
STATUTORY INSTRUMENTS

2002 No. 2626

The Transfer of Functions (Transport, Local Government and the Regions) Order 2002

Transfers to the Secretary of State for Transport

Transfer of functions to the Secretary of State for Transport

6.—(1) The functions of the Secretary of State for Transport, Local Government and the Regions under the New Forest Act 1949(1), the New Forest Act 1964(2) and the New Forest Act 1970(3) are hereby transferred to the Secretary of State for Transport.

(2) There are hereby transferred to the Secretary of State for Transport the functions conferred by the Town and Country Planning Act 1990(4) on the Secretary of State for Transport, Local Government and the Regions as “the appropriate Minister” under section 265(1)(d) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour, pier or lighthouse undertaking, the Civil Aviation Authority, a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000(5), or a relevant airport operator (within the meaning of Part 5 of the Airports Act 1986(6)).

Transfer of property, rights and liabilities to Secretary of State for Transport

7.—(1) All property, rights and liabilities to which the Secretary of State for Transport, Local Government and the Regions is entitled or subject at the coming into force of this Order in connection with the functions to which this article applies are hereby transferred to the Secretary of State for Transport.

(2) This article applies to—

- (a) the functions transferred by articles 4, 5 and 6, and
- (b) those functions which were entrusted to the Secretary of State for Transport, Local Government and the Regions immediately before 28th May 2002 and which have, before the making of this Order, been entrusted to the Secretary of State for Transport.

Transfers to Secretary of State for Transport: supplementary

8.—(1) This Order does not affect the validity of anything done before the coming into force of this Order by or in relation to the Secretary of State for Transport, Local Government and the Regions in connection with a function to which article 7 applies.

(1) 1949 c. 69.

(2) 1964 c. 83.

(3) 1970 c. 69. The functions exercisable under these Acts by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly were transferred to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport, Local Government and the Regions acting jointly by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I.2002/794) art. 3(4).

(4) 1990 c. 8.

(5) 2000 c. 38.

(6) 1986 c. 31.

(2) Anything which has been, or has effect as if, done by or in relation to the Secretary of State for Transport, Local Government and the Regions in connection with—

- (a) a function to which article 7 applies, or
- (b) anything transferred by that article,

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 Secretary of State for Transport or, as the case may be, that Secretary of State and the First Secretary of State acting jointly.

(3) 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 Transport, Local Government and the Regions may, so far as it relates to—

- (a) a function to which article 7 applies, or
- (b) anything transferred by that article,

be continued by or in relation to the Secretary of State for Transport or, as the case may be, that Secretary of State and the First Secretary of State acting jointly.

(4) So far as may be necessary for the purposes of or in consequence of the transfer or entrusting to the Secretary of State for Transport of a function to which article 7 applies, an enactment or instrument passed or made before the coming into force of this Order shall have effect as if—

- (a) any reference to the Secretary of State for Transport, Local Government and the Regions were a reference to the Secretary of State for Transport,
- (b) any reference to the Department for Transport, Local Government and the Regions were a reference to the Department for Transport, and
- (c) any reference to an officer of the Secretary of State for Transport, Local Government and the Regions were a reference to an officer of the Secretary of State for Transport.

The references to which this paragraph applies include any reference that is to be construed as a reference to the Secretary of State for Transport, Local Government and the Regions, to his Department or to an officer of his.

(5) Documents or forms printed for use in connection with a function to which article 7 applies may be used in connection with that function notwithstanding that they contain (or are to be construed as containing) references to the Secretary of State for Transport, Local Government and the Regions, to his Department or to an officer of his.

(6) For the purposes of the use of any such documents or forms after the coming into force of this Order, those references shall be construed as references to the Secretary of State for Transport, to his Department or to an officer of his.