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STATUTORY INSTRUMENTS

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**2020 No. 940**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Digital Government) Order 2020**

*Made* - - - - *2nd September 2020*  
*Laid before Parliament* *9th September 2020*  
*Coming into force* - - *30th September 2020*

At the Court at Balmoral, the 2nd day of September 2020  
Present,  
The Queen's Most Excellent Majesty in Council

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 (Digital Government) Order 2020.
- (2) This Order comes into force on 30th September 2020.

**Functions of the Secretary of State to be exercisable concurrently with the Minister for the Cabinet Office**

2.—(1) Subject to article 3, the functions of the Secretary of State under Chapter 1 of Part 5 of the Digital Economy Act 2017(2) (digital government: public service delivery) are to be exercisable concurrently with the Minister for the Cabinet Office.

(2) The functions to which paragraph (1) applies include functions under any provision not yet fully in force at the time this Order is made.

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

3. The function of the Secretary of State under section 44(4)(d) of the Digital Economy Act 2017(3) (regulations under Chapter 1 of Part 5: consultation) is transferred to the Minister for the Cabinet Office.

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(1) 1975 c. 26. Section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).  
(2) 2017 c. 30.  
(3) Section 44(4)(d) was amended by S.I. 2018/526.

### **Supplementary provision**

4.—(1) In this article “relevant function” means a function—

- (a) which is directed by article 2 to be exercisable by the Secretary of State concurrently with the Minister for the Cabinet Office, or
- (b) which is transferred by article 3.

(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 a relevant function, be continued by or in relation to the Minister for the Cabinet Office.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State in connection with a relevant 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 Minister for the Cabinet Office.

(4) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as necessary for the purposes of or in consequence of article 2 or 3, as if references to (and references which are to be read as references to) the Secretary of State were or included references to the Minister for the Cabinet Office.

(5) Documents or forms printed for use in connection with a relevant function may be used in connection with the exercise of that function by the Minister for the Cabinet Office even though they contain (or are read as containing) references to the Secretary of State; and for the purposes of the use of any such documents or forms in connection with the exercise of that function by the Minister for the Cabinet Office, those references are to be read as references to the Minister for the Cabinet Office.

(6) In paragraphs (2) 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 Minister for the Cabinet Office include references to the Cabinet Office or an officer in that Office accordingly.

(7) In this article “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.

### **Validity of things done before coming into force of Order**

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

### **Consequential amendments**

6.—(1) The Digital Economy Act 2017 is amended as follows.

(2) In section 43(4) for “Secretary of State”, in each place it occurs, substitute “relevant Minister”.

(3) In section 44(5)—

- (a) in subsection (1)(a), for “Secretary of State” substitute “relevant Minister”;

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(4) Section 43 was amended by [S.I. 2018/526](#). There are other amendments which are not relevant to this Order.

(5) Section 44 was amended by [S.I. 2018/526](#).

- (b) in subsection (4)(d), for “Secretary of State, the Secretary of State” substitute “relevant Minister, the Minister for the Cabinet Office”;
  - (c) in subsection (7), for “Secretary of State” substitute “relevant Minister”.
- (4) In section 45(1)(6)—
- (a) in the definition of “the appropriate national authority”, for “Secretary of State” substitute “relevant Minister”;
  - (b) after the definition of “public authority” insert—  
    ““relevant Minister” means the Secretary of State or the Minister for the Cabinet Office;”.

*Richard Tilbrook*  
Clerk of the Privy Council

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## 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, and in connection with, the functions under Chapter 1 of Part 5 of the Digital Economy Act 2017 so that, save for one exception set out in Article 3, the functions of the Secretary of State are to be exercised concurrently with the Minister for the Cabinet Office.

Article 2 directs functions of the Secretary of State are to be exercisable concurrently with the Minister for the Cabinet Office. Article 3 provides for the transfer of the function under section 44(4) (d) of the Digital Economy Act 2017 from the Secretary of State to the Minister for the Cabinet Office.

Article 4 makes supplementary provision. Article 5 makes provision preserving the validity of anything done by or in relation to the Secretary of State before the coming into force of this Order.

Article 6 makes consequential amendments to primary legislation.

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

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen