
STATUTORY INSTRUMENTS

2006 No. 1926

**The Secretary of State for Communities
and Local Government Order 2006**

Citation and commencement

1.—(1) This Order may be cited as the Secretary of State for Communities and Local Government Order 2006.

(2) This Order comes into force on 21st August 2006.

Interpretation

2.—(1) In this Order “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.

(2) References in this Order to the functions of a Minister under an enactment include references to the functions of that Minister under an instrument having effect under that enactment.

Incorporation of the Secretary of State for Communities and Local Government

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

(2) The corporate seal of the Secretary of State for Communities and Local Government—

(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 Communities and Local Government and to be—

(a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for by 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 Communities and Local Government that any instrument purporting to be made or issued by—

(a) the Secretary of State for Communities and Local Government,

(b) the First Secretary of State,

(c) the Secretary of State for Transport, Local Government and the Regions,

(d) the Secretary of State for Environment, Transport and the Regions, or

(e) the Secretary of State for the Environment,
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 Communities and Local Government—

- (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.

Transfer of functions from First Secretary of State

4.—(1) The following functions of the First Secretary of State are transferred to the Secretary of State for Communities and Local Government—

- (a) his functions under section 86(6A) of the Transport Act 1962(2);
- (b) his functions under sections 228 and 245(1)(b) of the Town and Country Planning Act 1990(3);
- (c) his functions under the Town and Country Planning Act 1990 as the appropriate Minister by virtue of section 265(1)(d) of that Act.

(2) Any function of the First Secretary of State by virtue of section 329(5) of the Highways Act 1980(4) is transferred to the Secretary of State.

Transfer of property etc. from First Secretary of State to Secretary of State for Communities and Local Government

5.—(1) There are transferred to the Secretary of State for Communities and Local Government—

- (a) all immovable property to which the First Secretary of State is entitled at the coming into force of this Order, and all rights and liabilities to which that Secretary of State is entitled or subject at that time in connection with that property;
- (b) all other property, rights and liabilities to which the First Secretary of State is entitled or subject at the coming into force of this Order in connection with—
 - (i) the functions transferred by article 4(1), or
 - (ii) the functions that were immediately before 5th May 2006 entrusted to the First Secretary of State and that have been entrusted to the Secretary of State for Communities and Local Government before the making of this Order.

(2) Paragraph (1)(a) does not apply to property, rights or liabilities transferred by article 6.

Transfer of property etc. from First Secretary of State to Secretary of State for Transport

6. All property, rights and liabilities to which the First Secretary of State is entitled or subject at the coming into force of this Order in connection with functions transferred by article 4(2) are transferred to the Secretary of State for Transport.

(1) 1868 c 37.

(2) 1962 c. 46.

(3) 1990 c. 8.

(4) 1980 c. 66; the Transfer of Functions (Transport) Order 1981, S.I. 1981/238, art. 2, transferred certain functions of the Minister of Transport to the Secretary of State for Transport and the remainder to the Secretary of State; by art. 3(1) of that Order, s. 329(5) was amended to refer to the Secretary of State for Transport; any function of the Secretary of State for Transport under s. 329(5) was transferred by the Secretary of State for the Environment, Transport and the Regions Order 1997, S.I. 1997/2971, art. 3(1) to the Secretary of State for Environment, Transport and the Regions, then by the Secretaries of State for Transport, Local Government and the Regions and for Environment, Food and Rural Affairs Order 2001, S.I. 2001/2568, art. 7(1) to the Secretary of State for Transport, Local Government and the Regions, and then by the Transfer of Functions (Transport, Local Government and the Regions) Order 2002, S.I. 2002/2626, art. 14 to the First Secretary of State.

Transfer of rights and liabilities from Secretary of State for Trade and Industry to Secretary of State for Communities and Local Government

7.—(1) All rights and liabilities to which the Secretary of State for Trade and Industry is entitled or subject at the coming into force of this Order in connection with the equality functions are transferred to the Secretary of State for Communities and Local Government.

(2) In this Order “the equality functions” means the functions under the enactments listed in paragraph (3) that were immediately before 5th May 2006 entrusted to the Secretary of State for Trade and Industry and that have been entrusted to the Secretary of State for Communities and Local Government before the making of this Order.

(3) The enactments are—

- (a) the Equal Pay Act 1970⁽⁵⁾;
- (b) the Sex Discrimination Act 1975⁽⁶⁾;
- (c) Part 1 of the Equality Act 2006⁽⁷⁾.

Supplementary

8.—(1) This article applies to—

- (a) the functions mentioned in article 5(1)(b)(ii);
- (b) anything transferred by article 4(1) or 5;
- (c) anything transferred by article 4(2) or 6;
- (d) the equality functions (defined by article 7(2));
- (e) anything transferred by article 7.

(2) In this article—

- (a) “the transferor” means—
 - (i) in relation to anything within paragraph (1)(a), (b) or (c), the First Secretary of State;
 - (ii) in relation to anything within paragraph (1)(d) or (e), the Secretary of State for Trade and Industry;
- (b) “the transferee” means—
 - (i) in relation to anything within paragraph (1)(a), (b), (d) or (e), the Secretary of State for Communities and Local Government;
 - (ii) in relation to anything within paragraph (1)(c), the Secretary of State for Transport.

(3) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the transferor before the coming into force of this Order.

(4) 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 transferor may, so far as it relates to anything to which this article applies, be continued by or in relation to the transferee.

(5) Anything done (or having effect as if done) by or in relation to the transferor in connection with anything to which this article applies 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 transferee.

(6) Documents or forms printed for use in connection with functions to which this article applies may be used in connection with those functions even though they contain, or are to be read as containing, references to the transferor, or to the department or an officer of the transferor; and for

(5) 1970 c. 41.
(6) 1975 c. 65.
(7) 2006 c. 3.

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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 transferee, or to the department or an officer of the transferee (as appropriate).

(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 the transfer or entrusting to the transferee of anything to which this article applies, as if references to (and references which are to be read as references to) the transferor, or to the department or an officer of the transferor, were or included references to the transferee, or to the department or an officer of the transferee (as appropriate).

Consequential amendments

9. The Schedule (consequential amendments) has effect.

A.K. Galloway
Clerk of the Privy Council