
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the Ministers of the Crown Act 1975, transfers statutory functions relating to freedom of information from the Secretary of State to the Chancellor of the Duchy of Lancaster and provides for certain functions to be exercisable concurrently. It also transfers certain statutory functions relating to public records from the Lord Chancellor to the Secretary of State. The Order makes supplemental provision in connection with these transfers.

Article 3 provides for the Secretary of State's functions under certain provisions of the Freedom of Information Act 2000 (the "2000 Act") to be exercisable concurrently with the Chancellor of the Duchy of Lancaster. These functions relate to the identification of public authorities subject to the 2000 Act and the power to amend or repeal any enactment which prohibits the disclosure of information held by a public authority.

Article 4 transfers to the Chancellor of the Duchy of Lancaster further functions of the Secretary of State under the 2000 Act.

Article 5 makes supplemental provision in connection with Articles 3 and 4.

Article 6 transfers to the Secretary of State certain functions of the Lord Chancellor under the Public Records Act 1958, the 2000 Act, the Environmental Information Regulations 2004 ([S.I. 2004/3391](#)) and the Government of Wales Act 2006. The Lord Chancellor retains responsibility under the Public Records Act 1958 for court records which are not in the Public Record Office (which is part of The National Archives) or another appointed place of deposit.

Article 7 makes supplemental provision in connection with Article 6.

Article 8 makes supplemental provision in relation to the transfer to the Secretary of State for Culture, Media and Sport of functions under the Data Protection Act 1998 that were previously entrusted to the Secretary of State for Justice.

Article 9 and the Schedule make consequential amendments to primary and secondary 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 sector is foreseen.

Status:

Point in time view as at 09/12/2015.

Changes to legislation:

There are currently no known outstanding effects for the The Transfer of Functions (Information and Public Records) Order 2015.