

2012 No. 2590

MINISTERS OF THE CROWN

**The Transfer of Functions (Secretary of State for Culture, Media
and Sport) Order 2012**

Made - - - - - *17th October 2012*

Laid before Parliament *24th October 2012*

Coming into force - - - *14th November 2012*

At the Court at Buckingham Palace, the 17th day of October 2012

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 Transfer of Functions (Secretary of State for Culture, Media and Sport) Order 2012.

(2) This Order comes into force on 14th November 2012.

Interpretation

2. In this Order—

“COMS function” means any function so far as—

(i) it is transferred by article 3, or

(ii) it was entrusted to the Secretary of State for Culture, Olympics, Media and Sport immediately before 4th September 2012 and has before the making of this Order been entrusted to the Secretary of State for Culture, Media and Sport;

“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.

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

Transfer of functions

3. The functions of the Secretary of State for Culture, Olympics, Media and Sport are transferred to the Secretary of State for Culture, Media and Sport.

Transfer of property, rights and liabilities

4. There are transferred to the Secretary of State for Culture, Media and Sport all property, rights and liabilities to which the Secretary of State for Culture, Olympics, Media and Sport is entitled or subject at the coming into force of this Order.

Supplementary

5.—(1) 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 Culture, Olympics, Media and Sport may be continued by or in relation to the Secretary of State for Culture, Media and Sport.

(2) Anything done (or having effect as if done) by or in relation to the Secretary of State for Culture, Olympics, Media and Sport 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 Secretary of State for Culture, Media and Sport.

(3) 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 Culture, Media and Sport of any COMS function, or
- (b) the transfer of anything by article 4,

as if references to (and references which are to be read as references to) the Secretary of State for Culture, Olympics, Media and Sport were or included references to the Secretary of State for Culture, Media and Sport.

(4) Documents or forms printed for use in connection with any COMS 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 Culture, Olympics, Media and Sport.

(5) 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 Culture, Media and Sport.

(6) In paragraphs (1) to (5) references to a Secretary of State include references to the department or an officer of that Secretary of State.

(7) A certificate signed by the Secretary of State for Culture, Media and Sport that an instrument purporting to be made or issued by the Secretary of State for Culture, Olympics, Media and Sport was so made or issued is conclusive evidence of that fact.

(8) The Documentary Evidence Act 1868(a) applies in relation to the Secretary of State for Culture, Media and Sport—

- (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.

Supplementary: validity of things done before coming into force of Order

6.—(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 Culture, Olympics, Media and Sport before the coming into force of this Order.

(a) 1868 c. 37.

(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

7. The Schedule has effect.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE CONSEQUENTIAL AMENDMENTS

Article 7

PART 1

Imperial War Museum Act 1920 (c. 15)

1.—(1) The Table in paragraph (1) of the Schedule to the Imperial War Museum Act 1920(**a**) (Board of Trustees) is amended as follows.

(2) In the second column, for the fourth entry (which refers to the Secretary of State for Culture, Olympics, Media and Sport) substitute “The Secretary of State for Culture, Media and Sport”.

Channel Tunnel Rail Link Act 1996 (c. 61)

2. In paragraph 5(5)(a) of Schedule 7 to the Channel Tunnel Rail Link Act 1996(**b**) (heritage), for “the Secretary of State for Culture, Olympics, Media and Sport” substitute “the Secretary of State for Culture, Media and Sport”.

Housing and Regeneration Act 2008 (c. 17)

3. In the following provisions of Schedule 4 to the Housing and Regeneration Act 2008(**c**) (powers: statutory undertakers), for “the Secretary of State for Culture, Olympics, Media and Sport” substitute “the Secretary of State for Culture, Media and Sport”—

- (a) paragraph 8(4)(b),
- (b) paragraph 15(2)(b), and
- (c) paragraph 40(1)(b).

Crossrail Act 2008 (c. 18)

4. In the following provisions of the Crossrail Act 2008(**d**), for “the Secretary of State for Culture, Olympics, Media and Sport” substitute “the Secretary of State for Culture, Media and Sport”—

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- (a) Para. (1) was substituted by S.I. 1986/2239, Sch. and amended by S.I. 1992/1311, Sch. 2, S.I. 1997/1744, Sch. and S.I. 2010/1551, Sch. Other amendments have been made to para. (1) which are not relevant to this Order.
 - (b) Para. 5(5)(a) was amended by S.I. 1997/1744, Sch. and S.I. 2010/1551, Sch. Other amendments have been made to para. 5(5)(a) which are not relevant to this Order.
 - (c) The provisions mentioned were amended by S.I. 2009/2748, Sch. and S.I. 2011/741, Sch. 2.
 - (d) Para. 5(5) was amended by S.I. 2010/1551, Sch. Para. 6(3) was amended by S.I. 2009/2748, Sch. and S.I. 2011/741, Sch. 2.

- (a) paragraph 5(5) of Schedule 9 (heritage: disapplication of modification of controls), and
- (b) paragraph 6(3) of Part 4 of Schedule 17 (protection of electronic communications code networks).

PART 2

Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)

5. In Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Regulations 1990(a), for “the Secretary of State for Culture, Olympics, Media and Sport” in each place substitute “the Secretary of State for Culture, Media and Sport”.

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006/1466)

6. In column (2) of the table in Schedule 5 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(b) (persons to be served with copy of application etc.), for “Secretary of State for Culture, Olympics, Media and Sport” in each place substitute “Secretary of State for Culture, Media and Sport”.

Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2010 (S.I. 2010/501)

7. In regulation 1(2) of the Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2010(c) (interpretation), in the definition of “Culture Secretary”, for “the Secretary of State for Culture, Olympics, Media and Sport” substitute “the Secretary of State for Culture, Media and Sport”.

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- (a) Schedule 4 was substituted, in its application to England, by S.I. 2009/2711, reg.2, and amended by S.I. 2010/1551, Sch. Schedule 4 was revoked, in its application to Wales, by S.I. 2012/793, reg.18(1) and Sch.5. Other amendments have been made to Schedule 4 which are not relevant to this Order.
 - (b) Schedule 5 was amended by S.I. 2010/1551, Sch. Other amendments have been made to Schedule 5 which are not relevant to this Order.
 - (c) Reg. 1 was amended by S.I. 2010/1551, Sch.

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 for and in connection with the transfer of functions from the Secretary of State for Culture, Olympics, Media and Sport to the Secretary of State for Culture, Media and Sport (a corporation sole established by S.I. 1992/1311, as amended by S.I. 1997/1744).

Article 3 transfers functions from the Secretary of State for Culture, Olympics, Media and Sport to the Secretary of State for Culture, Media and Sport. Article 4 transfers property, rights and liabilities. Articles 5 and 6 make supplementary provision and article 7 and the Schedule make consequential amendments to 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.

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STATUTORY INSTRUMENTS

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The Transfer of Functions (Secretary of State for Culture, Media
and Sport) Order 2012

£4.00

E4735 10/2012 124735T 19585

ISBN 978-0-11-152967-6



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