

EXPLANATORY MEMORANDUM TO
THE TRANSFER OF FUNCTIONS (SECRETARY OF STATE FOR CULTURE,
MEDIA AND SPORT) ORDER 2012

2012 No. 2590

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 transfers the functions of the Secretary of State for Culture, Olympics, Media and Sport to the Secretary of State for Culture, Media and Sport. It also makes supplementary provision in connection with both that transfer and the entrusting of other functions to the Secretary of State for Culture, Media and Sport.

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) in connection with such a transfer or a change in the functions of a Secretary of State.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Secretary of State for Culture, Media and Sport has made the following statement regarding Human Rights:

In my view the provisions of the Transfer of Functions (Secretary of State for Culture Media and Sport) Order 2012 are compatible with the Convention rights.

7. Policy background

- What is being done and why

7.1 The Prime Minister has decided that the Secretary of State for Culture, Media and Sport (an existing office established as a corporation sole by S.I. 1992/1311, as amended by S.I. 1997/1744) will exercise functions that were previously exercisable by the Secretary of State for Culture, Olympics, Media and Sport.

7.2 Accordingly, the Order transfers to the Secretary of State for Culture, Media and Sport all of those functions. The Order also makes consequential and supplementary provision in connection with that transfer and the entrusting of functions to the Secretary of State for Culture, Media and Sport. That provision includes amending legislation and other instruments and transferring property, rights and liabilities.

- Consolidation

7.3 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 will 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

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