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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 in connection with the establishment of the Department of Energy and Climate Change.

The responsibilities entrusted to the Secretary of State for Energy and Climate Change were described in the Cabinet Office paper “Machinery of Government: economy, business, climate change, energy and environment”, which was placed in the Libraries of both Houses of Parliament and was referred to in the Prime Minister’s written statement to Parliament dated 13th October 2008: see Hansard (House of Commons) 13th October 2008 at column 32WS, available at [www.parliament.uk](http://www.parliament.uk). Further details of these changes were given in the supplementary Cabinet Office paper which was placed in the Libraries of both Houses of Parliament on 10th February 2009, and referred to in the Prime Minister’s written statement to Parliament of the same date: see Hansard (House of Commons) 10th February 2009 at column 58WS, also available at [www.parliament.uk](http://www.parliament.uk).

*Article 3* provides for the incorporation of the Secretary of State for Energy and Climate Change as a corporation sole, and for the authentication of the corporate seal and the execution and certification of documents.

*Article 4 and Schedule 1* transfer certain functions of the Secretary of State for Business, Enterprise and Regulatory Reform to the Secretary of State for Energy and Climate Change.

*Article 5* transfers certain functions of the Secretary of State for Environment, Food and Rural Affairs to the Secretary of State for Energy and Climate Change.

*Article 6* makes provision for the transfer of property, rights and liabilities consequential on transfers effected by the Order and the entrusting of functions to the Secretary of State for Energy and Climate Change, and *articles 7 and 8* make other supplemental provision.

*Article 9 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 impact on the private or voluntary sectors is foreseen.