
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.

The Order makes provision for various functions of the Secretary of State in relation to elections, political parties and related matters to be exercisable concurrently with the Lord President of the Council (“the Lord President”), including some functions that have been exercisable concurrently by the Secretary of State and the Lord Chancellor. It also transfers some miscellaneous functions from the Lord Chancellor to the Lord President. It also makes supplementary provision in connection with these matters.

Article 3 provides for functions of the Secretary of State under the Representation of the People Act 1983 (except sections 10ZA, 54 and 161 and rules 3(3) and 51(6) in Schedule 1), the Representation of the People Act 1985 (except sections 6 to 10), the Parliamentary Constituencies Act 1986, section 17A of the Greater London Authority Act 1999, the Representation of the People Act 2000, sections 44 and 45 of the Local Government Act 2000, the European Parliamentary Elections Act 2002, the European Parliament (Representation) Act 2003, the Electoral Administration Act 2006 (except section 63) and the Political Parties and Elections Act 2009 (except sections 9(9) to (11) and 19(5) to 7)) to be exercisable concurrently with the Lord President. It also provides for the transfer to the Lord President of property, rights and liabilities of the Secretary of State for Justice (who has principally exercised the functions in question) and makes supplementary provision for continuity in relation to the exercise of those functions and any property, rights or liabilities transferred.

Article 4 transfers to the Lord President functions of the Lord Chancellor under section 1(2) of the Chartered Associations (Protection of Names and Uniforms) Act 1926, section 2(4) of the Lieutenancies Act 1997 and section 2(2)(b) of the Political Parties, Elections and Referendums Act 2000, and functions arising under certain charters, and provides for functions under the Political Parties, Elections and Referendums Act 2000 which are exercisable concurrently by the Secretary of State and Lord Chancellor to be exercisable concurrently by the Secretary of State and Lord President instead. It also provides for the transfer to the Lord President of property, rights and liabilities of the Lord Chancellor connected with the functions in question and makes supplementary provision for continuity in relation to the exercise of those functions and any property, rights or liabilities transferred.

Article 5 and the Schedule make consequential amendments to relevant legislation.

Nothing in this Order alters the functions of the Welsh Ministers, the Scottish Ministers or the devolved authorities in Northern Ireland.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.