

2007 No. 2129

MINISTERS OF THE CROWN

**The Transfer of Functions (Olympics and Paralympics) Order
2007**

Made - - - - - *25th July 2007*

Laid before Parliament *1st August 2007*

Coming into force - - - *22nd August 2007*

At the Court at Buckingham Palace, the 25th day of July 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows:

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Olympics and Paralympics) Order 2007.

(2) This Order comes into force on 22nd August 2007.

Interpretation

2. In this Order “instrument” 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.

Transfer of functions relating to Olympics and Paralympics

3.—(1) The functions of the Secretary of State under the enactments specified in paragraph (2) and the instrument specified in paragraph (3) are to be exercisable concurrently with the Paymaster General.

(2) The enactments are—

(a) in the National Lottery etc. Act 1993(b)—

(a) 1975 c. 26, as amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

(b) 1993 c. 39; amendments have been made to sections 4, 11 and 33 which are not relevant to this Order.

- (i) section 4, but only so far as it applies by virtue of section 34(2) of the Horserace Betting and Olympic Lottery Act 2004(a) (“the 2004 Act”);
 - (ii) section 11, but only so far as it applies by virtue of section 34(7) of the 2004 Act; and
 - (iii) section 33, but only so far as it applies by virtue of section 34(11) of the 2004 Act;
 - (b) the Olympic Symbol etc. (Protection) Act 1995(b), except section 19(2);
 - (c) Part 3 of the 2004 Act, except sections 22(2), 25 and 32(2)(a)(i); and
 - (d) the London Olympic Games and Paralympic Games Act 2006(c), except—
 - (i) sections 5, 9(2)(a)(i), 10 to 18, 35(3)(c)(i) and 36(4)(c)(i); and
 - (ii) paragraph 6(2) of Schedule 1.
- (3) The instrument is the Olympic Lotteries (Payments out of Fund) Regulations 2006(d).

Supplementary

4.—(1) This Order does not affect the validity of anything done by or in relation to the Secretary of State before 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 the Secretary of State may, so far as it relates to any Olympics or Paralympics function, be continued by or in relation to the Paymaster General.

(3) Anything done by or in relation to the Secretary of State in connection with any Olympics or Paralympics function 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 Paymaster General (as well as by or in relation to the Secretary of State).

(4) 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 any Olympics or Paralympics function becoming exercisable concurrently with the Paymaster General, as if references to the Secretary of State included references to the Paymaster General.

(5) In this article “Olympics or Paralympics function” means a function of the Secretary of State that is, by virtue of article 3, to be exercisable concurrently with the Paymaster General.

Consequential amendments

5. The Schedule (consequential amendments) has effect.

Judith Simpson
Clerk of the Privy Council

(a) 2004 c. 25.
(b) 1995 c. 32.
(c) 2006 c. 12.
(d) S.I. 2006/655.

CONSEQUENTIAL AMENDMENTS

Olympic Symbol etc. (Protection) Act 1995 (c. 32)

1. In the following provisions of the Olympic Symbol etc. (Protection) Act 1995(a), in each place after “Secretary of State” insert “or the Paymaster General”—

- (a) section 1 (creation of Olympics association right);
- (b) section 4 (limits on effect of Olympics association right)(b);
- (c) section 5 (power to prescribe further limits on effect);
- (d) section 7 (orders in relation to infringing goods, materials or articles);
- (e) section 15 (power to give directions to proprietor);
- (f) section 18 (interpretation)(c).

Horserace Betting and Olympic Lottery Act 2004 (c. 25)

2. In the following provisions of the Horserace Betting and Olympic Lottery Act 2004 (“the 2004 Act”)(d), in each place after “Secretary of State” insert “or the Paymaster General” (and after “Secretary of State’s” insert “or the Paymaster General’s”)—

- (a) section 22(3) and (5) (Olympic lotteries: timing);
- (b) section 23 (Olympic lottery distribution fund);
- (c) section 26 (payments out of Olympic lottery distribution fund);
- (d) section 28 (winding up of Olympic lottery distribution fund);
- (e) section 30 (distribution);
- (f) section 31 (distribution policy);
- (g) section 32(1) (dissolution of Olympic lottery distributor);
- (h) section 35 (changes in Olympic procedure);
- (i) in Schedule 5 (Olympic lottery distributor), paragraphs 1, 4, 5, 14 (including the heading), 17, 19, 23 and 25.

3. In section 32 of the 2004 Act (dissolution of Olympic lottery distributor), in subsections (5) and (7), for “The Secretary of State may not” substitute “Neither the Secretary of State nor the Paymaster General may”.

4.—(1) Section 34 of the 2004 Act (consequential amendments etc.) is amended as follows.

(2) In subsection (2), omit the “and” at the end of paragraph (a) and after that paragraph insert—

“(aa) a reference to the Secretary of State, in relation to functions under this Part of this Act, shall be treated as including a reference to the Paymaster General, and”.

(3) In subsection (7)—

- (a) after “National Lottery Commission)” insert—

- (a) Amendments have been made to certain of those provisions, i.e. sections 1, 4, 5, 7 and 18, which (apart from the amendments referred to in footnotes below) are not relevant to this Order; certain of those provisions, i.e. sections 4(11) to (14), 5, 7 and 15, are applied by the London Olympic Games and Paralympic Games Act 2006 (c. 12), Sched. 4, para. 10.
- (b) Section 4(1) to (5) was substituted by the London Olympic Games and Paralympic Games Act 2006 (c. 12), Sched. 3, para. 4; section 4(16) was amended by the Northern Ireland Act 1998 (c. 47), Sched. 13, para. 15.
- (c) Section 18 was amended by the London Olympic Games and Paralympic Games Act 2006 (c. 12), Sched. 3, paras. 7 and 9.
- (d) Amendments have been made to certain of those provisions, i.e. sections 22, 26, 28 and 32, which are not relevant to this Order.

- “(a) ”;
- (b) at the end of paragraph (a) insert “, and”;
- (c) at the end of the subsection insert—
 - “(b) the reference to the Secretary of State, in relation to the functions of the Commission under or in accordance with this Part, shall be treated as a reference to the Secretary of State or the Paymaster General.”
- (4) In subsection (11), insert before paragraph (a)—
 - “(za) taking the reference to the Secretary of State as a reference to the Secretary of State or the Paymaster General.”.

5. In Schedule 5 to the 2004 Act (Olympic lottery distributor), in paragraph 3, for “The Secretary of State shall not” substitute “Neither the Secretary of State nor the Paymaster General shall”.

London Olympic Games and Paralympic Games Act 2006 (c. 12)

6.—(1) In the following provisions of the London Olympic Games and Paralympic Games Act 2006, in each place after “Secretary of State” insert “or the Paymaster General” (and after “Secretary of State’s” insert “or the Paymaster General’s”)—

- (a) section 2 (alteration of Olympic documents);
 - (b) section 4 (general functions of Olympic Delivery Authority);
 - (c) section 8 (transfer schemes);
 - (d) section 9(1), (3), (4) and (6) (dissolution of Olympic Delivery Authority);
 - (e) section 19 (advertising regulations);
 - (f) section 20 (regulations: supplemental);
 - (g) section 23 (advertising: role of Olympic Delivery Authority);
 - (h) section 24 (local planning authorities);
 - (i) section 25 (street trading etc.);
 - (j) section 26 (section 25: supplemental);
 - (k) section 29 (trading: role of Olympic Delivery Authority);
 - (l) section 30 (trading: other authorities);
 - (m) section 35 (section 34: supplemental), except subsection (3)(c)(i);
 - (n) section 36 (regional development agencies), except subsection (4)(c)(i);
 - (o) section 37 (Scotland);
 - (p) section 40 (commencement and duration);
 - (q) section 41 (extent and application);
 - (r) in Schedule 1 (Olympic Delivery Authority), paragraphs 1, 3, 4, 6(3) and (4), 7, 8, 10, 11, 18 (including the heading), 24, 26, 28 and 32;
 - (s) in Schedule 2 (transfer schemes), paragraphs 2 (including the heading) and 10;
 - (t) in Schedule 4 (London Olympics association right), paragraphs 1, 3, 5 and 10.
- (2) In section 34(3) of that Act (Greater London Authority: powers), after paragraph (a) insert—
- “(aa) the Paymaster General.”.

Olympic Lotteries (Payments out of Fund) Regulations 2006 (S.I. 2006/655)

7. In regulations 2 and 3 of the Olympic Lotteries (Payments out of Fund) Regulations 2006, in each place after “Secretary of State” insert “or the Paymaster General”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under section 1 of the Ministers of the Crown Act 1975.

The Order directs that functions of the Secretary of State relating to the Olympic Games and Paralympic Games under the enactments specified in article 3(2) and the instrument specified in article 3(3) are to be exercisable concurrently with the Paymaster General (article 3(1)). The Schedule makes the necessary consequential amendments.

Article 4 makes supplementary provision.

Nothing in this Order alters the functions of the National Assembly for Wales, the Scottish Ministers or the devolved authorities in Northern Ireland.

STATUTORY INSTRUMENTS

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