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STATUTORY INSTRUMENTS

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**2021 No. 1265**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Secretary of State for  
Levelling Up, Housing and Communities) Order 2021**

*Made - - - - 10th November 2021*  
*Laid before Parliament 17th November 2021*  
*Coming into force - - 8th December 2021*

At the Court at Windsor Castle, the 10th day of November 2021

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(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 (Secretary of State for Levelling Up, Housing and Communities) Order 2021.

(2) This Order comes into force on 8th December 2021.

**Commencement Information**

**II** Art. 1 in force at 8.12.2021, see [art. 1\(2\)](#)

**Interpretation**

2. In this Order “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.

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

**Commencement Information**

**I2** Art. 2 in force at 8.12.2021, see [art. 1\(2\)](#)

**Incorporation of the Secretary of State for Levelling Up, Housing and Communities**

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

(2) The corporate seal of the Secretary of State for Levelling Up, Housing and Communities—

- (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 Levelling Up, Housing and Communities 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 Levelling Up, Housing and Communities that an instrument purporting to be made or issued by—

- (a) the Secretary of State for Levelling Up, Housing and Communities,
- (b) the Secretary of State for Housing, Communities and Local Government,
- (c) the Secretary of State for Communities and Local Government,
- (d) the First Secretary of State,
- (e) the Secretary of State for Transport, Local Government and the Regions,
- (f) the Secretary of State for Environment, Transport and the Regions, or
- (g) the Secretary of State for the Environment,

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

(5) The Documentary Evidence Act 1868(2) applies in relation to the Secretary of State for Levelling Up, Housing and Communities—

- (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.

**Commencement Information**

**I3** Art. 3 in force at 8.12.2021, see [art. 1\(2\)](#)

## **Transfer of functions of Secretary of State for Housing, Communities and Local Government**

4. The functions of the Secretary of State for Housing, Communities and Local Government are transferred to the Secretary of State for Levelling Up, Housing and Communities.

### **Commencement Information**

**I4** Art. 4 in force at 8.12.2021, see [art. 1\(2\)](#)

## **Transfer of property, rights and liabilities of Secretary of State for Housing, Communities and Local Government**

5. There are transferred to the Secretary of State for Levelling Up, Housing and Communities all property, rights and liabilities to which the Secretary of State for Housing, Communities and Local Government is entitled or subject at the coming into force of this Order.

### **Commencement Information**

**I5** Art. 5 in force at 8.12.2021, see [art. 1\(2\)](#)

## **Supplementary provision in connection with articles 4 and 5**

6.—(1) In this article “MHCLG function” means any function so far as—

- (a) it is transferred by article 4, or
- (b) it was entrusted to the Secretary of State for Housing, Communities and Local Government immediately before 20th September 2021 and has before the making of this Order been entrusted to the Secretary of State for Levelling Up, Housing and Communities.

(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 for Housing, Communities and Local Government may be continued by or in relation to the Secretary of State for Levelling Up, Housing and Communities.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State for Housing, Communities and Local Government 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 Levelling Up, Housing and Communities.

(4) 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 Levelling Up, Housing and Communities of any MHCLG function, or
- (b) the transfer of anything by article 5,

as if references to (and references which are to be read as references to) the Secretary of State for Housing, Communities and Local Government were or included references to the Secretary of State for Levelling Up, Housing and Communities.

(5) Documents or forms printed for use in connection with an MHCLG 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 Housing, Communities and Local Government.

(6) 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 Levelling Up, Housing and Communities.

(7) In paragraphs (2) to (6) references to a Secretary of State include references to the department or an officer of that Secretary of State.

**Commencement Information**

**I6** Art. 6 in force at 8.12.2021, see [art. 1\(2\)](#)

**Transfer of functions of Minister for the Cabinet Office**

7.—(1) The functions of the Minister for the Cabinet Office under section 2(2)(b) of the Political Parties, Elections and Referendums Act 2000(3)—

(a) are transferred to the Secretary of State for Levelling Up, Housing and Communities,

<sup>F1</sup>(b) . . . . .

<sup>F1</sup>(c) . . . . .

(2) The functions of the Minister for the Cabinet Office under—

(a) the Representation of the People (England and Wales) Regulations 2001(4), and

(b) the Representation of the People (Scotland) Regulations 2001(5),

other than the functions mentioned in paragraph (3), are transferred to the Secretary of State.

(3) The functions of the Minister for the Cabinet Office under—

(a) regulations 29ZA, 29ZB, 32ZBB and 32ZBC of the Representation of the People (England and Wales) Regulations 2001(6), and

(b) regulations 29ZA, 29ZB, 32ZBB and 32ZBC of the Representation of the People (Scotland) Regulations 2001(7),

(3) 2000 c. 41. Section 2(2)(b) was amended by S.I. 2001/3500, Schedule 2, substituted by S.I. 2002/2626, Schedule 2 and amended by S.I. 2010/1837, Schedule, S.I. 2015/1376, Schedule 2 and S.I. 2016/997, Schedule 2. By article 2 of S.I. 2021/310 the Minister for the Cabinet Office’s functions under section 2(2)(b) were made exercisable concurrently with any Minister of the Crown in the Cabinet Office with responsibilities in relation to the constitution.

(4) S.I. 2001/341 as amended by S.I. 2006/2910, S.I. 2013/3198, S.I. 2015/467, S.I. 2015/1971, S.I. 2016/694, S.I. 2016/997, S.I. 2018/272, S.I. 2018/312, S.I. 2018/644, the Data Protection Act 2018 (c. 12), S.I. 2019/1451, S.I. 2020/50 and the Senedd and Elections (Wales) Act 2020 (anaw 1); there are other amending instruments but none is relevant. The functions that are to be transferred to the Secretary of State were transferred to the Minister for the Cabinet Office by article 7(c)(i) of S.I. 2016/997.

(5) S.I. 2001/497, as amended by S.I. 2007/925, S.I. 2013/3206, S.I. 2015/450, S.I. 2015/1966, the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), S.I. 2016/997, S.I. 2017/602, S.I. 2017/604, S.S.I. 2018/89, S.I. 2018/427, the Data Protection Act 2018 (c. 12), S.I. 2019/1451, S.S.I. 2020/180 and S.I. 2020/113; there are other amending instruments but none is relevant. The functions that are to be transferred to the Secretary of State were transferred to the Minister for the Cabinet Office by article 7(c)(ii) of S.I. 2016/997.

(6) Regulation 29ZA was inserted by S.I. 2013/3198, regulation 14(1) and amended by S.I. 2015/467, regulation 4, S.I. 2015/1971, regulation 5, S.I. 2016/997, Schedule 2 and the Senedd and Elections (Wales) Act 2020 (anaw 1), section 16(6). Regulation 29ZB was inserted by S.I. 2013/3198, regulation 14(1) and amended by S.I. 2016/997, Schedule 2. The functions under regulations 29ZA and 29ZB that are to be transferred to the Secretary of State were transferred to the Minister for the Cabinet Office by article 7(c)(i) of S.I. 2016/997. Regulation 32ZBB was inserted by S.I. 2019/1451, regulation 11 and amended by S.I. 2020/50, regulation 13. Regulation 32ZBC was inserted by S.I. 2019/1451, regulation 11 and amended by S.I. 2020/50, regulation 14.

(7) Regulation 29ZA was inserted by S.I. 2013/3206, regulation 14(1) and amended by S.I. 2015/450, regulation 4, S.I. 2015/1966, regulation 5, the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), section 5(5) and S.I. 2016/997, Schedule 2. Regulation 29ZB was inserted by S.I. 2013/3206, regulation 14(1) and amended by S.I. 2016/997, Schedule 2. The functions under regulations 29ZA and 29ZB that are to be transferred to the Secretary of State were transferred to the Minister for the Cabinet Office by article 7(c)(ii) of S.I. 2016/997. Regulation 32ZBB was inserted by S.I. 2019/1451, regulation 18 and amended by S.S.I. 2020/113, regulation 8. Regulation 32ZBC was inserted by S.I. 2019/1451, regulation 18 and amended by S.S.I. 2020/113, regulation 9.

are transferred to the Secretary of State for Levelling Up, Housing and Communities.

**Textual Amendments**

**F1** Art. 7(1)(b)(c) revoked (19.8.2022) by Elections Act 2022 (c. 37), ss. **18(3)(b)**, 67(1); S.I. 2022/908, reg. 2

**Commencement Information**

**I7** Art. 7 in force at 8.12.2021, see **art. 1(2)**

**Transfer of property, rights and liabilities in connection with article 7(2) and (3)**

**8.** There are transferred to the Secretary of State for Levelling Up, Housing and Communities all property, rights and liabilities to which the Minister for the Cabinet Office is entitled or subject at the coming into force of this Order in connection with a function transferred by article 7(2) or (3).

**Commencement Information**

**I8** Art. 8 in force at 8.12.2021, see **art. 1(2)**

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

**9.** The functions of the Secretary of State under—

- (a) an Act, or a provision of an Act or instrument, listed in Schedule 1, or
- (b) an instrument having effect under any such Act or a provision of such an Act,

which are exercisable concurrently with the Minister for the Cabinet Office are to cease to be exercisable concurrently with the Minister for the Cabinet Office and are instead to be exercisable only by the Secretary of State<sup>(8)</sup>.

**Commencement Information**

**I9** Art. 9 in force at 8.12.2021, see **art. 1(2)**

**Transfer of property, rights and liabilities in connection with article 9**

**10.** There are transferred to the Secretary of State for Levelling Up, Housing and Communities all property, rights and liabilities to which the Minister for the Cabinet Office is entitled or subject at the coming into force of this Order in connection with a function which is directed by article 9 to be exercisable only by the Secretary of State.

**Commencement Information**

**I10** Art. 10 in force at 8.12.2021, see **art. 1(2)**

<sup>(8)</sup> The functions that are to be exercisable by the Secretary of State alone include functions which were made exercisable concurrently by the Secretary of State and the Minister for the Cabinet Office by S.I. 2016/997, article 3 and S.I. 2018/780, article 3.

## Supplementary provision in connection with articles 7 to 10

11.—(1) This article applies to—

- (a) a function that is transferred by article 7(2) (“an article 7(2) function”),
- (b) a function that is transferred by article 7(3) (“an article 7(3) function”),
- (c) anything that is transferred by article 8,
- (d) a function that, by virtue of article 9, ceases to be exercisable concurrently by the Minister for the Cabinet office (“an article 9 function”), and
- (e) anything that is transferred by article 10.

(2) In this article “the transferee” means—

- (a) in relation to an article 7(2) function or an article 9 function, the Secretary of State, and
- (b) in relation to an article 7(3) function or anything transferred by article 8 or 10, the Secretary of State for Levelling Up, Housing and Communities.

(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 Minister for the Cabinet Office may, so far as it relates to anything to which this article applies, be continued by or in relation to the transferee.

(4) Anything done (or having effect as if done) by or in relation to the Minister for the Cabinet Office in connection with anything to which this article applies 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 transferee.

(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 7(2) or 9, as if references to (and references which are to be read as references to) the Minister for the Cabinet Office were or included references to the Secretary of State.

(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 article 7(3), 8 or 10, as if references to (and references which are to be read as references to) the Minister for the Cabinet Office were or included references to the Secretary of State for Levelling Up, Housing and Communities.

(7) Documents or forms printed for use in connection with an article 7(2) function, an article 7(3) function or an article 9 function may be used in connection with the exercise of that function by the transferee even though they contain, or are to be read as containing, references to the Minister for the Cabinet Office.

(8) For the purposes of the use of any such documents or forms in connection with the exercise of that function by the transferee after the coming into force of this Order, those references are to be read as references to the transferee.

(9) In paragraphs (3) to (8)—

- (a) references to the Minister for the Cabinet Office include references to the Cabinet Office or an officer of that office, and
- (b) references to a Secretary of State include references to the department or an officer of that Secretary of State accordingly.

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### Commencement Information

**111** Art. 11 in force at 8.12.2021, see [art. 1\(2\)](#)

### **Supplementary: validity of things done before coming into force of order**

**12.**—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to—

- (a) the Secretary of State for Housing, Communities and Local Government, or
- (b) the Minister for the Cabinet Office,

before the coming into force of this Order.

(2) In paragraph (1) —

- (a) the reference to the Secretary of State for Housing, Communities and Local Government includes a reference to the department or an officer of that Secretary of State, and
- (b) the reference to the Minister for the Cabinet Office includes a reference to the Cabinet Office or an officer of that office.

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#### **Commencement Information**

**I12** Art. 12 in force at 8.12.2021, see [art. 1\(2\)](#)

### **Consequential amendments**

**13.** Schedule 2 has effect.

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#### **Commencement Information**

**I13** Art. 13 in force at 8.12.2021, see [art. 1\(2\)](#)

*Ceri King*  
Deputy Clerk to the Privy Council

# SCHEDULES

## SCHEDULE 1

Article 9

### Acts and provisions referred to in article 9

#### Commencement Information

**I14** Sch. 1 in force at 8.12.2021, see [art. 1\(2\)](#)

The Acts and provisions referred to in article 9 are—

- (a) the Representation of the People Act 1983**(9)**;
- (b) the Representation of the People Act 1985**(10)**;
- (c) sections 3(2ZA), 4 and 4A of, and Schedule 1 to, the Parliamentary Constituencies Act 1986**(11)**;
- (d) paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990**(12)**;
- (e) section 52ZQ of the Local Government Finance Act 1992**(13)**;
- (f) section 17A of the Greater London Authority Act 1999**(14)**;
- (g) the Representation of the People Act 2000**(15)**;
- (h) the Local Government Act 2000**(16)**;
- (i) the Political Parties, Elections and Referendums Act 2000**(17)**;
- (j) the Electoral Administration Act 2006**(18)**;
- (k) the Political Parties and Elections Act 2009**(19)**;

**(9)** 1983 c. 2.

**(10)** 1985 c. 50.

**(11)** 1986 c. 56. Section 3(2ZA) was inserted by the Parliamentary Constituencies Act 2020 (c. 25) (“the 2020 Act”), section 1(4). Section 4 was amended by the Fixed-term Parliaments Act 2011 (c. 14), Schedule, S.I. 2016/997, Schedule 2, S.I. 2018/780, article 6(3)(b) and the 2020 Act, section 2. Section 4A was inserted by the 2020 Act, section 3. Schedule 1 was amended by the Boundary Commissions Act 1992 (c. 55), section 1, the Statistics and Registration Service Act 2007 (c. 18), Schedule 1, the Parliamentary Voting System and Constituencies Act 2011 (c. 1), section 10, S.I. 2016/997, Schedule 2, S.I. 2018/780, article 6 and the 2020 Act, Schedule.

**(12)** 1990 c. 8. Schedule 4B was inserted by the Localism Act 2011 (c. 20), Schedule 10, and paragraph 16 was amended by S.I. 2013/2597, Schedule and S.I. 2016/997. Schedule 4B is applied with modifications by sections 38A(3) and 38C(5) of the Planning and Compulsory Purchase Act 2004 (c. 5) and paragraph 7 of Schedule 4C to the Town and Country Planning Act 1990 as inserted by Schedules 9 and 11 to the Localism Act 2011.

**(13)** 1992 c. 14. Section 52ZQ was inserted by the Localism Act 2011, Schedule 5 and amended by S.I. 2013/2597, Schedule and S.I. 2016/997, Schedule 2.

**(14)** 1999 c. 29. Section 17A was inserted by the Representation of the People Act 2000, section 14 and amended by S.I. 2010/1837, Schedule and S.I. 2016/997, Schedule 2. There are other amendments to section 17A but none are relevant.

**(15)** 2000 c. 2.

**(16)** 2000 c. 22.

**(17)** 2000 c. 41.

**(18)** 2006 c. 22.

**(19)** 2009 c. 12.



- (l) sections 114(1) and 116(1) of, and paragraphs 3 and 12 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009(20);
- (m) the Police Reform and Social Responsibility Act 2011(21);
- (n) the Electoral Registration and Administration Act 2013(22);
- (o) section 33(10) of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014(23);
- (p) regulation 10 of the Postponed Elections and Referendums (Coronavirus) and Policy Development Grants (Amendments) Regulations 2020(24).

## SCHEDULE 2

Article 13

### Consequential amendments

## PART 1

### Primary legislation

#### Transport Act 1962 (c. 46)

1. In section 86(6A) of the Transport Act 1962(25), for “Housing, Communities and Local Government” substitute “Levelling Up, Housing and Communities”.

#### Commencement Information

I15 Sch. 2 para. 1 in force at 8.12.2021, see [art. 1\(2\)](#)

#### Parliamentary Commissioner Act 1967 (c. 13)

2. In Schedule 2 to the Parliamentary Commissioner Act 1967(26)—
- (a) omit “Ministry of Housing, Communities and Local Government”(27), and
  - (b) at the appropriate place insert “Department for Levelling Up, Housing and Communities”.

#### Commencement Information

I16 Sch. 2 para. 2 in force at 8.12.2021, see [art. 1\(2\)](#)

(20) 2009 c. 20. Sections 114 and 116 were amended by the Cities and Local Government Devolution Act 2016 (c. 1), Schedule 5 and by S.I. 2016/997, Schedule 2. Schedule 5B was inserted by the Cities and Local Government Devolution Act 2016, Schedule 1 and amended by S.I. 2016/997, Schedule 2.

(21) 2011 c. 13.

(22) 2013 c. 6.

(23) 2014 c. 4. Section 33 was amended by S.I. 2016/997, Schedule 2.

(24) S.I. 2020/926.

(25) Section 86(6A) was inserted by S.I. 1970/1681, Schedule 3 and amended by S.I. 1976/1775, Schedule 3, S.I. 1997/2971, Schedule, S.I. 2001/2568, Schedule, S.I. 2002/2626, Schedule 2, S.I. 2006/1926, Schedule and S.I. 2018/378, Schedule.

(26) Schedule 2 was substituted by S.I. 2011/2986, Schedule. Other amendments have been made to Schedule 2 which are not relevant to this Order.

(27) The entry for the Ministry of Housing, Communities and Local Government was inserted by S.I. 2018/378, Schedule.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021. (See end of Document for details)

### Representation of the People Act 1983 (c. 2)

3. In the Representation of the People Act 1983, omit section 199ZA(28).

#### Commencement Information

I17 Sch. 2 para. 3 in force at 8.12.2021, see [art. 1\(2\)](#)

### Representation of the People Act 1985 (c. 50)

4. In section 27 of the Representation of the People Act 1985, omit subsection (2ZA)(29).

#### Commencement Information

I18 Sch. 2 para. 4 in force at 8.12.2021, see [art. 1\(2\)](#)

### Parliamentary Constituencies Act 1986 (c. 56)

- 5.—(1) The Parliamentary Constituencies Act 1986 is amended as follows.
- (2) In section 3(2ZA)(30), omit “or the Minister for the Cabinet Office”.
- (3) In section 4(31)—
- (a) in subsections (1) and (4), omit “or the Minister for the Cabinet Office”, and
- (b) in subsection (4B), omit “or, as the case may be, the Minister for the Cabinet Office”.
- (4) In section 4A(3)(32), omit “or the Minister for the Cabinet Office”.
- (5) In Schedule 1(33), in paragraphs 2, 4A, 6(1) and (2) and 7, omit “or the Minister for the Cabinet Office”.

#### Commencement Information

I19 Sch. 2 para. 5 in force at 8.12.2021, see [art. 1\(2\)](#)

### Town and Country Planning Act 1990 (c. 8)

- 6.—(1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In the following provisions, for “Housing, Communities and Local Government” substitute “Levelling Up, Housing and Communities”—
- (a) section 228(1) and (7) and the heading of that section(34);

(28) Section 199ZA was inserted by [S.I. 2010/1837](#), Schedule and substituted by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(29) Section 27(2ZA) was inserted by [S.I. 2010/1837](#), Schedule and substituted by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2. Section 27 is applied with modifications by [S.I. 2001/2599](#), article 3 and Schedule 1.

(30) Section 3(2ZA) was inserted by the Parliamentary Constituencies Act 2020 (c. 25), section 1(4).

(31) Section 4 was amended by the Fixed-term Parliaments Act 2011 (c. 14), Schedule, [S.I. 2016/997](#), Schedule 2, [S.I. 2018/780](#), article 6(3)(b) and the Parliamentary Constituencies Act 2020, section 2.

(32) Section 4A was inserted by the Parliamentary Constituencies Act 2020, section 3.

(33) Paragraph 2 of Schedule 1 was amended by the Parliamentary Constituencies Act 2020 (“the 2020 Act”), Schedule. Paragraph 4A was inserted by the Boundary Commissions Act 1992 (c. 55), section 1 and amended by the 2020 Act, Schedule. Paragraphs 6(1) and (2) and 7 were amended by the 2020 Act, Schedule. Other amendments have been made to Schedule 1 which are not relevant to this Order.

(34) Section 228 was amended by [S.I. 1997/2971](#), Schedule, [S.I. 2006/1926](#), Schedule and [S.I. 2018/378](#), Schedule.

(b) section 245(1)(b)(35);

(c) section 265(1)(d)(36).

(3) In paragraph 16(1) and (5) of Schedule 4B(37), omit “or the Minister for the Cabinet Office”.

(4) In paragraph 8(2) of Schedule 6(38), for “the Ministry of Housing, Communities and Local Government” substitute “the Department for Levelling Up, Housing and Communities”.

#### Commencement Information

**I20** Sch. 2 para. 6 in force at 8.12.2021, see [art. 1\(2\)](#)

### Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

7. In paragraph 7(2) of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990(39), for “the Ministry of Housing, Communities and Local Government” substitute “the Department for Levelling Up, Housing and Communities”.

#### Commencement Information

**I21** Sch. 2 para. 7 in force at 8.12.2021, see [art. 1\(2\)](#)

### Planning (Hazardous Substances) Act 1990 (c. 10)

8. In paragraph 7(2) of the Schedule to the Planning (Hazardous Substances) Act 1990(40), for “the Ministry of Housing, Communities and Local Government” substitute “the Department for Levelling Up, Housing and Communities”.

#### Commencement Information

**I22** Sch. 2 para. 8 in force at 8.12.2021, see [art. 1\(2\)](#)

### Local Government Finance Act 1992 (c. 14)

9.—(1) The Local Government Finance Act 1992 is amended as follows.

(2) In section 52ZQ(1), (2) and (6)(41), omit “or the Minister for the Cabinet Office”.

(3) In section 113(1), (2) and (3)(42), omit “, the Minister for the Cabinet Office”.

(35) Section 245(1)(b) was amended by [S.I. 2006/1926](#), Schedule, and [S.I. 2018/378](#), Schedule.

(36) Section 265(1)(d) was amended by [S.I. 2006/1926](#), Schedule, and [S.I. 2018/378](#), Schedule.

(37) Schedule 4B was inserted by the Localism Act 2011 (c. 20), Schedule 10. It is applied with modifications by sections 38A(3) and 38C(5) of the Planning and Compulsory Purchase Act 2004 (c. 5) and paragraph 7 of Schedule 4C to the Town and Country Planning Act 1990 as inserted by Schedules 9 and 11 to the Localism Act 2011. Paragraph 16(1) and (5) of Schedule 4B were amended by [S.I. 2013/2597](#), Schedule, [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(38) Paragraph 8(2) was amended by [S.I. 1997/2971](#), Schedule, [S.I. 2001/2568](#), Schedule, [S.I. 2002/2626](#), Schedule 2, [S.I. 2006/1926](#), Schedule and [S.I. 2018/378](#), Schedule.

(39) Paragraph 7(2) was amended by [S.I. 1997/2971](#), Schedule, [S.I. 2001/2568](#), Schedule, [S.I. 2002/2626](#), Schedule 2, [S.I. 2006/1926](#), Schedule and [S.I. 2018/378](#), Schedule.

(40) Paragraph 7(2) was amended by [S.I. 1997/2971](#), Schedule, [S.I. 2001/2568](#), Schedule, [S.I. 2002/2626](#), Schedule 2, [S.I. 2006/1926](#), Schedule and [S.I. 2018/378](#), Schedule.

(41) Section 52ZQ was inserted by Schedule 5 to the Localism Act 2011 (c. 20) and amended by [S.I. 2013/2597](#), Schedule, [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(42) Section 113 was amended by the Local Government Act 2003 (c. 26), Schedule 7, the Localism Act 2011, Schedule 6, [S.I. 2013/2597](#), Schedule, [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2. Other amendments have been made to section 113 which are not relevant to this Order.

**Changes to legislation:** There are currently no known outstanding effects for the *The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021*. (See end of Document for details)

**Commencement Information**

**I23** Sch. 2 para. 9 in force at 8.12.2021, see [art. 1\(2\)](#)

**Transport and Works Act 1992 (c. 42)**

**10.** In section 23(10) of the Transport and Works Act 1992(43), for “the Ministry of Housing, Communities and Local Government”, in both places, substitute “the Department for Levelling Up, Housing and Communities”.

**Commencement Information**

**I24** Sch. 2 para. 10 in force at 8.12.2021, see [art. 1\(2\)](#)

**Greater London Authority Act 1999 (c. 29)**

**11.** In section 17A(3) and (6) of the Greater London Authority Act 1999(44), omit “or the Minister for the Cabinet Office”.

**Commencement Information**

**I25** Sch. 2 para. 11 in force at 8.12.2021, see [art. 1\(2\)](#)

**Representation of the People Act 2000 (c. 2)**

**12.** In the Representation of the People Act 2000, omit section 16A(45).

**Commencement Information**

**I26** Sch. 2 para. 12 in force at 8.12.2021, see [art. 1\(2\)](#)

**Local Government Act 2000 (c. 22)**

**13.—(1)** The Local Government Act 2000 is amended as follows.

(2) In the following provisions, omit “or the Minister for the Cabinet Office”—

- (a) section 9HE(1), (4) and (5) (in both places)(46);
- (b) section 9MG(2), (3) and (6)(47);

(43) Section 23(10) was amended by [S.I. 1997/2971](#), Schedule, [S.I. 2001/2568](#), Schedule, [S.I. 2002/2626](#), Schedule 2, [S.I. 2006/1926](#), Schedule and [S.I. 2018/378](#), Schedule.

(44) Section 17A was inserted by the Representation of the People Act 2000 (c. 2), section 14 and amended by [S.I. 2010/1837](#), Schedule, [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2. Other amendments have been made to section 17A which are not relevant to this Order.

(45) Section 16A was inserted by [S.I. 2010/1837](#), Schedule and substituted by [S.I. 2015/1376](#), Schedule 2, and [S.I. 2016/997](#), Schedule 2.

(46) Section 9HE was inserted by the Localism Act 2011, Schedule 2 and amended by [S.I. 2013/2597](#), Schedule, [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(47) Section 9MG was inserted by the Localism Act 2011, Schedule 2 and amended by [S.I. 2013/2597](#), Schedule, [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

- (c) section 44(1), (3A) and (3B) (in both places)(48).  
(3) In section 105, omit subsection (2A)(49).

**Commencement Information**

**I27** Sch. 2 para. 13 in force at 8.12.2021, see [art. 1\(2\)](#)

**Regulation of Investigatory Powers Act 2000 (c. 23)**

**14.** In Part 1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000 for paragraph 9A(50) substitute—

“**9A.** The Department for Levelling Up, Housing and Communities.”.

**Commencement Information**

**I28** Sch. 2 para. 14 in force at 8.12.2021, see [art. 1\(2\)](#)

**Political Parties, Elections and Referendums Act 2000 (c. 41)**

**15.**—(1) The Political Parties, Elections and Referendums Act 2000 is amended as follows.

(2) In section 2(2)(b)(51), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.

(3) Omit section 159A(52).

(4) In paragraph 2(1)(c) of Schedule 2(53), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.

**Commencement Information**

**I29** Sch. 2 para. 15 in force at 8.12.2021, see [art. 1\(2\)](#)

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

**16.** In Schedule 9 to the Domestic Violence, Crime and Victims Act 2004, for paragraph 8B(54) substitute—

“**8B.** The Department for Levelling Up, Housing and Communities.”

(48) Section 44(3A) and (3B) were inserted by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21. Section 44(1), (3A) and (3B) were amended by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(49) Section 105(2A) was inserted by [S.I. 2013/2597](#), Schedule and amended by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(50) Paragraph 9A was inserted by [S.I. 2006/1926](#), Schedule and substituted by [S.I. 2018/378](#), Schedule

(51) Section 2(2)(b) was amended by [S.I. 2001/3500](#), Schedule 2, substituted by [S.I. 2002/2626](#), Schedule 2 and amended by [S.I. 2010/1837](#), Schedule, [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(52) Section 159A was inserted by [S.I. 2002/2626](#), Schedule 2 and amended by [S.I. 2008/1319](#), article 4, [S.I. 2010/1837](#), Schedule, [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(53) Paragraph 2(1)(c) was amended by [S.I. 2001/3500](#), Schedule 2, [S.I. 2002/2626](#), Schedule 2, [S.I. 2010/1837](#), Schedule, [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(54) Paragraph 8B was inserted by [S.I. 2018/378](#), Schedule.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021. (See end of Document for details)

**Commencement Information**

**I30** Sch. 2 para. 16 in force at 8.12.2021, see [art. 1\(2\)](#)

**Electoral Administration Act 2006 (c. 22)**

**17.** In the Electoral Administration Act 2006, omit section 74A(**55**).

**Commencement Information**

**I31** Sch. 2 para. 17 in force at 8.12.2021, see [art. 1\(2\)](#)

**Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)**

**18.** In Schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007—

- (a) omit “Ministry of Housing, Communities and Local Government”(56), and
- (b) at the appropriate place insert “Department for Levelling Up, Housing and Communities”.

**Commencement Information**

**I32** Sch. 2 para. 18 in force at 8.12.2021, see [art. 1\(2\)](#)

**Crossrail Act 2008 (c. 18)**

**19.** In the following provisions of the Crossrail Act 2008, for “Housing, Communities and Local Government” substitute “Levelling Up, Housing and Communities”—

- (a) section 12(6) (in the definition of “appropriate Ministers”)(57);
- (b) section 54(5)(58);
- (c) paragraph 2(8) of Schedule 5 (in the definition of “appropriate Ministers”)(59);
- (d) paragraph 37(2) of Schedule 7(60).

**Commencement Information**

**I33** Sch. 2 para. 19 in force at 8.12.2021, see [art. 1\(2\)](#)

**Political Parties and Elections Act 2009 (c. 12)**

**20.** In the Political Parties and Elections Act 2009, omit section 38A(61).

(55) Section 74A was inserted by [S.I. 2010/1837](#), Schedule and substituted by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(56) The entry for the Ministry of Housing, Communities and Local Government was inserted by [S.I. 2018/378](#), Schedule.

(57) Section 12(6) was amended by [S.I. 2018/378](#), Schedule.

(58) Section 54(5) was amended by [S.I. 2018/378](#), Schedule.

(59) Paragraph 2(8) was amended by [S.I. 2018/378](#), Schedule.

(60) Paragraph 37(2) was amended by [S.I. 2018/378](#), Schedule.

(61) Section 38A was inserted by [S.I. 2010/1837](#), Schedule and substituted by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

#### Commencement Information

**I34** Sch. 2 para. 20 in force at 8.12.2021, see [art. 1\(2\)](#)

### Local Democracy, Economic Development and Construction Act 2009 (c. 20)

**21.**—(1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.

(2) In section 114, omit subsection (1A)(**62**).

(3) In section 116, omit subsection (1A)(**63**).

(4) In Schedule 5B(**64**), in paragraphs 3 and 12(1), (4) and (5) (in both places), omit “or the Minister for the Cabinet Office”.

#### Commencement Information

**I35** Sch. 2 para. 21 in force at 8.12.2021, see [art. 1\(2\)](#)

### Police Reform and Social Responsibility Act 2011 (c. 13)

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

(2) In the following provisions omit “or the Minister for the Cabinet Office”—

(a) section 50(4)(**65**);

(b) section 54(1)(b) and (2)(**66**).

(3) In section 55—

(a) in subsections (1)(b), (4) and (6) to (11) for “Minister”, in each place, substitute “Secretary of State”, and

(b) in subsection (12), omit the definition of “the Minister”(**67**).

(4) In the following provisions omit “or the Minister for the Cabinet Office”—

(a) section 58(1) and (5)(**68**);

(b) section 65(3)(**69**);

(c) section 66(8)(**70**);

(d) section 70(1)(a)(**71**);

(e) section 71(6)(**72**);

(62) Section 114(1A) was inserted by the Cities and Local Government Devolution Act 2016 (c. 1), Schedule 5 and amended by S.I. 2016/997, Schedule 2.

(63) Section 116(1A) was inserted by the Cities and Local Government Devolution Act 2016 (c. 1), Schedule 5 and amended by S.I. 2016/997, Schedule 2.

(64) Schedule 5B was inserted by the Cities and Local Government Devolution Act 2016, Schedule 1 and amended by S.I. 2016/997, Schedule 2.

(65) Section 50(4) was amended by S.I. 2015/1526, Schedule and S.I. 2016/997, Schedule 2.

(66) Section 54(1)(b) and (2) were amended by S.I. 2015/1376, Schedule 2, and S.I. 2016/997, Schedule 2.

(67) Section 55(12) was amended by S.I. 2015/1526, Schedule and S.I. 2016/997, Schedule 2.

(68) Section 58(1) was amended by S.I. 2014/268, article 4(2), S.I. 2015/1376, Schedule 2 and S.I. 2016/997, Schedule 2. Section 58(5) was amended by S.I. 2015/1526, Schedule and S.I. 2016/997, Schedule 2.

(69) Section 65(3) was amended by S.I. 2015/1526, Schedule and S.I. 2016/997, Schedule 2.

(70) Section 66(8) was amended by S.I. 2015/1526, Schedule and S.I. 2016/997, Schedule 2.

(71) Section 70(1)(a) was amended by S.I. 2015/1526, Schedule and S.I. 2016/997, Schedule 2.

(72) Section 71(6) was amended by S.I. 2015/1526, Schedule and S.I. 2016/997, Schedule 2.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021. (See end of Document for details)

- (f) section 75(1)(73);
- (g) section 154(1) and (5)(74).

**Commencement Information**

**I36** Sch. 2 para. 22 in force at 8.12.2021, see [art. 1\(2\)](#)

**Electoral Registration and Administration Act 2013 (c. 6)**

**23.**—(1) The Electoral Registration and Administration Act 2013 is amended as follows.

(2) In the following provisions, for “Minister” substitute “Secretary of State”—

- (a) section 7(1) and (2);
  - (b) section 8(1), (3) and (4);
  - (c) section 9(3) (in both places), (7) and (9);
  - (d) section 10(1) and (4) (in both places).
- (3) Omit section 25(75).
- (4) In section 27(1) and (10), for “Minister” substitute “Secretary of State”.

**Commencement Information**

**I37** Sch. 2 para. 23 in force at 8.12.2021, see [art. 1\(2\)](#)

**Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4)**

**24.** In section 33 of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014—

- (a) in subsections (10) and (11)(b), for “Minister”, in each place, substitute “Secretary of State”, and
- (b) omit subsection (13)(76).

**Commencement Information**

**I38** Sch. 2 para. 24 in force at 8.12.2021, see [art. 1\(2\)](#)

**High Speed Rail (London – West Midlands) Act 2017 (c. 7)**

**25.** In the following provisions of the High Speed Rail (London – West Midlands) Act 2017, for “Housing, Communities and Local Government” substitute “Levelling Up, Housing and Communities”—

- (a) section 64(5)(77);

(73) Section 75(1) was amended by [S.I. 2015/1526](#), Schedule and [S.I. 2016/997](#), Schedule 2.

(74) Section 154(1) and (5) were amended by [S.I. 2014/268](#), article 4(3), [S.I. 2015/1376](#), Schedule 2, and [S.I. 2016/997](#), Schedule 2.

(75) Section 25(1) was amended by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(76) Section 33(13) was amended by [S.I. 2016/997](#), Schedule 2.

(77) Section 64(5) was amended by [S.I. 2018/378](#), Schedule.



- (b) paragraph 5(9) of Schedule 16 (in the definition of “appropriate Ministers”)(78);
- (c) paragraph 30 of Schedule 17 (in the definition of “appropriate Ministers”)(79).

**Commencement Information**

**I39** Sch. 2 para. 25 in force at 8.12.2021, see [art. 1\(2\)](#)

**Digital Economy Act 2017 (c. 30)**

**26.** In the following provisions of the Digital Economy Act 2017, for “Housing, Communities and Local Government” substitute “Levelling Up, Housing and Communities”—

- (a) paragraph 8 of Schedule 4(80);
- (b) paragraph 3 of Schedule 5(81);
- (c) paragraph 2 of Schedule 6(82);
- (d) paragraph 9 of Schedule 8(83).

**Commencement Information**

**I40** Sch. 2 para. 26 in force at 8.12.2021, see [art. 1\(2\)](#)

**High Speed Rail (West Midlands – Crewe) Act 2021 (c. 2)**

**27.** In the following provisions of the High Speed Rail (West Midlands – Crewe) Act 2021, for “Housing, Communities and Local Government” substitute “Levelling Up, Housing and Communities”—

- (a) section 56(5);
- (b) paragraph 5(9) of Schedule 15 (in the definition of “appropriate Ministers”);
- (c) paragraph 29 of Schedule 17 (in the definition of “appropriate Ministers”).

**Commencement Information**

**I41** Sch. 2 para. 27 in force at 8.12.2021, see [art. 1\(2\)](#)

## PART 2

### Secondary legislation

**Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341)**

**28.—(1)** The Representation of the People (England and Wales) Regulations 2001 are amended as follows.

(78) Paragraph 5(9) was amended by [S.I. 2018/378](#), Schedule.

(79) Paragraph 30 was amended by [S.I. 2018/378](#), Schedule.

(80) Paragraph 8 was amended by [S.I. 2018/378](#), Schedule.

(81) Paragraph 3 was amended by [S.I. 2018/378](#), Schedule.

(82) Paragraph 2 was amended by [S.I. 2018/378](#), Schedule.

(83) Paragraph 9 was amended by [S.I. 2018/378](#), Schedule.

- (2) In regulation 3(1)(**84**), in the definition of “digital service” for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.
- (3) In regulation 26(**85**)—
- (a) in paragraph (6), for “Minister for the Cabinet Office” substitute “Secretary of State”,
  - (b) in paragraph (6A), for “Minister” substitute “Secretary of State”,
  - (c) in paragraph (9)—
    - (i) for “Minister for the Cabinet Office” substitute “Secretary of State”, and
    - (ii) for “Minister” substitute “Secretary of State”, and
  - (d) in paragraph (11), for “Minister for the Cabinet Office” substitute “Secretary of State”.
- (4) In regulation 26A(**86**)—
- (a) in paragraph (3), for “Minister for the Cabinet Office” substitute “Secretary of State”, and
  - (b) in paragraph (3A), for “Minister” substitute “Secretary of State”.
- (5) In regulation 29ZA(**87**)—
- (a) in paragraph (1), for “Minister for the Cabinet Office”, in both places, substitute “Secretary of State for Levelling Up, Housing and Communities”,
  - (b) in paragraph (2)—
    - (i) for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and
    - (ii) after “Secretary of State” insert “for Work and Pensions”,
  - (c) in paragraph (3), after “Secretary of State”, in each place, insert “for Work and Pensions”,
  - (d) in paragraph (4)—
    - (i) after “Secretary of State” insert “for Work and Pensions”, and
    - (ii) for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”,
  - (e) in paragraphs (5) and (6), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and
  - (f) in paragraph (7), omit sub-paragraph (b).
- (6) In regulation 29ZB(**88**), in paragraphs (7) and (8), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.
- (7) In regulation 29—
- (a) in paragraph (2BF)(b)(**89**), for “Minister for the Cabinet Office” substitute “Secretary of State”, and

**(84)** The definition of “digital service” was inserted by [S.I. 2013/3198](#), regulation 3 and amended by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

**(85)** Regulation 26 was substituted by [S.I. 2013/3198](#), regulation 10. Paragraph (6) was amended by [S.I. 2015/1376](#), Schedule 2, [S.I. 2016/997](#), Schedule 2 and [S.I. 2016/694](#), regulation 4. Paragraph (6A) was inserted by [S.I. 2018/644](#), Schedule 2. Paragraph (9) was amended by [S.I. 2015/1376](#), Schedule 2, [S.I. 2016/997](#), Schedule 2 and [S.I. 2018/272](#), regulation 2. Paragraph (11) was amended by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

**(86)** Regulation 26A was inserted by [S.I. 2013/3198](#), regulation 11. Paragraph (3) was amended by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#). Paragraph (3A) was inserted by [S.I. 2018/644](#), Schedule 2.

**(87)** Regulation 29ZA was inserted by [S.I. 2013/3198](#), regulation 14. Paragraph (1) was amended by [S.I. 2015/467](#), regulation 4, [S.I. 2015/1971](#), regulation 5 and [S.I. 2016/997](#), Schedule 2. Paragraphs (2) and (4) to (6) were amended by [S.I. 2016/997](#), Schedule 2.

**(88)** Regulation 29ZB was inserted by [S.I. 2013/3198](#), regulation 14. Paragraphs (7) and (8) were amended by [S.I. 2016/997](#), Schedule 2.

**(89)** Paragraphs (2BA) to (2BF) of regulation 29 were substituted by [S.I. 2015/1971](#), regulation 6. Paragraph (2BF) was amended by [S.I. 2016/997](#), Schedule 2.

- (b) in paragraph (2BG)(90), for “Minister” substitute “Secretary of State”.
- (8) In regulation 32ZBA(7)(a)(91), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.
- (9) In regulation 32ZBB(92)—
- (a) in paragraphs (1) and (2), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”,
- (b) in paragraph (3)—
- (i) for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and
- (ii) after “Secretary of State” insert “for Work and Pensions”,
- (c) in paragraph (4), after “Secretary of State”, in each place, insert “for Work and Pensions”,
- (d) in paragraph (5)—
- (i) after “Secretary of State” insert “for Work and Pensions”, and
- (ii) for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”,
- (e) in paragraphs (6) and (7), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and
- (f) in paragraph (9) —
- (i) in paragraph (e) of the definition of “matching data”, for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and
- (ii) omit the definition of “the Secretary of State”.
- (10) In regulation 32ZBC(93), in paragraphs (3), (4) and (5), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.
- (11) In regulation 32ZBG(94), in each of paragraphs (1)(b) and (3), for “Minister for the Cabinet Office” substitute “Secretary of State”.
- (12) In regulation 32ZC(95)—
- (a) in paragraph (1)(b), for “Minister for the Cabinet Office” substitute “Secretary of State”, and
- (b) in paragraph (1A), for “Minister” substitute “Secretary of State”.

#### Commencement Information

**I42** Sch. 2 para. 28 in force at 8.12.2021, see [art. 1\(2\)](#)

### Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497)

**29.**—(1) The Representation of the People (Scotland) Regulations 2001 are amended as follows.

(90) Paragraph (2BG) was inserted by [S.I. 2018/644](#), Schedule 2.

(91) Regulation 32ZBA was inserted by [S.I. 2019/1451](#), regulation 11.

(92) Regulation 32ZBB was inserted by [S.I. 2019/1451](#), regulation 11. Paragraph (1) was amended by [S.I. 2020/50](#), regulation 13.

(93) Regulation 32ZBC was inserted by [S.I. 2019/1451](#), regulation 11.

(94) Regulation 32ZBG was inserted by [S.I. 2019/1451](#), regulation 11.

(95) Regulation 32ZC was inserted by [S.I. 2013/3198](#), regulation 22. Paragraph (1) was amended by [S.I. 2016/997](#), Schedule 2. Paragraph (1A) was inserted by [S.I. 2018/644](#), Schedule 2.

**Changes to legislation:** There are currently no known outstanding effects for the *The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021*. (See end of Document for details)

(2) In regulation 3(1)(**96**), in the definition of “digital service” for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.

(3) In regulation 26(**97**)—

(a) in paragraphs (6) and (6A), for “Minister for the Cabinet Office” substitute “Secretary of State”,

(b) in paragraph (9)—

(i) for “Minister for the Cabinet Office” substitute “Secretary of State”, and

(ii) for “Minister” substitute “Secretary of State”, and

(c) in paragraph (11), for “Minister for the Cabinet Office” substitute “Secretary of State”.

(4) In regulation 26A(**98**), in paragraphs (3) and (3A), for “Minister for the Cabinet Office” substitute “Secretary of State”.

(5) In regulation 29ZA(**99**)—

(a) in paragraph (1), for “Minister for the Cabinet Office”, in both places, substitute “Secretary of State for Levelling Up, Housing and Communities”,

(b) in paragraph (2)—

(i) for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and

(ii) after “Secretary of State” insert “for Work and Pensions”,

(c) in paragraph (3), after “Secretary of State”, in each place, insert “for Work and Pensions”,

(d) in paragraph (4)—

(i) after “Secretary of State” insert “for Work and Pensions”, and

(ii) for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”,

(e) in paragraphs (5) and (6), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and

(f) in paragraph (7), omit sub-paragraph (b).

(6) In regulation 29ZB(**100**), in paragraphs (7) and (8), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.

(7) In regulation 29(2AF)(b)(**101**) and (2AG)(**102**), for “Minister for the Cabinet Office” substitute “Secretary of State”.

(8) In regulation 32ZBA(7)(a)(**103**), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.

(96) The definition of “digital service” was inserted by [S.I. 2013/3198](#), regulation 3 and amended by [S.I. 2015/1376](#), Schedule 2, [S.I. 2016/997](#), Schedule 2, [S.I. 2019/1451](#), regulation 14 and [S.I. 2020/113](#), regulation 3.

(97) Regulation 26 was substituted by [S.I. 2013/3206](#), regulation 10. Paragraph (6) was amended by [S.I. 2015/1376](#), Schedule 2, [S.I. 2016/997](#), Schedule 2 and [S.I. 2017/604](#), regulation 4. Paragraph (6A) was inserted by [S.I. 2017/602](#), regulation 3. Paragraph (9) was amended by [S.I. 2015/1376](#), Schedule 2, [S.I. 2016/997](#), Schedule 2 and [S.I. 2017/602](#), regulation 4. Paragraph (11) was amended by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#), Schedule 2.

(98) Regulation 26A was inserted by [S.I. 2013/3206](#), regulation 11. Paragraph (3) was amended by [S.I. 2015/1376](#), Schedule 2 and [S.I. 2016/997](#). Paragraph (3A) was inserted by [S.I. 2017/602](#), regulation 5.

(99) Regulation 29ZA was inserted by [S.I. 2013/3206](#), regulation 14. Paragraph (1) was amended by [S.I. 2015/450](#), regulation 4, [S.I. 2015/1966](#), regulation 5 and [S.I. 2016/997](#), Schedule 2. Paragraphs (2) and (4) to (6) were amended by [S.I. 2016/997](#), Schedule 2.

(100) Regulation 29ZB was inserted by [S.I. 2013/3206](#), regulation 14. Paragraphs (7) and (8) were amended by [S.I. 2016/997](#), Schedule 2.

(101) Paragraphs (2AA) to (2AF) of regulation 29 were substituted by [S.I. 2015/1966](#), regulation 6. Paragraph (2AF) was amended by [S.I. 2016/997](#), Schedule 2.

(102) Paragraph (2AG) was inserted by [S.I. 2017/602](#), regulation 6.

(103) Regulation 32ZBA was inserted by [S.I. 2019/1451](#), regulation 18.

- (9) In regulation 32ZBB(**104**)—
- (a) in paragraphs (1) and (2), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”,
  - (b) in paragraph (3)—
    - (i) for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and
    - (ii) after “Secretary of State” insert “for Work and Pensions”,
  - (c) in paragraph (4), after “Secretary of State”, in each place, insert “for Work and Pensions”,
  - (d) in paragraph (5)—
    - (i) after “Secretary of State” insert “for Work and Pensions”, and
    - (ii) for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”,
  - (e) in paragraphs (6) and (7), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and
  - (f) in paragraph (9) —
    - (i) in paragraph (e) of the definition of “matching data”, for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”, and
    - (ii) omit the definition of “the Secretary of State”.
- (10) In regulation 32ZBC(**105**), in each of paragraphs (3), (4) and (5), for “Minister for the Cabinet Office” substitute “Secretary of State for Levelling Up, Housing and Communities”.
- (11) In regulation 32ZBG(**106**), in each of paragraphs (1)(b) and (2), for “Minister for the Cabinet Office” substitute “Secretary of State”.
- (12) In regulation 32ZC(**107**), in paragraphs (1)(b) and (1A), for “Minister for the Cabinet Office” substitute “Secretary of State”.

#### Commencement Information

**I43** Sch. 2 para. 29 in force at 8.12.2021, see [art. 1\(2\)](#)

#### Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917)

- 30.**—(1) The Police and Crime Commissioner Elections Order 2012 is amended as follows.
- (2) In article 2(1)(**108**), omit the definition of “the Minister”.
  - (3) In the following provisions, in each place, for “Minister” substitute “Secretary of State”—
    - (a) article 6(1) and (2)(**109**);
    - (b) article 16(1)(**110**);

(**104**) Regulation 32ZBB was inserted by [S.I. 2019/1451](#), regulation 18. Paragraph (1) was amended by [S.I. 2020/113](#), regulation 8.

(**105**) Regulation 32ZBC was inserted by [S.I. 2019/1451](#), regulation 18.

(**106**) Regulation 32ZBG was inserted by [S.I. 2019/1451](#), regulation 18.

(**107**) Regulation 32ZC was inserted by [S.I. 2013/3206](#), regulation 22. Paragraph (1) was amended by [S.I. 2016/997](#), Schedule 2. Paragraph (1A) was inserted by [S.I. 2017/602](#), regulation 8.

(**108**) The definition of “the Minister” was inserted in article 2(1) by [S.I. 2015/1526](#), Schedule and amended by [S.I. 2016/997](#), Schedule 2.

(**109**) Article 6(1) and (2) was amended by [S.I. 2015/1526](#), Schedule.

(**110**) Article 16(1) was amended by [S.I. 2015/1526](#), Schedule.

**Changes to legislation:** There are currently no known outstanding effects for the *The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021*. (See end of Document for details)

- (c) article 36(1)(**111**);
- (d) article 52(1) and (4)(**112**);
- (e) article 64(7)(**113**);
- (f) paragraphs 21(6) and 59(5) of Schedule 2(**114**);
- (g) paragraph 62(4)(a) of Schedule 3(**115**);
- (h) paragraph 3(4) of Schedule 5(**116**);
- (i) paragraphs 15(2) to (7) and 16(1) and (3) of Schedule 7(**117**);
- (j) paragraphs 6(1)(c), 7(5) and (6), 8(1) and (2) and the heading to that paragraph, 9(1) and (4), 10(1)(a), 12(1), (2)(d) and (6)(c) and 13(1) to (4) of Schedule 8(**118**);
- (k) in Part 1 of Schedule 9, in the table, in the modifications to sections 131, 132, 133 and 181 of the Representation of the People Act 1983(**119**);
- (l) paragraph 1(3) of Schedule 10(**120**).

**Commencement Information**

**I44** Sch. 2 para. 30 in force at 8.12.2021, see [art. 1\(2\)](#)

**Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 (S.I. 2012/2088)**

**31.** In regulation 3 of the Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012(**121**), omit “or the Minister for the Cabinet Office”.

**Commencement Information**

**I45** Sch. 2 para. 31 in force at 8.12.2021, see [art. 1\(2\)](#)

**Postponed Elections and Referendums (Coronavirus) and Policy Development Grants (Amendment) Regulations 2020 (S.I. 2020/926)**

**32.** In article 10 of the Postponed Elections and Referendums (Coronavirus) and Policy Development Grants (Amendment) Regulations 2020—

- (a) in paragraphs (2) and (4), for “Minister”, in each place, substitute “Secretary of State”, and
- (b) in paragraph (7), omit the definition of “the Minister”.

(**111**) Article 36(1) was amended by [S.I. 2015/1526](#), Schedule.

(**112**) Article 52(1) was amended by [S.I. 2014/1963](#), article 3 and [S.I. 2015/1526](#), Schedule. Article 52(4) was amended by [S.I. 2014/1963](#), article 3.

(**113**) Article 64(7) was amended by [S.I. 2015/1526](#), Schedule.

(**114**) Paragraphs 21(6) and 59(5) were amended by [S.I. 2015/1526](#), Schedule.

(**115**) Paragraph 62(4)(a) was amended by [S.I. 2015/1526](#), Schedule.

(**116**) Paragraph 3(4) was amended by [S.I. 2015/1526](#), Schedule.

(**117**) Paragraphs 15(2) to (7) and 16(1) and (3) were amended by [S.I. 2015/1526](#), Schedule.

(**118**) These paragraphs were amended by [S.I. 2015/1526](#), Schedule. Paragraph 13(4) was also amended by [S.I. 2014/1963](#), article 4.

(**119**) These modifications were amended by [S.I. 2015/1526](#), Schedule.

(**120**) Paragraph 1(3) was amended by [S.I. 2015/1526](#), Schedule.

(**121**) Regulation 3 was amended by [S.I. 2015/1526](#), Schedule, and [S.I. 2016/997](#), Schedule 2.

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**Commencement Information**

**I46** Sch. 2 para. 32 in force at 8.12.2021, see [art. 1\(2\)](#)

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**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 establishment of the Department for Levelling Up, Housing and Communities.

Article 3 provides for the incorporation of the Secretary of State for Levelling Up, Housing and Communities as a corporation sole and for the authentication of the corporate seal and execution and certification of documents.

Articles 4 and 5 provide for the transfer of functions and property, rights and liabilities from the Secretary of State for Housing, Communities and Local Government to the Secretary of State for Levelling Up, Housing and Communities. Article 6 makes supplementary provision in connection with articles 4 and 5.

Article 7(1) provides that the functions of the Minister for the Cabinet Office under section 2(2) (b) of the Political Parties, Elections and Referendums Act 2000 (c. 41) are to be transferred to the Secretary of State for Levelling Up, Housing and Communities. It also provides that those functions cease to be exercisable concurrently with any Minister of the Crown in the Cabinet Office with responsibilities in relation to the constitution, and are instead to be exercisable concurrently with any Minister of the Crown in the Department for Levelling Up, Housing and Communities with responsibilities in relation to the constitution.

Article 7(2) and (3) transfers functions previously exercisable solely by the Minister for the Cabinet Office under the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) and the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) to the Secretary of State or the Secretary of State for Levelling Up, Housing and Communities. Article 8 provides for the transfer of property, rights and liabilities in connection with article 7(2) and (3).

Article 9 and Schedule 1 provide that certain functions previously exercisable by the Secretary of State concurrently with the Minister for the Cabinet Office will now instead be exercisable solely by the Secretary of State. Article 10 provides for the transfer of property, rights and liabilities in connection with article 9.

Article 11 makes supplementary provision in connection with articles 7 to 10.

Article 12 makes provision preserving the validity of anything done by or in relation to the Secretary of State for Housing, Communities and Local Government or the Minister for the Cabinet Office before the coming into force of this Order.

Article 13 and Schedule 2 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.

**Changes to legislation:** *There are currently no known outstanding effects for the The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021. (See end of Document for details)*

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.



**Changes to legislation:**

There are currently no known outstanding effects for the The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021.