
STATUTORY INSTRUMENTS

2014 No. 268

MINISTERS OF THE CROWN

The Transfer of Functions (Elections) Order 2014

Made - - - - *11th February 2014*
Laid before Parliament *18th February 2014*
Coming into force - - *11th March 2014*

Her Majesty, in exercise of the powers conferred by section 1 of the Ministers of the Crown Act 1975(1), 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 Transfer of Functions (Elections) Order 2014.
- (2) This Order comes into force on 11th March 2014.

Functions of the Secretary of State to be exercisable concurrently with the Lord President

2. The Secretary of State's functions under section 58(1) and (5)(c) of the Police Reform and Social Responsibility Act 2011(2) (orders about the election of police and crime commissioners) are to be exercisable concurrently with the Lord President of the Council.

Supplementary

3. (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 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 an article 2 function, be continued by or in relation to the Lord President.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State in connection with an article 2 function has effect, so far as is necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Lord President.

(4) Documents or forms printed for use in connection with an article 2 function may be used in connection with the exercise of that function by the Lord President even though they contain, or are to be read as containing, references to the Secretary of State; and for the purposes of the use of

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

(2) 2011 c. 13.

any such documents or forms in connection with the exercise of that function by the Lord President, those references are to be read as references to the Lord President.

(5) 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 article 2, as if references to (and references which are to be read as references to) the Secretary of State were or included references to the Lord President.

(6) In paragraphs (1) to (5)—

- (a) references to the Secretary of State include references to the department or an officer of the Secretary of State, and
- (b) references to the Lord President include references to the Cabinet Office or an officer in the Cabinet Office accordingly.

(7) In this article—

“article 2 function” means a function directed by article 2 to be exercisable concurrently with the Lord President;

“instrument” includes 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;

“Lord President” means the Lord President of the Council.

Consequential amendments

4. (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.

(2) In section 58 (orders about the election of police and crime commissioners)—

- (a) in subsection (1), after “Secretary of State” insert “or the Lord President of the Council”, and
- (b) after subsection (5), insert—

“(5A) In relation to the power to make an order under subsection (5)(c), subsection (5) has effect as if the reference to the Secretary of State were a reference to the Secretary of State or the Lord President of the Council.”

(3) In section 154(1) and (5) (orders and regulations), after “Secretary of State” insert “or the Lord President of the Council”.

Richard Tilbrook
Clerk of the Privy Council

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. It makes provision for various functions of the Secretary of State in relation to elections of police and crime commissioners to be exercisable concurrently with the Lord President of the Council.

Article 2 provides for the concurrent exercise of functions under section 58(1) and (5)(c) of the Police Reform and Social Responsibility Act 2011, which deals with orders about the conduct of elections of police and crime commissioners.

Article 3 makes supplementary provision for continuity in relation to the exercise of the functions and article 4 makes consequential amendments to the 2011 Act.

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 sector is foreseen.