

2007 No. 3224

MINISTERS OF THE CROWN

**The Secretaries of State for Children, Schools and Families, for
Innovation, Universities and Skills and for Business, Enterprise
and Regulatory Reform Order 2007**

Made - - - - 14th November 2007

Laid before Parliament 21st November 2007

Coming into force - - 12th December 2007

At the Court at Buckingham Palace, the 14th day of November 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by sections 1 and 2 of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007.

(2) This Order comes into force on 12th December 2007.

Interpretation

2.—(1) 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, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

(2) In this Order a reference to a function of a Minister is to be read, in the case of a function which is exercisable by the Minister jointly with another person or is otherwise shared by the Minister, as a reference to the Minister's share of that function.

(a) 1975 c. 26; section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

Incorporation of the Secretary of State for Children, Schools and Families

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

(2) The corporate seal of the Secretary of State for Children, Schools and Families—

- (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 Children, Schools and Families 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 Children, Schools and Families that an instrument purporting to be made or issued by—

- (a) the Secretary of State for Children, Schools and Families, or
- (b) the Secretary of State for Education and Skills,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868^(a) applies in relation to the Secretary of State for Children, Schools and Families—

- (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.

Incorporation of the Secretary of State for Innovation, Universities and Skills

4.—(1) The person who at the coming into force of this Order is the Secretary of State for Innovation, Universities and Skills and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Innovation, Universities and Skills—

- (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 Innovation, Universities and Skills 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 Innovation, Universities and Skills that an instrument purporting to be made or issued by—

- (a) the Secretary of State for Innovation, Universities and Skills,
- (b) the Secretary of State for Education and Skills, or

(a) 1868 c. 37.

(c) the Secretary of State for Trade and Industry,
was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868 applies in relation to the Secretary of State for Innovation, Universities and Skills—

- (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.

Incorporation of the Secretary of State for Business, Enterprise and Regulatory Reform

5.—(1) The person who at the coming into force of this Order is the Secretary of State for Business, Enterprise and Regulatory Reform and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Business, Enterprise and Regulatory Reform—

- (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 Business, Enterprise and Regulatory Reform 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 Business, Enterprise and Regulatory Reform that an instrument purporting to be made or issued by—

- (a) the Secretary of State for Business, Enterprise and Regulatory Reform, or
- (b) the Secretary of State for Trade and Industry,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868 applies in relation to the Secretary of State for Business, Enterprise and Regulatory Reform—

- (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 the Secretary of State for Education and Skills to the Secretary of State for Children, Schools and Families

6. The functions of the Secretary of State for Education and Skills (except so far as transferred by article 8(2)(a)) are transferred to the Secretary of State for Children, Schools and Families.

Other supplemental provision in relation to the Secretary of State for Children, Schools and Families

7.—(1) For the purposes of this article a function is a relevant function so far as—

- (a) it is transferred by article 6, or
- (b) it is within paragraph (2).

(2) A function is within this paragraph if—

- (a) immediately before 28th June 2007 it was entrusted to the Secretary of State for Education and Skills, and
- (b) before the making of this Order it has been entrusted to the Secretary of State for Children, Schools and Families.

(3) There are transferred to the Secretary of State for Children, Schools and Families all property, rights and liabilities to which the Secretary of State for Education and Skills is entitled or subject at the coming into force of this Order in connection with any relevant function.

(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 Secretary of State for Education and Skills may, so far as it relates to a relevant function or anything transferred by paragraph (3), be continued by or in relation to the Secretary of State for Children, Schools and Families.

(5) Anything done (or having effect as if done) by or in relation to the Secretary of State for Education and Skills in connection with a relevant function or anything transferred by paragraph (3) 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 Children, Schools and Families.

(6) Documents or forms printed for use in connection with a relevant function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Education and Skills; and for 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 Secretary of State for Children, Schools and Families.

(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—

- (a) the transfer or entrusting to the Secretary of State for Children, Schools and Families of any relevant function, or
- (b) the transfer of anything by paragraph (3),

as if references to (and references which are to be read as references to) the Secretary of State for Education and Skills were or included references to the Secretary of State for Children, Schools and Families.

(8) In paragraphs (4) to (7) references to the Secretary of State for Education and Skills include references to the department or an officer of the Secretary of State for Education and Skills; and references to the Secretary of State for Children, Schools and Families are to be read accordingly.

Other supplemental provision in relation to the Secretary of State for Innovation, Universities and Skills: education and skills

8.—(1) For the purposes of this article a function is a relevant function so far as—

- (a) immediately before 28th June 2007 it was entrusted to the Secretary of State for Education and Skills, and
- (b) before the making of this Order it has been entrusted to the Secretary of State for Innovation, Universities and Skills.

(2) There are transferred to the Secretary of State for Innovation, Universities and Skills—

- (a) any function of the Secretary of State for Education and Skills so far as it relates to a relevant function, and
- (b) all property, rights and liabilities to which the Secretary of State for Education and Skills is entitled or subject at the coming into force of this Order in connection with any relevant function or a function so far as transferred by sub-paragraph (a).

(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 Education and Skills may, so far as it relates to a relevant function or anything transferred by paragraph (2), be continued by or in relation to the Secretary of State for Innovation, Universities and Skills.

(4) Anything done (or having effect as if done) by or in relation to the Secretary of State for Education and Skills in connection with a relevant function or 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 Innovation, Universities and Skills.

(5) Documents or forms printed for use in connection with a relevant function or a function so far as transferred by paragraph (2)(a) may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Education and Skills; and for 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 Secretary of State for Innovation, Universities and Skills.

(6) 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—

- (a) the entrusting to the Secretary of State for Innovation, Universities and Skills of any relevant function, or
- (b) the transfer of anything by paragraph (2),

as if references to (and references which are to be read as references to) the Secretary of State for Education and Skills were or included references to the Secretary of State for Innovation, Universities and Skills.

(7) In paragraphs (3) to (6) references to the Secretary of State for Education and Skills include references to the department or an officer of the Secretary of State for Education and Skills; and references to the Secretary of State for Innovation, Universities and Skills are to be read accordingly.

Transfer of functions from the Secretary of State for Trade and Industry to the Secretary of State for Innovation, Universities and Skills

9. The following functions of the Secretary of State for Trade and Industry are transferred to the Secretary of State for Innovation, Universities and Skills—

- (a) functions resulting from the Royal Charter (including any Supplemental Charter) of any of the following—
 - (i) the Biotechnology and Biological Sciences Research Council,
 - (ii) the Economic and Social Research Council,
 - (iii) the Engineering and Physical Sciences Research Council,
 - (iv) the Medical Research Council,
 - (v) the Natural Environment Research Council,
 - (vi) the Council for the Central Laboratory of the Research Councils,
 - (vii) the Arts and Humanities Research Council,
 - (viii) the Science and Technology Facilities Council, and
 - (ix) the Technology Strategy Board, and
- (b) functions resulting from the Patent Office Trading Fund Order 1991(a).

Other supplemental provision in relation to the Secretary of State for Innovation, Universities and Skills: trade and industry

10.—(1) For the purposes of this article a function is a relevant function so far as—

- (a) it is transferred by article 9, or
- (b) it is within paragraph (2).

(2) A function is within this paragraph if—

- (a) immediately before 28th June 2007 it was entrusted to the Secretary of State for Trade and Industry, and

(a) S.I. 1991/1796.

(b) before the making of this Order it has been entrusted to the Secretary of State for Innovation, Universities and Skills.

(3) There are transferred to the Secretary of State for Innovation, Universities and Skills—

(a) any function of the Secretary of State for Trade and Industry so far as it relates to a function within paragraph (2) (and is not transferred by article 9), and

(b) all property, 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 any relevant function or a function so far as transferred by sub-paragraph (a).

(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 Secretary of State for Trade and Industry may, so far as it relates to a relevant function or anything transferred by paragraph (3), be continued by or in relation to the Secretary of State for Innovation, Universities and Skills.

(5) Anything done (or having effect as if done) by or in relation to the Secretary of State for Trade and Industry in connection with a relevant function or anything transferred by paragraph (3) 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 Innovation, Universities and Skills.

(6) Documents or forms printed for use in connection with a relevant function or a function so far as transferred by paragraph (3)(a) may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Trade and Industry; and for 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 Secretary of State for Innovation, Universities and Skills.

(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—

(a) the transfer or entrusting to the Secretary of State for Innovation, Universities and Skills of any relevant function, or

(b) the transfer of anything by paragraph (3),

as if references to (and references which are to be read as references to) the Secretary of State for Trade and Industry were or included references to the Secretary of State for Innovation, Universities and Skills.

(8) In paragraphs (4) to (7) references to the Secretary of State for Trade and Industry include references to the department or an officer of the Secretary of State for Trade and Industry; and references to the Secretary of State for Innovation, Universities and Skills are to be read accordingly.

Transfer of functions from the Secretary of State for Trade and Industry to the Secretary of State for Business, Enterprise and Regulatory Reform

11. The functions of the Secretary of State for Trade and Industry (except so far as transferred by article 9, 10(3)(a) or 14) are transferred to the Secretary of State for Business, Enterprise and Regulatory Reform.

Other supplemental provision in relation to the Secretary of State for Business, Enterprise and Regulatory Reform

12.—(1) For the purposes of this article a function is a relevant function so far as—

(a) it is transferred by article 11, or

(b) it is within paragraph (2).

(2) A function is within this paragraph if—

(a) immediately before 28th June 2007 it was entrusted to the Secretary of State for Trade and Industry, and

(b) before the making of this Order it has been entrusted to the Secretary of State for Business, Enterprise and Regulatory Reform.

(3) There are transferred to the Secretary of State for Business, Enterprise and Regulatory Reform all property, 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 any relevant function.

(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 Secretary of State for Trade and Industry may, so far as it relates to a relevant function or anything transferred by paragraph (3), be continued by or in relation to the Secretary of State for Business, Enterprise and Regulatory Reform.

(5) Anything done (or having effect as if done) by or in relation to the Secretary of State for Trade and Industry in connection with a relevant function or anything transferred by paragraph (3) 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 Business, Enterprise and Regulatory Reform.

(6) Documents or forms printed for use in connection with a relevant function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Trade and Industry; and for 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 Secretary of State for Business, Enterprise and Regulatory Reform.

(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—

- (a) the transfer or entrusting to the Secretary of State for Business, Enterprise and Regulatory Reform of any relevant function, or
- (b) the transfer of anything by paragraph (3),

as if references to (and references which are to be read as references to) the Secretary of State for Trade and Industry were or included references to the Secretary of State for Business, Enterprise and Regulatory Reform.

(8) In paragraphs (4) to (7) references to the Secretary of State for Trade and Industry include references to the department or an officer of the Secretary of State for Trade and Industry; and references to the Secretary of State for Business, Enterprise and Regulatory Reform are to be read accordingly.

Supplemental: validity of things done before coming into force of Order by or in relation to the Secretary of State for Education and Skills or the Secretary of State for Trade and Industry

13.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State for Education and Skills or the Secretary of State for Trade and Industry before the coming into force of this Order.

(2) In paragraph (1) a reference to a Secretary of State includes a reference to the department or an officer of that Secretary of State.

Transfer of function under section 3 of the Fairs Act 1871

14. The function of making an order under section 3 of the Fairs Act 1871(a) is transferred to the Secretary of State; and that section and section 4 of that Act are to be read accordingly.

Consequential amendments

15. The primary and secondary legislation referred to in the headings in Parts 1 and 2 of the Schedule is amended as set out under the headings.

(a) 1871 c. 12.

Judith Simpson
Clerk of the Privy Council

CONSEQUENTIAL AMENDMENTS

PART 1

PRIMARY LEGISLATION

Parliamentary Commissioner Act 1967 (c. 13)

1. In Schedule 2(a)—

- (a) omit “Department for Education and Skills” and “Department of Trade and Industry”, and
- (b) in the appropriate places insert “Department for Business, Enterprise and Regulatory Reform”, “Department for Children, Schools and Families” and “Department for Innovation, Universities and Skills”.

Coinage Act 1971 (c. 24)

2.—(1) In section 6(3) for “the Standards, Weights and Measures Division of the Department of Trade and Industry” substitute “the National Weights and Measures Laboratory of the Department for Innovation, Universities and Skills”.

(2) In section 8(2)(d) for “the Department of Trade and Industry” substitute “the Department for Innovation, Universities and Skills”.

Police and Criminal Evidence Act 1984 (c. 60)

3. In section 114A(2)(a)(b) for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

Weights and Measures Act 1985 (c. 72)

4.—(1) In section 3(1) and (5) for “Department of Trade and Industry standards” substitute “Department for Innovation, Universities and Skills standards”.

(2) In section 94(1)(c) for the definition of “Department of Trade and Industry standards” substitute—

““Department for Innovation, Universities and Skills standards” means the secondary, tertiary and coinage standards maintained by the Secretary of State under section 3 above;”.

(3) In paragraph (e) of Part 5 of Schedule 2 for “the Department of Trade and Industry” substitute “the Department for Innovation, Universities and Skills”.

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- (a) Schedule 2 was substituted by S.I. 2005/3430, Sched.; amendments have been made to Schedule 2 which are not relevant to this Order.
 - (b) Section 114A was inserted by section 85 of the Criminal Justice and Police Act 2001 (c. 16); amendments have been made to section 114A which are not relevant to this Order.
 - (c) Amendments have been made to section 94(1) which are not relevant to this Order.

Transport and Works Act 1992 (c. 42)

5. In section 23(10)(a), in both places where it appears, for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Channel Tunnel Rail Link Act 1996 (c. 61)

6. In the following provisions for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”—

- (a) section 50(5)(b)(b),
- (b) paragraph 13(c) of Schedule 14, and
- (c) paragraph 2(4)(d) of Part 2 of Schedule 15.

School Standards and Framework Act 1998 (c. 31)

7. In paragraph 9 of Schedule 5(e) for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

Regional Development Agencies Act 1998 (c. 45)

8. In paragraphs 9(8)(b) and 11(10)(b) of Schedule 6 for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

Regulation of Investigatory Powers Act 2000 (c. 23)

9. In Schedule 1(f)—

- (a) before paragraph 9A insert—
“9ZA. The Department for Business, Enterprise and Regulatory Reform.”, and
- (b) omit the entry for the Department of Trade and Industry.

Domestic Violence, Crime and Victims Act 2004 (c. 28)

10. In Schedule 9(g)—

- (a) before paragraph 1ZA insert—
“1XA. The Department for Business, Enterprise and Regulatory Reform.
1YA. The Department for Children, Schools and Families.”,
- (b) omit paragraphs 2 and 4, and
- (c) after paragraph 3 insert—
“3A. The Department for Innovation, Universities and Skills.”

(a) Section 23(10) was amended by S.I. 1992/1314, Sched.; other amendments have been made to section 23(10) which are not relevant to this Order.
(b) Section 50(5)(b) was amended by S.I. 2002/2626, Sched. 2.
(c) Paragraph 13 was amended by S.I. 2002/2626, Sched. 2.
(d) Paragraph 2(4) was substituted by S.I. 1997/2971, Sched. and was amended by S.I. 2002/2626, Sched. 2.
(e) Schedule 5 was amended by S.I. 2002/1397, Sched.; other amendments have been made to Schedule 5 which are not relevant to this Order.
(f) Amendments have been made to Schedule 1 which are not relevant to this Order.
(g) Amendments have been made to Schedule 9 which are not relevant to this Order.

PART 2
SECONDARY LEGISLATION

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (S.I. 1975/1023)

11. In paragraph 34(a) of Part 2 of Schedule 1 for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

Company and Business Names Regulations 1981 (S.I. 1981/1685)

12. In column (2) of the Schedule(b)—

- (a) where it appears first, for “Department for Education and Skills” substitute “Department for Innovation, Universities and Skills”, and
- (b) where it appears second, for “Department for Education and Skills” substitute “Department for Children, Schools and Families”.

Deeds of Arrangement Fees Order 1984 (S.I. 1984/887)

13. In article 3(2) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Insolvency Rules 1986 (S.I. 1986/1925)

14. In rule 13.13(2) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Court Funds Rules 1987 (S.I. 1987/821)

15. In rule 55(i) for “the Department of Trade” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Companies House Trading Fund Order 1991 (S.I. 1991/1795)

16.—(1) At the end of article 3 insert—

“From the coming into force of the Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007, the fund is to be for the operations of that part of the Department for Business, Enterprise and Regulatory Reform known as the Companies House Executive Agency so far as those operations correspond to those described in Schedule 1 to this Order.”

(2) In article 4 after “Secretary of State” insert “for Business, Enterprise and Regulatory Reform”.

Patent Office Trading Fund Order 1991 (S.I. 1991/1796)

17.—(1) At the end of article 2 insert—

“From the coming into force of the Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007, the fund is to be for the operations of that part of the Department for Innovation, Universities and Skills known as the Patent Office so far as those operations correspond to those described in Schedule 1 to this Order.”

(a) Paragraph 34 was inserted by S.I. 2007/2149, art. 7.

(b) The Schedule was amended by S.I. 1982/1653, reg. 2, S.I. 1995/3022, reg. 3 and S.I. 2002/1397, Sched.; other amendments have been made to the Schedule which are not relevant to this Order.

(2) In article 3 after “Secretary of State” insert “for Innovation, Universities and Skills”.

Gas Transit (EEC Requirements) Regulations 1992 (S.I. 1992/1190)

18. In regulation 4(a), (c) and (d) for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

Bail (Amendment) Act 1993 (Prescription of Prosecuting Authorities) Order 1994 (S.I. 1994/1438)

19. In the Schedule(a) for “The Secretary of State for Trade and Industry” substitute “The Secretary of State for Business, Enterprise and Regulatory Reform”.

Insolvency Regulations 1994 (S.I. 1994/2507)

20. In regulation 3(3) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Chemical Weapons (Notification) Regulations 1996 (S.I. 1996/2503)

21. In regulation 3(3)(b) for the words from “UK” to the end substitute “National Authority, Department for Business, Enterprise and Regulatory Reform, NCLU, 1 Victoria Street, London, SW1H 0ET, or sent by means of an electronic communications network to cwcna@berr.gsi.gov.uk”.

Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (S.I. 1998/1056)

22. In regulation 4(7) for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

Trial of the Pyx Order 1998 (S.I. 1998/1764)

23. In articles 4(4) and 15(2)(c) for “the Department of Trade and Industry” substitute “the Department for Innovation, Universities and Skills”.

Building Societies (Business Names) Regulations 1998 (S.I. 1998/3186)

24. In column (2) of the Schedule(d)—

- (a) where it appears first, for “Department for Education and Skills” substitute “Department for Innovation, Universities and Skills”, and
- (b) where it appears second, for “Department for Education and Skills” substitute “Department for Children, Schools and Families”.

Public Interest Disclosure (Prescribed Persons) Order 1999 (S.I. 1999/1549)

25. In the first column of the Schedule(e) for “Secretary of State for Trade and Industry” substitute “Secretary of State for Business, Enterprise and Regulatory Reform”.

(a) Amendments have been made to the Schedule which are not relevant to this Order.

(b) Regulation 3(3) was substituted by S.I. 2004/2406, reg. 2.

(c) Article 15(2) was amended by S.I. 2005/254, art.2.

(d) The Schedule was amended by S.I. 2002/1397, Sched.; other amendments have been made to the Schedule which are not relevant to this Order.

(e) The Schedule was substituted by S.I. 2003/1993, Sched.; amendments have been made to the Schedule which are not relevant to this Order.

Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 (S.I. 1999/2277)

26. In paragraph 19 of section 4 of Part 2 of Schedule 2(a) for “or the Secretary of State for Education and Skills” substitute “, the Secretary of State for Education and Skills or the Secretary of State for Children, Schools and Families”.

Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 (S.I. 2001/1701)

27. In regulation 12 for “the Secretary of State at the Department of Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

Railway Administration Order Rules 2001 (S.I. 2001/3352)

28. In rule 1.2(1), in the definition of “the Department”, for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458)

29. In Part 4 of Schedule 2 for “The Department for Education and Skills” substitute “The Department for Children, Schools and Families”.

General Teaching Council for England (Deduction of Fees) Regulations 2001 (S.I. 2001/3993)

30. In paragraphs 2 and 4 of the Schedule(b) for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

Police Act 1997 (Criminal Records) Regulations 2002 (S.I. 2002/233)

31. In regulation 5A(p)(c) for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002 (S.I. 2002/816)

32. In regulation 1(2)(d), in paragraph (c) of the definition of “registration authority” and in paragraphs (e) and (f) of the definition of “the respondent”, for “the Secretary of State for Education and Skills” substitute “the Secretary of State for Children, Schools and Families”.

Police and Criminal Evidence Act 1984 (Department of Trade and Industry Investigations) Order 2002 (S.I. 2002/2326)

33.—(1) In article 2(e)—

- (a) in both places where it appears, for “DTI investigator” substitute “BERR investigator”,
- (b) for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”, and
- (c) for “DTI investigation” substitute “BERR investigation”.

(a) Schedule 2 was amended by S.I. 2002/1397, Sched.; other amendments have been made to Schedule 2 which are not relevant to this Order.
(b) Amendments have been made to the Schedule which are not relevant to this Order.
(c) Regulation 5A was inserted by S.I. 2006/748, Sched. and paragraph (p) was inserted by S.I. 2007/1892, reg. 2.
(d) Regulation 1(2) was amended by S.I. 2003/2043, reg. 2 and S.I. 2004/2073, reg. 2; other amendments have been made to regulation 1(2) which are not relevant to this Order.
(e) Article 2 was amended by S.I. 2005/3389.

(2) In article 3(1)(b) and in the heading to article 3 for “DTI investigations” substitute “BERR investigations”.

(3) In article 4—

- (a) wherever appearing, for “DTI investigator” substitute “BERR investigator”, and
- (b) in paragraph (5)(b), (c) and (d) for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2003 (S.I. 2003/172)

34. In the Schedule(a), wherever appearing—

- (a) for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”, and
- (b) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Nuclear Industries Security Regulations 2003 (S.I. 2003/403)

35. In regulations 23(3)(a) and 24(3)(a) for “the Secretary of State with responsibility for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

Immigration Employment Document (Fees) Regulations 2003 (S.I. 2003/541)

36. In regulation 7 for “the Secretary of State for the Department for Education and Skills” substitute “the Secretary of State for Children, Schools and Families”.

Land Registration Rules 2003 (S.I. 2003/1417)

37.—(1) In the following provisions, wherever appearing, for “the Secretary of State for the Department of Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”—

- (a) in form CIT(b) in Schedule 1, and
- (b) column 1 of Schedule 5(c).

(2) Printed forms of the kind mentioned in paragraph (1)(a) may be used after the coming into force of this Order even though they have been printed with references to the Secretary of State for the Department of Trade and Industry; and those references are to be read as references to the Secretary of State for Business, Enterprise and Regulatory Reform.

Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 (S.I. 2003/2764)

38. In articles 15(4)(d) and 23(e) for “Department of Trade and Industry” substitute “Department for Business, Enterprise and Regulatory Reform”.

Trade in Goods (Control) Order 2003 (S.I. 2003/2765)

39. In articles 8(4)(f) and 14(g) for “Department of Trade and Industry” substitute “Department for Business, Enterprise and Regulatory Reform”.

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- (a) Amendments have been made to the Schedule which are not relevant to this Order.
 - (b) Form CIT was substituted by S.I. 2005/1766, Sched. 1 and amended by S.I. 2006/594, art. 35(2).
 - (c) Amendments have been made to Schedule 5 which are not relevant to this Order.
 - (d) Article 15(4) was amended by S.I. 2006/1331, art 2.
 - (e) Article 23 was amended by S.I. 2006/1331, art. 2.
 - (f) Article 8(4) was amended by S.I. 2006/1331, art. 7.
 - (g) Article 14 was amended by S.I. 2006/1331, art. 7.

Trade in Controlled Goods (Embargoed Destinations) Order 2004 (S.I. 2004/318)

40. In articles 7(4)(a) and 13(b) for “Department of Trade and Industry” substitute “Department for Business, Enterprise and Regulatory Reform”.

Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 (S.I. 2004/352)

41.—(1) In clause 1 of the model clauses in Schedule 1, in the definition of “the Minister”, for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

(2) In the model clauses in each of Schedules 2 and 3—

- (a) in clause 1, in the definition of “Block”, for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”,
- (b) in clause 1, in the definition of “the Minister”, for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”, and
- (c) in clause 2 for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

(3) In the model clauses in Schedule 4—

- (a) in clause 1, in the definition of “Block”, for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”,
- (b) in clause 1, in the definition of “the Minister”, for “the Secretary of State for Trade & Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”, and
- (c) in clause 2 for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

(4) In clause 1 of the model clauses in Schedule 6—

- (a) in the definition of “Block”, for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”, and
- (b) in the definition of “the Minister”, for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

Crime (International Co-operation) Act 2003 (Designation of Prosecuting Authorities) Order 2004 (S.I. 2004/1034)

42. In article 2(2)(c) for “the Secretary of State for Trade and Industry” substitute “the Secretary of State for Business, Enterprise and Regulatory Reform”.

Nuclear Safeguards (Notification) Regulations 2004 (S.I. 2004/1255)

43. In regulation 6(3)—

- (a) for “the Safeguards Office, Department of Trade and Industry, 4 Abbey Orchard Street, London SW1P 2HT” substitute “the UK Safeguards Office, HSE (UKSO), 7th Floor NW, Rose Court, 2 Southwark Bridge, London SE1 9HS”, and
- (b) for “ukso@dti.gsi.gov.uk” substitute “UKSO@hse.gsi.gov.uk”.

(a) Article 7(4) was amended by S.I. 2006/1331, art. 7.

(b) Article 13 was amended by S.I. 2006/1331, art. 7.

(c) Amendments have been made to article 2(2) which are not relevant to this Order.

Measuring Instruments (EEC Requirements) (Fees) Regulations 2004 (S.I. 2004/1300)

44. In paragraph (b) of Schedule 1(a) for “the Department of Trade and Industry” substitute “the Department for Innovation, Universities and Skills”.

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (S.I. 2004/1861)

45. In rule 61(4)(b) in Schedule 1(b) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

European Public Limited-Liability Company (Fees) Regulations 2004 (S.I. 2004/2407)

46. In regulation 3 for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Limited Liability Partnerships (Fees) Regulations 2004 (S.I. 2004/2620)

47. In regulation 4(2) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Companies (Fees) Regulations 2004 (S.I. 2004/2621)

48. In regulation 4(2) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

European Economic Interest Grouping (Fees) Regulations 2004 (S.I. 2004/2643)

49. In regulations 4(1) and 5(a) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Electricity (Fuel Mix Disclosure) Regulations 2005 (S.I. 2005/391)

50. In paragraph 1 of the condition set out in the Schedule, in the definition of “fuel mix disclosure data table” for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Gangmasters (Licensing Authority) Regulations 2005 (S.I. 2005/448)

51. In Schedule 2 for “Secretary of State for Trade and Industry” substitute “Secretary of State for Business, Enterprise and Regulatory Reform”.

Damages (Government and Health Service Bodies) Order 2005 (S.I. 2005/474)

52. In Part 1 of the Schedule(c)—

(a) omit “Department for Education and Skills” and “Department of Trade and Industry”, and

(b) at the end insert—

“Department for Business, Enterprise and Regulatory Reform

Department for Children, Schools and Families

Department for Innovation, Universities and Skills”.

(a) Amendments have been made to Schedule 1 which are not relevant to this Order.

(b) Amendments have been made to Schedule 1 which are not relevant to this Order.

(c) Amendments have been made to the Schedule which are not relevant to this Order.

Insolvency Practitioners Regulations 2005 (S.I. 2005/524)

53. In regulation 5, in paragraph (c) of the definition of “insolvency work experience”, at the end insert “or of the Department for Business, Enterprise and Regulatory Reform”.

Education (Pupil Information) (England) Regulations 2005 (S.I. 2005/1437)

54. In the following provisions for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”—

- (a) regulation 2, in the definitions of “Departmental number” and “unique pupil number”,
- (b) regulation 9(2)(c), and
- (c) paragraph 3 of Schedule 1, in the definition of “comparative information”.

Energy Administration Rules 2005 (S.I. 2005/2483)

55. In rule 186(2) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Family Procedure (Adoption) Rules 2005 (S.I. 2005/2795)

56. In rule 6(1)(a), in the definition of “Central Authority”, for “the Secretary of State for Education and Skills” substitute “the Secretary of State for Children, Schools and Families”.

Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 (S.I. 2005/2966)

57. In Schedule 2(b)—

- (a) omit “The Secretary of State for Education and Skills” and “The Secretary of State for Trade and Industry”, and
- (b) at the appropriate places insert “The Secretary of State for Business, Enterprise and Regulatory Reform”, “The Secretary of State for Children, Schools and Families” and “The Secretary of State for Innovation, Universities and Skills”.

Offshore Installations (Safety Case) Regulations 2005 (S.I. 2005/3117)

58.—(1) In regulation 2(1), in the definition of “field development programme”—

- (a) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”, and
- (b) for “the Department of Trade and Industry’s” substitute “the Department for Business, Enterprise and Regulatory Reform’s”.

(2) In regulation 6(1) and (2) for “the Department of Trade and Industry” substitute “the Department for Business, Enterprise and Regulatory Reform”.

Education (Budget Statements) (England) Regulations 2006 (S.I. 2006/511)

59. In regulation 5(1)(a) for “the Secretary of State for Education and Skills” substitute “the Secretary of State for Children, Schools and Families”.

Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003)

60. In regulation 4(1)(d)(i)—

(a) Amendments have been made to rule 6(1) which are not relevant to this Order.
(b) Amendments have been made to Schedule 2 which are not relevant to this Order.

- (a) omit “Department for Education and Skills”, and
- (b) after “Providers” insert “maintained by the Department for Innovation, Universities and Skills”.

Education (Information About Individual Pupils) (England) Regulations 2006 (S.I. 2006/2601)

61. In regulation 2, in the definition of “unique pupil number”, for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

Accession (Immigration and Worker Authorisation) Regulations 2006 (S.I. 2006/3317)

62. In Schedule 1, in the column 2 entry relating to “Teacher or language assistant”, for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families, the Department for Innovation, Universities and Skills”.

Education (Provision of Information About Young Children) (England) Regulations 2007 (S.I. 2007/712)

63. In regulation 7(3)(a) and (c) for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2007 (S.I. 2007/934)

64. In column 1 of the Schedule for “The Department for Trade and Industry” substitute “The Department for Business, Enterprise and Regulatory Reform”.

Education (Information About Children in Alternative Provision) (England) Regulations 2007 (S.I. 2007/1065)

65. In regulation 2(1), in the definition of “unique pupil number”, for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 (S.I. 2007/1288)

66. In regulation 20(e) and (f), wherever appearing, for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (S.I. 2007/1289)

67. In paragraph 38(1)(e) and (f) of each of Schedules 3 and 5 for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

School Organisation (Transitional Provisions) (England) Regulations 2007 (S.I. 2007/1355)

68. In regulations 7(5)(e) and (f) and 33(1)(e) and (f) for “the Department for Education and Skills” substitute “the Department for Children, Schools and Families”.

Education (Outturn Statements) (England) Regulations 2007 (S.I. 2007/1720)

69. In regulation 6(1)(a) for “the Secretary of State for Education and Skills” substitute “the Secretary of State for Children, Schools and Families”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under sections 1 and 2 of the Ministers of the Crown Act 1975. It makes provision in connection with the establishment of the Department for Children, Schools and Families, the Department for Innovation, Universities and Skills and the Department for Business, Enterprise and Regulatory Reform.

The responsibilities entrusted to the Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform were described in the Prime Minister's written statement to Parliament dated 28th June 2007 (reported in Hansard (House of Commons) at column 36WS; available at www.parliament.uk).

Articles 3, 4 and 5 provide for the incorporation of the Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform as corporations sole and provide for the authentication of corporate seals and the execution and certification of documents.

Article 6 transfers any functions of the Secretary of State for Education and Skills to the Secretary of State for Children, Schools and Families (apart from any that are transferred by article 8(2)(a)).

Article 9 transfers certain functions of the Secretary of State for Trade and Industry to the Secretary of State for Innovation, Universities and Skills.

Article 11 transfers any functions of the Secretary of State for Trade and Industry to the Secretary of State for Business, Enterprise and Regulatory Reform (apart from any that are transferred by article 9, 10(3)(a) or 14).

Articles 7, 8, 10 and 12 make provision for the transfer of property, rights and liabilities consequential on transfers effected by the Order and the entrusting of the functions in question to the Secretary of State to whom they are now entrusted and make further consequential provision.

Article 13 makes supplementary provision providing for continuity.

Article 14 transfers to the Secretary of State the function of making an order under section 3 of the Fairs Act 1871.

Article 15 and the Schedule to the Order make consequential amendments to Acts of Parliament and subordinate legislation.

Nothing in this Order alters the functions of the Welsh Ministers, the Scottish Ministers or the devolved authorities in Northern Ireland.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

2007 No. 3224

MINISTERS OF THE CROWN

The Secretaries of State for Children, Schools and Families, for
Innovation, Universities and Skills and for Business, Enterprise
and Regulatory Reform Order 2007

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