

EXPLANATORY MEMORANDUM TO
THE SECRETARY OF STATE FOR CULTURE, OLYMPICS, MEDIA AND SPORT
ORDER 2010

2010 No. 1551

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This instrument makes provision with respect to the Secretary of State for Culture, Olympics, Media and Sport and transfers the functions of the Secretary of State for Culture, Media and Sport to that office. The instrument also provides for Olympics- and Paralympics-related functions previously exercisable by the Paymaster General (the formal name for the Minister for the Olympics) and Secretary of State concurrently, to cease to be exercisable by the Paymaster General.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 Section 1 of the Ministers of the Crown Act 1975 provides for the transfer of functions between Ministers. This is particularly relevant where it is intended that functions which are assigned by legislation to a named Minister be transferred to another Minister. Sections 1 and 2 allow for supplementary and consequential provision (including the amendment of legislation) and for the incorporation of a Secretary of State as a distinct legal person or “corporation sole”.
 - 4.2 Sections 1 also provides for an Order to direct that ministerial functions be exercisable by two Ministers concurrently or that functions cease to be so exercisable.

5. Territorial Extent and Application

- 5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Ed Vaizey MP, Minister for Culture, Communications and Creative Industries has made the following statement regarding Human Rights:

In my view the provisions of the Secretary of State for Culture, Olympics, Media and Sport Order are compatible with the Convention rights.

7. Policy background

- What is being done and why

7.1 Following the General Election, the Secretary of State for Culture, Olympics, Media and Sport will exercise functions that were previously exercisable by the Secretary of State for Culture, Media and Sport.

7.2 Accordingly, the Order incorporates the office of Secretary of State for Culture, Olympics, Media and Sport as a corporation sole and transfers to it all of the functions that were previously exercisable by the Secretary of State for Culture, Media and Sport. The Order also makes consequential and supplemental provision, including by amending legislation and other instruments so that they refer to the new Secretary of State and transferring property, rights and liabilities.

7.3 Prior to the General Election the Paymaster General (operating under the working title “Minister for the Olympics”) exercised various functions relating to the Olympics and Paralympics. In future, those functions will be exercised by the Secretary of State for Culture, Olympics, Media and Sport.

7.4 Accordingly, the Order provides that functions relating to the Olympics and Paralympics are no longer exercisable by the Paymaster General (with the effect that they are exercisable only by the Secretary of State). The Order also makes consequential and supplemental provision, including by amending legislation and other instruments so that they cease to refer to the Paymaster General and transferring property, rights and liabilities relating to the Olympics and Paralympics to the Secretary of State.

- Consolidation

7.5 The Department does not intend to consolidate the legislation which is amended by this Order.

8. Consultation outcome

8.1 No impact on business or the voluntary sector is foreseen as a result of this Order, therefore there has not been a public consultation on the order.

9. Guidance

9.1 No guidance has been prepared.

10. Impact

10.1 The impact on business, charities or voluntary bodies is foreseen to be nil.

10.2 The impact on the public sector is likely to be negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Considering the nature of this Order, there are no success criteria or any intention to review the outcome.

13. Contact

Kelby Harmes at the Department for Culture, Media and Sport Tel: 020 7211 2241 or email: kelby.harmes@culture.gsi.gov.uk can answer any queries regarding the instrument.