
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.

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.