
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 in connection with the establishment of the Department for Children, Schools and Families, the Department for Innovation, Universities and Skills and the Department for Business, Enterprise and Regulatory Reform.

The responsibilities entrusted to the Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform were described in the Prime Minister's written statement to Parliament dated 28th June 2007 (reported in Hansard (House of Commons) at column 36WS; available at www.parliament.uk).

Articles 3, 4 and 5 provide for the incorporation of the Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform as corporations sole and provide for the authentication of corporate seals and the execution and certification of documents.

Article 6 transfers any functions of the Secretary of State for Education and Skills to the Secretary of State for Children, Schools and Families (apart from any that are transferred by article 8(2)(a)).

Article 9 transfers certain functions of the Secretary of State for Trade and Industry to the Secretary of State for Innovation, Universities and Skills.

Article 11 transfers any functions of the Secretary of State for Trade and Industry to the Secretary of State for Business, Enterprise and Regulatory Reform (apart from any that are transferred by article 9, 10(3)(a) or 14).

Articles 7, 8, 10 and 12 make provision for the transfer of property, rights and liabilities consequential on transfers effected by the Order and the entrusting of the functions in question to the Secretary of State to whom they are now entrusted and make further consequential provision.

Article 13 makes supplementary provision providing for continuity.

Article 14 transfers to the Secretary of State the function of making an order under section 3 of the Fairs Act 1871.

Article 15 and the Schedule to the Order 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 regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.