
STATUTORY INSTRUMENTS

2002 No. 1397

The Secretaries of State for Education and Skills and for Work and Pensions Order 2002

Education functions

6.—(1) In this article “the education functions” means the functions which were entrusted to the Secretary of State for Education and Employment immediately before 7th June 2001 and have, before the making of this Order, been entrusted to the Secretary of State for Education and Skills.

(2) All property, rights and liabilities to which the Secretary of State for Education and Employment is entitled or subject at the coming into force of this Order in connection with the education functions are hereby transferred to the Secretary of State for Education and Skills.

(3) Any contract, offer, warrant or other thing which—

(a) has been, or has effect as if, made, issued or done by or in relation to the Secretary of State for Education and Employment in connection with the education functions, or anything transferred by paragraph (2), and

(b) is in force at the coming into force of this Order,

shall have effect as if made, issued or done by or in relation to the Secretary of State for Education and Skills.

(4) Without prejudice to paragraph (3), anything (including any 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 Education and Employment may, so far as it relates to—

(a) any of the education functions, or

(b) anything to which paragraph (2) or (3) relates,

be continued by or in relation to the Secretary of State for Education and Skills.

(5) Subject to article 12, any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of the entrusting to the Secretary of State for Education and Skills of the education functions, as if any reference to the Secretary of State for Education and Employment, to the Department for Education and Employment or to an officer of the Secretary of State for Education and Employment (including any reference which is to be construed as such a reference) were a reference to the Secretary of State for Education and Skills, to the Department for Education and Skills or, as the case may be, to an officer of the Secretary of State for Education and Skills.

(6) Documents or forms printed for use in connection with any of the education functions may be used in connection with those functions notwithstanding that they contain, or are to be construed as containing, references to the Secretary of State for Education and Employment, to the Department for Education and Employment or to an officer of the Department for Education and Employment; and 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 Secretary of State for Education and Skills, to the Department for Education and Skills or, as the case may be, to an officer of the Secretary of State for Education and Skills.