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STATUTORY INSTRUMENTS

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**2001 No. 3500**

**The Transfer of Functions (Miscellaneous) Order 2001**

**Citation and commencement**

- 1.—(1) This Order may be cited as the Transfer of Functions (Miscellaneous) Order 2001.
- (2) This Order shall come into force on 26th November 2001.

**Interpretation**

2. In this Order—
  - (a) “instrument”, without prejudice to the generality of that expression, 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, and
  - (b) a reference to a function of the Secretary of State includes a reference to a function of the Secretary of State for the Home Department and to anything which is required or authorised to be done in or by the office of that Secretary of State (whether by reference to “the Home Office”, “the Home Department” or otherwise).

**Transfer from Home Secretary to Lord Chancellor**

3. The functions listed in Schedule 1 to this Order are hereby transferred to the Lord Chancellor.

**Functions passing from Home Secretary to Lord Chancellor: supplemental**

- 4.—(1) This article applies to a function which—
  - (a) relates to a matter within paragraph (2),
  - (b) was entrusted to the Secretary of State for the Home Department immediately before 7th June 2001, and
  - (c) has been entrusted to the Lord Chancellor before the making of this Order or is transferred to him by article 3 and Schedule 1.
- (2) The matters mentioned in paragraph (1)(a) are—
  - (a) the Monarchy,
  - (b) titles,
  - (c) ceremonial matters,
  - (d) the relationship between the administration of any of the Channel Islands or of the Isle of Man and the Crown or a Minister of the Crown,
  - (e) human rights,
  - (f) bodies or organisations established or incorporated by Royal Charter,
  - (g) appointments,
  - (h) ecclesiastical matters,

- (i) marriage,
- (j) access to information (including, in particular, the subject matter of the Data Protection Act 1998<sup>(1)</sup> and the Freedom of Information Act 2000<sup>(2)</sup>), and
- (k) buildings and structures in London.

(3) A transfer by this Order of a function to which this article applies shall not affect the validity of anything done by or in relation to the Secretary of State for the Home Department before the coming into force of this Order.

(4) So far as is necessary in consequence of the entrusting or transfer to the Lord Chancellor of a function to which this article applies, an enactment or instrument passed or made before this Order comes into force shall have effect as if—

- (a) a reference to the Secretary of State or the Secretary of State for the Home Department were a reference to the Lord Chancellor,
- (b) a reference to the Home Department (or the “Home Office”) were a reference to the Lord Chancellor’s Department, and
- (c) a reference to an officer of the Home Department (or the “Home Office”) were a reference to an officer of the Lord Chancellor’s Department.

(5) Anything done by or in relation to the Secretary of State for the Home Department in connection with a function to which this article applies shall, so far as necessary for continuing its effect after the coming into force of this Order, have effect as if done by or in relation to the Lord Chancellor.

(6) Anything which is in the process of being done by or in relation to the Secretary of State for the Home Department when this Order comes into force may, if it relates to a function to which this article applies, be continued by or in relation to the Lord Chancellor.

(7) Legal proceedings to which the Secretary of State for the Home Department is party at the coming into force of this Order in relation to a function to which this article applies may be continued by or against the Lord Chancellor.

(8) Any property right or liability to which the Secretary of State for the Home Department is entitled or subject immediately before the coming into force of this Order in connection with a function to which this article applies is hereby transferred to the Lord Chancellor.

### **Transfer from Home Secretary to Secretary of State for Transport, Local Government and the Regions**

5.—(1) The function of the Secretary of State for the Home Department under article 3 of the Fire Service College Trading Fund Order 1992<sup>(3)</sup> (source of loans) is hereby transferred to the Secretary of State for Transport, Local Government and the Regions.

(2) The function of the Secretary of State for the Home Department under section 2(2)(b) of the Political Parties, Elections and Referendums Act 2000<sup>(4)</sup> (membership of Speaker’s Committee) is hereby transferred to the Secretary of State for Transport, Local Government and the Regions.

### **Functions passing from Home Secretary to other Secretaries of State: supplemental**

- 6.—(1) This article applies to a function which—
- (a) relates to a matter within paragraph (2),

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(1) 1998 c. 29.  
(2) 2000 c. 36.  
(3) S.I.1992/640.  
(4) 2000 c. 41.

- (b) was entrusted to the Secretary of State for the Home Department immediately before 7th June 2001, and
  - (c) has been entrusted to another Secretary of State before the making of this Order or is transferred by article 5.
- (2) The matters mentioned in paragraph (1)(a) are—
- (a) gambling,
  - (b) horse-racing,
  - (c) liquor licensing,
  - (d) late night refreshment,
  - (e) public entertainments,
  - (f) video recording (including, in particular, the subject matter of the Video Recordings Act 1984<sup>(5)</sup>),
  - (g) films (including, in particular, the subject matter of the Cinemas Act 1985<sup>(6)</sup>),
  - (h) street trading and pedlars,
  - (i) fairs,
  - (j) fire services and fire precautions (including, in particular, the subject matter of the Fire Services Act 1947<sup>(7)</sup> and the Fire Precautions Act 1971<sup>(8)</sup> and any provision which relates, or in so far as it relates, to a fire authority),
  - (k) elections,
  - (l) bye-laws, and
  - (m) animals.
- (3) In this article “the new Secretary of State” means—
- (a) in relation to the matters mentioned in paragraph (2)(a) to (g), the Secretary of State for Culture, Media and Sport,
  - (b) in relation to the matters mention in paragraph (2)(h) and (i), the Secretary of State for Trade and Industry,
  - (c) in relation to the matters mentioned in paragraph (2)(j) to (l), the Secretary of State for Transport, Local Government and the Regions, and
  - (d) in relation to the matter mentioned in paragraph 2(m), the Secretary of State for Environment, Food and Rural Affairs.
- (4) A transfer by this Order of a function to which this article applies shall not affect the validity of anything done by or in relation to the Secretary of State for the Home Department before the coming into force of this Order.
- (5) So far as is necessary in consequence of the entrusting or transfer to the new Secretary of State of a function to which this article applies, an enactment or instrument passed or made before this Order comes into force shall have effect as if—
- (a) a reference to the Secretary of State for the Home Department were a reference to the new Secretary of State,
  - (b) a reference to the Home Department (or the “Home Office”) were a reference to the department of the new Secretary of State, and

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(5) 1984 c. 39.  
(6) 1985 c. 13.  
(7) 1947 c. 41.  
(8) 1971 c. 40.

(c) a reference to an officer of the Home Department (or the “Home Office”) were a reference to an officer of the department of the new Secretary of State.

(6) Anything done by or in relation to the Secretary of State for the Home Department in connection with a function to which this article applies shall, so far as necessary for continuing its effect after the coming into force of this Order, have effect as if done by or in relation to the new Secretary of State.

(7) Anything which is in the process of being done by or in relation to the Secretary of State for the Home Department when this Order comes into force may, if it relates to a function to which this article applies, be continued by or in relation to the new Secretary of State.

(8) Legal proceedings to which the Secretary of State for the Home Department is party at the coming into force of this Order in relation to a function to which this article applies may be continued by or against the new Secretary of State.

(9) Any property right or liability to which the Secretary of State for the Home Department is entitled or subject immediately before the coming into force of this Order in connection with a function to which this article applies is hereby transferred to the new Secretary of State.

#### **Plant Varieties and Seeds (Isle of Man) Order 1969**

7. The functions which arise by virtue of paragraph 9 of the Schedule to the Plant Varieties and Seeds (Isle of Man) Order 1969<sup>(9)</sup> (adaptation of Plant Varieties and Seeds Act 1964<sup>(10)</sup> to Isle of Man: definition of “Ministers”) are hereby transferred to the Secretary of State for Environment, Food and Rural Affairs and the Lord Chancellor acting jointly.

#### **Consequential amendments**

8. The enactments mentioned in Schedule 2 to this Order shall have effect with the amendments specified.

*A. K. Galloway*  
Clerk of the Privy Council

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<sup>(9)</sup> S.I. 1969/1829.

<sup>(10)</sup> 1964 c. 14.