero—

- (a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State 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 Secretary of State for Energy Security and Net Zero and to be—

- (a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for in paragraph (2), or
- (b) signed or executed by a person authorised by a Secretary of State 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 Secretary of State for Energy Security and Net Zero that an instrument purporting to be made or issued by—

- (a) the Secretary of State for Energy Security and Net Zero,
- (b) the Secretary of State for Business, Energy and Industrial Strategy,
- (c) the Secretary of State for Business, Innovation and Skills,
- (d) the Secretary of State for Energy and Climate Change,
- (e) the Secretary of State for Business, Enterprise and Regulatory Reform,
- (f) the Secretary of State for the Environment, Farming and Rural Affairs, or
- (g) the Secretary of State for Trade and Industry,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(1) applies in relation to the Secretary of State for Energy Security and Net Zero—

- (a) as if references to regulations and orders included references to any document, and
- (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

Incorporation of the Secretary of State for Science, Innovation and Technology

4.—(1) The person who at the coming into force of this Order is the Secretary of State for Science, Innovation and Technology and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Science, Innovation and Technology—

- (a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State 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 Secretary of State for Science, Innovation and Technology and to be—

- (a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for in paragraph (2), or
- (b) signed or executed by a person authorised by a Secretary of State 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 Secretary of State for Science, Innovation and Technology that an instrument purporting to be made or issued by—

- (a) the Secretary of State for Science, Innovation and Technology,
- (b) the Secretary of State for Business, Energy and Industrial Strategy,
- (c) the Secretary of State for Digital, Culture, Media and Sport,
- (d) the Secretary of State for Business, Innovation and Skills,
- (e) the Secretary of State for Innovation, Universities and Skills, or
- (f) the Secretary of State for Trade and Industry,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(2) applies in relation to the Secretary of State for Science, Innovation and Technology—

- (a) as if references to regulations and orders included references to any document, and
- (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

Incorporation of the Secretary of State for Business and Trade

5.—(1) The person who at the coming into force of this Order is the Secretary of State for Business and Trade and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Business and Trade—

- (a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and

(1) 1868 c. 37.
(2) 1868 c. 37.

(b) is to be officially and judicially noticed.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Business and Trade and to be—

(a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for in paragraph (2), or

(b) signed or executed by a person authorised by a Secretary of State 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 Secretary of State for Business and Trade that an instrument purporting to be made or issued by—

(a) the Secretary of State for Business and Trade,

(b) the Secretary of State for Business, Energy and Industrial Strategy,

(c) the Secretary of State for International Trade,

(d) the Secretary of State for Business, Innovation and Skills,

(e) the Secretary of State for Business, Enterprise and Regulatory Reform, or

(f) the Secretary of State for Trade and Industry,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(3) applies in relation to the Secretary of State for Business and Trade—

(a) as if references to regulations and orders included references to any document, and

(b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

Matters relating to the previous incorporation of the Secretary of State for Culture, Media and Sport

6.—(1) A certificate signed by the Secretary of State for Culture, Media and Sport that an instrument purporting to be made or issued by—

(a) the Secretary of State for Culture, Media and Sport,

(b) the Secretary of State for Digital, Culture, Media and Sport, or

(c) the Secretary of State for Culture, Olympics, Media and Sport,

was so made or issued is conclusive evidence of that fact.

(2) The Documentary Evidence Act 1868(4) applies in relation to the Secretary of State for Culture, Media and Sport—

(a) as if references to regulations and orders included references to any document, and

(b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

(3) 1868 c. 37.

(4) 1868 c. 37.

Transfer of functions to the Secretary of State for Energy Security and Net Zero

7.—(1) There are transferred to the Secretary of State for Energy Security and Net Zero the functions of the Secretary of State for Business, Energy and Industrial Strategy under the following provisions of the Channel Tunnel Rail Link Act 1996⁽⁵⁾—

- (a) section 50(4) (overhead lines: deemed planning permission);
- (b) Schedule 14 (overhead lines: consent);
- (c) paragraph 2 of Part 2 of Schedule 15 (protection for electricity, gas, water and sewerage undertakers);

that are exercisable due to the Secretary of State being an appropriate Minister for the purposes of those provisions.

(2) There are transferred to the Secretary of State for Energy Security and Net Zero the functions of the Secretary of State for Business, Energy and Industrial Strategy under the following provisions of the Crossrail Act 2008⁽⁶⁾—

- (a) section 4(4) (overhead lines: deemed planning permission);
- (b) Schedule 4 (overhead lines: consent);
- (c) paragraphs 2 and 13 of Part 2 of Schedule 17 (protection for electricity, gas, water and sewerage undertakers);

that are exercisable due to the Secretary of State being an appropriate Minister for the purposes of those provisions.

(3) There are transferred to the Secretary of State for Energy Security and Net Zero the following functions of the Secretary of State for Business, Energy and Industrial Strategy under the Digital Economy Act 2017⁽⁷⁾—

- (a) functions under section 35(1) (disclosure of information to improve public service delivery) so far as those functions relate to a relevant energy function;
- (b) functions under sections 36(1) and 37(1) (disclosure of information to and by gas and electricity supplies etc);
- (c) functions under section 48(1) (disclosure of information to reduce debt owed to the public sector), so far as those functions relate to a relevant energy function;
- (d) functions under section 56(1) (disclosure of information to combat fraud against the public sector), so far as those functions relate to a relevant energy function.

(4) In [paragraph \(3\)](#) “relevant energy function” means—

- (a) a function falling within [paragraph \(b\)](#) of the definition of energy function in [article 2](#), or
- (b) a function transferred by [paragraph \(1\)](#), [\(2\)](#), [\(5\)](#) or [\(6\)](#).

(5) There are transferred to the Secretary of State for Energy Security and Net Zero the functions of the Secretary of State for Business, Energy and Industrial Strategy under paragraphs 19 and 24 of Part 2 of Schedule 33 to the High Speed Rail (London - West Midlands) Act 2017⁽⁸⁾ (protection for electricity, gas, water and sewerage undertakers) that are exercisable due to the Secretary of State being an appropriate Minister for the purposes of those provisions.

(6) There are transferred to the Secretary of State for Energy Security and Net Zero the functions of the Secretary of State for Business, Energy and Industrial Strategy under paragraphs 19, 24 and 31 of Part 2 of Schedule 32 to the High Speed Rail (West Midlands - Crewe) Act 2021⁽⁹⁾ (protection

(5) [1996 c. 61](#).
(6) [2008 c. 18](#).
(7) [2017 c. 30](#).
(8) [2017 c. 7](#).
(9) [2021 c. 2](#).

for electricity, gas, water and sewerage undertakings) that are exercisable due to the Secretary of State being an appropriate Minister for the purposes of those provisions.

Supplementary provisions in relation to the Secretary of State for Energy Security and Net Zero

8.—(1) There are transferred to the Secretary of State for Energy Security and Net Zero all property, rights and liabilities to which the Secretary of State for Business, Energy and Industrial Strategy is entitled or subject at the coming into force of this Order in connection with any energy function.

(2) 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 for Business, Energy and Industrial Strategy may, so far as it relates to an energy function or anything transferred by [paragraph \(1\)](#), be continued by or in relation to the Secretary of State for Energy Security and Net Zero.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State for Business, Energy and Industrial Strategy in connection with an energy function or anything transferred by [paragraph \(1\)](#) 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 Secretary of State for Energy Security and Net Zero.

(4) Documents or forms printed for use in connection with an energy function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Business, Energy and Industrial Strategy; 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 Secretary of State for Energy Security and Net Zero.

(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) the transfer or entrusting to the Secretary of State for Energy Security and Net Zero of any energy function, or
- (b) the transfer of anything by [paragraph \(1\)](#),

as if references to (and references which are to be read as references to) the Secretary of State for Business, Energy and Industrial Strategy were or included references to the Secretary of State for Energy Security and Net Zero.

(6) In paragraphs (2) to (5), references to the Secretary of State for Business, Energy and Industrial Strategy include references to the department or an officer of that Secretary of State; and references to the Secretary of State for Energy Security and Net Zero are to be read accordingly.

Transfer of functions to the Secretary of State for Science, Innovation and Technology

9.—(1) There are transferred to the Secretary of State for Science, Innovation and Technology the functions of the Secretary of State for Digital, Culture, Media and Sport under Schedule 4 to the Housing and Regeneration Act 2008⁽¹⁰⁾ (powers in relation to, and for, statutory undertakers) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 8(4)(b), 15(2)(b) or 40(1)(b) of that Schedule.

(2) There are transferred to the Secretary of State for Science, Innovation and Technology the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 6 of Part 4 of Schedule 17 to the Crossrail Act 2008⁽¹¹⁾ (protection of electronic communications code networks)

⁽¹⁰⁾ 2008 c. 17.

⁽¹¹⁾ 2008 c. 18.

that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 6(3) of that Part of that Schedule.

(3) There are transferred to the Secretary of State for Science, Innovation and Technology the following functions under the Digital Economy Act 2017⁽¹²⁾—

- (a) the functions of the Secretary of State for Business, Energy and Industrial Strategy under sections 35(1), 48(1) and 56(1), so far as those functions relate to a relevant SIT function;
- (b) the functions of the Secretary of State for Digital, Culture, Media and Sport under sections 35(1) and 56(1), so far as those functions relate to a relevant digital function.

(4) In [paragraph \(3\)](#)—

“relevant SIT function” means a function falling within paragraph (b) of the definition of SIT function in [article 2](#);

“relevant digital function” means—

- (a) a function falling within paragraph (b) of the definition of digital function in [article 2](#), or
- (b) a function transferred by [paragraph \(1\), \(2\), \(5\) or \(6\)](#).

(5) There are transferred to the Secretary of State for Science, Innovation and Technology the functions of the Secretary of State for Digital, Culture, Media and Sport under Part 3 of Schedule 33 to the High Speed Rail (London - West Midlands) Act 2017⁽¹³⁾ (protective provisions: electronic communications code networks) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 32(2) of that Schedule.

(6) There are transferred to the Secretary of State for Science, Innovation and Technology the functions of the Secretary of State for Digital, Culture, Media and Sport under Part 3 of Schedule 32 to the High Speed Rail (West Midlands - Crewe) Act 2021⁽¹⁴⁾ (protective provisions: electronic communications code networks) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 32(2) of that Schedule.

Supplementary provisions in relation to the Secretary of State for Science, Innovation and Technology

10.—(1) There are transferred to the Secretary of State for Science, Innovation and Technology—

- (a) all property, rights and liabilities to which the Secretary of State for Business, Energy and Industrial Strategy is entitled or subject at the coming into force of this Order in connection with any SIT function,
- (b) all property, rights and liabilities to which the Secretary of State for Digital, Culture, Media and Sport is entitled or subject at the coming into force of this Order in connection with any digital function,
- (c) all property, rights and liabilities to which the Minister for the Cabinet Office is entitled or subject at the coming into force of this Order in connection with any Geospatial Commission function, and
- (d) all property, rights and liabilities to which the Chancellor of the Duchy of Lancaster is entitled or subject at the coming into force of this Order in connection with any OSTs function.

(2) 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—

⁽¹²⁾ 2017 c. 30.

⁽¹³⁾ 2017 c. 7.

⁽¹⁴⁾ 2021 c. 2.

- (a) the Secretary of State for Business, Energy and Industrial Strategy, so far as it relates to an SIT function or anything transferred by [paragraph \(1\)\(a\)](#),
- (b) the Secretary of State for Digital, Culture, Media and Sport, so far as it relates to a digital function or anything transferred by [paragraph \(1\)\(b\)](#),
- (c) the Minister for the Cabinet Office, so far as it relates to a Geospatial Commission function or anything transferred by [paragraph \(1\)\(c\)](#), or
- (d) the Chancellor of the Duchy of Lancaster, so far as it relates to an OSTs function or anything transferred by [paragraph \(1\)\(d\)](#),

may be continued by or in relation to the Secretary of State for Science, Innovation and Technology.

- (3) Anything done (or having effect as if done) by or in relation to—
 - (a) the Secretary of State for Business, Energy and Industrial Strategy in connection with a SIT function or anything transferred by [paragraph \(1\)\(a\)](#),
 - (b) the Secretary of State for Digital, Culture, Media and Sport in connection with a digital function or anything transferred by [paragraph \(1\)\(b\)](#),
 - (c) the Minister for the Cabinet Office in connection with a Geospatial Commission function or anything transferred by [paragraph \(1\)\(c\)](#), or
 - (d) the Chancellor of the Duchy of Lancaster in connection with an OSTs function or anything transferred by [paragraph \(1\)\(d\)](#),

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 Secretary of State for Science, Innovation and Technology.

(4) Documents or forms printed for use in connection with an SIT function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Business, Energy and Industrial Strategy; 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 Secretary of State for Science, Innovation and Technology.

(5) Documents or forms printed for use in connection with a digital function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Digital, Culture, Media and Sport; 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 Secretary of State for Science, Innovation and Technology.

(6) Documents or forms printed for use in connection with a Geospatial Commission function may be used in connection with that function even though they contain, or are to be read as containing, references to the Minister for the Cabinet Office; 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 Secretary of State for Science, Innovation and Technology.

(7) Documents or forms printed for use in connection with an OSTs function may be used in connection with that function even though they contain, or are to be read as containing, references to the Chancellor of the Duchy of Lancaster; 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 Secretary of State for Science, Innovation and Technology.

(8) 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) the transfer or entrusting to the Secretary of State for Science, Innovation and Technology of any SIT function, or
- (b) the transfer of anything by [paragraph \(1\)\(a\)](#),

as if references to (and references which are to be read as references to) the Secretary of State for Business, Energy and Industrial Strategy were or included references to the Secretary of State for Science, Innovation and Technology.

(9) 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) the transfer or entrusting to the Secretary of State for Science, Innovation and Technology of any digital function, or
- (b) the transfer of anything by paragraph (1)(b),

as if references to (and references which are to be read as references to) the Secretary of State for Digital, Culture, Media and Sport were or included references to the Secretary of State for Science, Innovation and Technology.

(10) 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) the transfer or entrusting to the Secretary of State for Science, Innovation and Technology of any Geospatial Commission function, or
- (b) the transfer of anything by paragraph (1)(c),

as if references to (and references which are to be read as references to) the Minister for the Cabinet Office were or included references to the Secretary of State for Science, Innovation and Technology.

(11) 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) the transfer or entrusting to the Secretary of State for Science, Innovation and Technology of any OSTs function, or
- (b) the transfer of anything by [paragraph \(1\)\(d\)](#),

as if references to (and references which are to be read as references to) the Chancellor of the Duchy of Lancaster were or included references to the Secretary of State for Science, Innovation and Technology.

(12) In paragraphs (2) to (11)—

- (a) references to the Secretary of State for Business, Energy and Industrial Strategy or to the Secretary of State for Digital, Culture, Media and Sport include references to the department or an officer of that Secretary of State;
- (b) references to the Minister for the Cabinet Office or to the Chancellor of the Duchy of Lancaster include references to the Cabinet Office or an officer in that Office;

and references to the Secretary of State for Science, Innovation and Technology are to be read accordingly.

Transfer of functions to the Secretary of State for Business and Trade

11.—(1) There are transferred to the Secretary of State for Business and Trade the functions of the Secretary of State for Business, Energy and Industrial Strategy under section 71 of the Serious Organised Crime and Police Act 2005(**15**) (offer of immunity from prosecution).

(2) There are transferred to the Secretary of State for Business and Trade the functions of the Secretary of State for Business, Energy and Industrial Strategy under the following provisions of the Digital Economy Act 2017(**16**), so far as those functions relate to a relevant business function—

- (a) section 35(1) (disclosure of information to improve public service delivery);

(15) 2005 c. 15.

(16) 2017 c. 30.

- (b) section 48(1) (disclosure of information to reduce debt owed to the public sector);
- (c) section 56(1) (disclosure of information to combat fraud against the public sector).
- (3) In [paragraph \(2\)](#), “relevant business function” means—
 - (a) a function falling within paragraph (b) of the definition of business function in [article 2](#), or
 - (b) a function transferred by [paragraph \(1\)](#).

Supplementary provisions in relation to the Secretary of State for Business and Trade

- 12.—(1) There are transferred to the Secretary of State for Business and Trade—
- (a) all property, rights and liabilities to which the Secretary of State for Business, Energy and Industrial Strategy is entitled or subject at the coming into force of this Order in connection with any business function, and
 - (b) all property, rights and liabilities to which the Secretary of State for International Trade is entitled or subject at the coming into force of this Order.
- (2) 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—
- (a) the Secretary of State for Business, Energy and Industrial Strategy, so far as it relates to a business function or anything transferred by [paragraph \(1\)\(a\)](#), or
 - (b) the Secretary of State for International Trade,
- may be continued by or in relation to the Secretary of State for Business and Trade.
- (3) Anything done (or having effect as if done) by or in relation to—
- (a) the Secretary of State for Business, Energy and Industrial Strategy in connection with a business function or anything transferred by [paragraph \(1\)\(a\)](#), or
 - (b) the Secretary of State for International Trade,
- 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 Secretary of State for Business and Trade.
- (4) Documents or forms printed for use in connection with a business function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Business, Energy and Industrial Strategy; 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 Secretary of State for Business and Trade.
- (5) Documents or forms printed for use in connection with a trade function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for International Trade; 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 Secretary of State for Business and Trade.
- (6) 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) the transfer or entrusting to the Secretary of State for Business and Trade of any business function, or
 - (b) the transfer of anything by [paragraph \(1\)\(a\)](#),
- as if references to (and references which are to be read as references to) the Secretary of State for Business, Energy and Industrial Strategy were or included references to the Secretary of State for Business and Trade.
- (7) 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) the transfer or entrusting to the Secretary of State for Business and Trade of any trade function, or
- (b) the transfer of anything by paragraph (1)(b),

as if references to (and references which are to be read as references to) the Secretary of State for International Trade were or included references to the Secretary of State for Business and Trade.

(8) In paragraphs (2) to (7), references to the Secretary of State for Business, Energy and Industrial Strategy or to the Secretary of State for International Trade include references to the department or an officer of that Secretary of State; and references to the Secretary of State for Business and Trade are to be read accordingly.

Transfer of functions to the Secretary of State for Culture, Media and Sport

13.—(1) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under Schedule 1 to the Imperial War Museum Act 1920(17) (constitution and proceedings of the board of trustees).

(2) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 5(4) of Schedule 7 to the Channel Tunnel Rail Link Act 1996(18) (disputes about ancient monuments) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 5(5) of that Schedule.

(3) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 5(4) of Schedule 9 to the Crossrail Act 2008(19) (disputes about ancient monuments) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 5(5) of that Schedule.

(4) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under sections 35(1) and 56(1) of the Digital Economy Act 2017(20) (disclosures of information to improve public service delivery and to combat public sector fraud), so far as those functions relate to a relevant CMS function.

(5) In paragraph (4), “relevant CMS function” means—

- (a) a function falling within paragraph (b) of the definition of CMS function in article 2, or
- (b) a function transferred by paragraph (1), (2), (3), (6) or (7).

(6) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 2(4) of Schedule 19 to the High Speed Rail (London - West Midlands) Act 2017(21) (disputes about ancient monuments).

(7) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 2(4) of Schedule 19 to the High Speed Rail (West Midlands - Crewe) Act 2021(22) (disputes about ancient monuments).

Supplementary provisions in relation to the Secretary of State for Culture, Media and Sport

14.—(1) There are transferred to the Secretary of State for Culture, Media and Sport all property, rights and liabilities to which the Secretary of State for Digital, Culture, Media and Sport is entitled or subject at the coming into force of this Order in connection with any CMS function.

(17) 1920 c. 16.
(18) 1996 c. 61.
(19) 2008 c. 18.
(20) 2017 c. 30.
(21) 2017 c. 7.
(22) 2021 c. 2.

(2) 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 for Digital, Culture, Media and Sport may, so far as it relates to a CMS function or anything transferred by [paragraph \(1\)](#), be continued by or in relation to the Secretary of State for Culture, Media and Sport.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State for Digital, Culture, Media and Sport in connection with a CMS function or anything transferred by [paragraph \(1\)](#) 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 Secretary of State for Culture, Media and Sport.

(4) Documents or forms printed for use in connection with a CMS function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Digital, Culture, Media and Sport; 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 Secretary of State for Culture, Media and Sport.

(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) the transfer or entrusting to the Secretary of State for Culture, Media and Sport of any CMS function, or
- (b) the transfer of anything by [paragraph \(1\)](#),

as if references to (and references which are to be read as references to) the Secretary of State for Digital, Culture, Media and Sport were or included references to the Secretary of State for Culture, Media and Sport.

(6) In [paragraphs \(2\) to \(5\)](#), references to the Secretary of State for Digital, Culture, Media and Sport include references to the department or an officer of that Secretary of State; and references to the Secretary of State for Culture, Media and Sport are to be read accordingly.

Functions under the National Security and Investment Act 2021 and the Enterprise Act 2002 to be exercisable concurrently

15.—(1) The functions of the Secretary of State under the National Security and Investment Act 2021(**23**) are to be exercisable concurrently with the Chancellor of the Duchy of Lancaster.

(2) The functions of the Secretary of State under sections 85 to 95 of, and Schedules 7 and 8 to, the Enterprise Act 2002(**24**) are to be exercisable concurrently with the Chancellor of the Duchy of Lancaster.

Supplementary provisions in relation to [article 15](#)

16.—(1) There are transferred to the Chancellor of the Duchy of Lancaster all property, rights and liabilities to which the Secretary of State is entitled or subject at the coming into force of this Order in connection with any NSI function.

(2) 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 an NSI function or anything transferred by [paragraph \(1\)](#), be continued by or in relation to the Chancellor of the Duchy of Lancaster.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State in connection with an NSI function or anything transferred by [paragraph \(1\)](#) 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 Chancellor of the Duchy of Lancaster.

(23) 2021 c. 25.

(24) 2002 c. 40.

(4) Documents or forms printed for use in connection with an NSI function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State; and for the purposes of the use of any such documents or forms after the coming into force of this Order in connection with the exercise of an NSI function by the Chancellor of the Duchy of Lancaster, those references are to be read as references to the Chancellor of the Duchy of Lancaster.

(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) [article 15](#) (functions of the Secretary of State under National Security and Investment Act 2021 and enforcement functions under Enterprise Act 2002 to be exercisable concurrently with the Chancellor of the Duchy of Lancaster), or
- (b) the transfer of anything by paragraph (1),

as if references to (and references which are to be read as references to) the Secretary of State were or included references to the Chancellor of the Duchy of Lancaster.

(6) In paragraphs (2) to (5)—

- (a) references to the Secretary of State include the department or an officer of the Secretary of State; and
- (b) references to the Chancellor of the Duchy of Lancaster include references to the Cabinet Office or an officer in that Office accordingly.

Supplemental: validity of things done before coming into force of this Order

17.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to—

- (a) the Secretary of State for Business, Energy and Industrial Strategy,
- (b) the Secretary of State for Digital, Culture, Media and Sport,
- (c) the Secretary of State for International Trade,
- (d) the Minister for the Cabinet Office, or
- (e) the Chancellor of the Duchy of Lancaster,

before the coming into force of this Order.

(2) In paragraph (1)—

- (a) references to a Secretary of State include the department or an officer of that Secretary of State, and
- (b) references to the Minister for the Cabinet Office or the Chancellor of the Duchy of Lancaster include the Cabinet Office or an officer in that Office accordingly.

Consequential amendments

18. The Schedule has effect.

Richard Tilbrook
Clerk of the Privy Council