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STATUTORY INSTRUMENTS

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**2006 No. 2951**

**The Transfer of Functions (Third Sector,  
Communities and Equality) Order 2006**

**Citation and Commencement**

1.—(1) This Order may be cited as the Transfer of Functions (Third Sector, Communities and Equality) Order 2006.

(2) This Order comes into force on 13th December 2006.

**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 the functions of a Minister under an enactment includes a reference to the functions of that Minister under an instrument having effect under that enactment.

**Transfer from Secretary of State to Minister for the Cabinet Office**

3.—(1) The function of the Secretary of State under section 5(1) of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916<sup>(1)</sup> (regulation of street collections) is exercisable concurrently with the Minister for the Cabinet Office.

(2) There are transferred to the Minister for the Cabinet Office the functions of the Secretary of State under—

- (a) sections 2, 3 and 4 of the House to House Collections Act 1939<sup>(2)</sup> (licences: appeals, exemptions and regulations),
- (b) the Charities Act 1992<sup>(3)</sup>, and
- (c) the Charities Act 1993<sup>(4)</sup>.

**Functions passing from Home Secretary to Minister for the Cabinet Office: supplemental**

4.—(1) In this article “the third sector functions” means—

- (a) the functions which were entrusted to the Secretary of State for the Home Department immediately before 5th May 2006 and have been entrusted to the Minister for the Cabinet Office before the making of this Order, and
- (b) the functions transferred by article 3.

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(1) 1916 c. 31.  
(2) 1939 c. 44.  
(3) 1992 c. 41.  
(4) 1993 c. 10.

(2) All property, rights and liabilities to which the Secretary of State for the Home Department is entitled or subject at the coming into force of this Order in connection with the third sector functions are transferred to the Minister for the Cabinet Office.

(3) This Order does 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 in connection with the functions transferred by article 3.

(4) Anything done by or in relation to the Secretary of State for the Home Department in connection with—

- (a) the third sector functions, or
- (b) anything transferred by paragraph (2),

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 Minister for the Cabinet Office.

(5) Anything (including legal proceedings) which is in the process of being done by or in relation to the Secretary of State for the Home Department at the coming into force of this Order may, if it relates to the third sector functions or anything transferred by paragraph (2), be continued by or in relation to the Minister for the Cabinet Office.

(6) So far as is necessary for the purposes of or in consequence of paragraph (2) or of the entrusting or transfer to the Minister for the Cabinet Office of the third sector functions, an enactment or instrument passed or made before this Order comes into force has 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 Minister for the Cabinet Office,
- (b) a reference to the Home Department (or the Home Office) were a reference to the Cabinet Office, and
- (c) a reference to an officer of the Home Department (or the Home Office) were a reference to an officer of the Cabinet Office.

### **Functions passing from Home Secretary to Secretary of State for Communities and Local Government: supplemental**

5.—(1) In this article “the community and equality functions” means the functions which were entrusted to the Secretary of State for the Home Department immediately before 5th May 2006 and have been entrusted to the Secretary of State for Communities and Local Government before the making of this Order.

(2) All property, rights and liabilities to which the Secretary of State for the Home Department is entitled or subject at the coming into force of this Order in connection with the community and equality functions are transferred to the Secretary of State for Communities and Local Government.

(3) Anything done by or in relation to the Secretary of State for the Home Department in connection with—

- (a) the community and equality functions, or
- (b) anything transferred by paragraph (2)

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 Communities and Local Government.

(4) Anything (including legal proceedings) which is in the process of being done by or in relation to the Secretary of State for the Home Department at the coming into force of this Order may, if it relates to the community and equality functions or anything transferred by paragraph (2), be continued by or in relation to the Secretary of State for Communities and Local Government.

(5) So far as is necessary for the purposes of or in consequence of paragraph (2) or of the entrusting to the Secretary of State for Communities and Local Government of the community and equality functions, an enactment or instrument passed or made before this Order comes into force has effect as if—

- (a) a reference to the Secretary of State for the Home Department were a reference to the Secretary of State for Communities and Local Government,
- (b) a reference to the Home Department (or the Home Office) were a reference to the Department for Communities and Local Government, and
- (c) a reference to an officer of the Home Department (or the Home Office) were a reference to an officer of the Department for Communities and Local Government.

**Consequential amendments**

- 6. The Schedule (consequential amendments) has effect.

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