

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under section 1 of the Ministers of the Crown Act 1975. It makes provision for various functions of the Secretary of State (currently exercised by the Secretary of State for Communities and Local Government) in relation to elections and referendums to be exercisable concurrently with the Lord President of the Council.

Article 2 provides for the concurrent exercise of functions under or by virtue of paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 (c.8), section 52ZQ of the Local Government Finance Act 1992 (c.14) and sections 9HE and 9MG of the Local Government Act 2000 (c.22). All these provisions were inserted by the Localism Act 2011 (c.20), which post-dates a similar transfer of functions order (The Lord President of the Council Order 2010, S.I. 2010/1837). The provisions in the three amended Acts concern referendums about neighbourhood development orders and similar plans, referendums about council tax increases, referendums about local authority governance arrangements and elections for elected mayors.

Article 3 makes supplementary provision for continuity in relation to the exercise of the functions. Article 4 and the Schedule make consequential amendments to relevant Acts of Parliament.

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.