
STATUTORY INSTRUMENTS

2002 No. 2626

The Transfer of Functions (Transport, Local Government and the Regions) Order 2002

Transfers to the Lord Chancellor

Functions to be exercisable by the Lord Chancellor

11.—(1) The functions of the Secretary of State under the enactments listed in Schedule 1 shall be exercisable concurrently with the Lord Chancellor.

(2) The function of the Secretary of State for Transport, Local Government and the Regions under section 2(2)(b) of the Political Parties, Elections and Referendums Act 2000⁽¹⁾ (membership of Speaker's Committee) is hereby transferred to the Lord Chancellor.

Transfer of property, rights and liabilities to the Lord Chancellor

12.—(1) All property, rights and liabilities to which the Secretary of State for Transport, Local Government and the Regions is entitled or subject at the coming into force of this Order in connection with the functions to which this article applies are hereby transferred to the Lord Chancellor.

(2) This article applies to—

- (a) the functions to which paragraph (1) of article 11 applies which, as regards their exercise by the Secretary of State, have, before the making of this Order, been entrusted to a Secretary of State other than the First Secretary of State, and
- (b) the function transferred by paragraph (2) of that article.

Transfers to the Lord Chancellor: supplementary

13.—(1) This Order does not affect the validity of anything done before the coming into force of this Order by or in relation to the Secretary of State for Transport, Local Government and the Regions in connection with a function to which article 12 applies.

(2) Anything which has been, or has effect as if, done by or in relation to the Secretary of State for Transport, Local Government and the Regions in connection with—

- (a) a function to which article 12 applies, or
- (b) anything transferred by that article,

shall, so far as necessary for continuing its effect after the coming into force of this Order, have effect as if done by or in relation to the Lord Chancellor.

(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 Transport, Local Government and the Regions may, so far as it relates to—

- (a) a function to which article 12 applies, or

(b) anything transferred by that article,
be continued by or in relation to the Lord Chancellor.

(4) So far as may be necessary for the purposes of or in consequence of the transfer to the Lord Chancellor of a function to which article 12 applies, an enactment or instrument passed or made before the coming into force of this Order shall have effect as if—

- (a) any reference to the Secretary of State (but not a particular Secretary of State) or to his department or to an officer of his included a reference to the Lord Chancellor or to his department or to an officer of his,
- (b) any reference to the Secretary of State for Transport, Local Government and the Regions were a reference to the Lord Chancellor,
- (c) any reference to the Department for Transport, Local Government and the Regions were a reference to the Lord Chancellor’s Department, and
- (d) any reference to an officer of the Secretary of State for Transport, Local Government and the Regions were a reference to an officer of the Lord Chancellor.

The references to which this paragraph applies include any reference that is to be construed as a reference to the Secretary of State or the Secretary of State for Transport, Local Government and the Regions, to his Department or to an officer of his.

(5) Documents or forms printed for use in connection with a function to which article 12 applies may be used in connection with that function notwithstanding that they contain (or are to be construed as containing) references to the Secretary of State for Transport, Local Government and the Regions, to his Department or to an officer of his.

(6) For the purposes of the use of any such documents or forms after the coming into force of this Order, those references shall be construed as references to the Lord Chancellor, to his Department or to an officer of his.