
STATUTORY INSTRUMENTS

2020 No. 942

**The Transfer of Functions (Secretary of State for Foreign,
Commonwealth and Development Affairs) Order 2020**

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Secretary of State for Foreign, Commonwealth and Development Affairs) Order 2020.

(2) This Order comes into force on 30th September 2020.

Interpretation

2. In this Order—

“former FCO function” means any function so far as—

- (a) it is transferred from the Secretary of State for Foreign and Commonwealth Affairs by Article 4(1), or
- (b) it was entrusted to the Secretary of State for Foreign and Commonwealth Affairs immediately before 2nd September 2020 and has before the making of this Order been entrusted to the Secretary of State for Foreign, Commonwealth and Development Affairs;

“former DFID function” means any function so far as—

- (a) it is transferred from the Secretary of State for International Development by Article 4(2), or
- (b) it was entrusted to the Secretary of State for International Development immediately before 2nd September 2020 and has before the making of this Order been entrusted to the Secretary of State for Foreign, Commonwealth and Development Affairs;

“instrument” includes Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

Incorporation of the Secretary of State for Foreign, Commonwealth and Development Affairs

3.—(1) The person who at the coming into force of this Order is the Secretary of State for Foreign, Commonwealth and Development Affairs and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Foreign, Commonwealth and Development Affairs—

- (a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and
- (b) is to be officially and judicially noticed.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Foreign, Commonwealth and Development Affairs and to be—

- (a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for by paragraph (2), and
- (b) signed or executed by a person authorised by a Secretary of State to act in that behalf,

is to be received in evidence and to be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Secretary of State for Foreign, Commonwealth and Development Affairs that an instrument purporting to be made or issued by—

- (a) the Secretary of State for Foreign, Commonwealth and Development Affairs,
- (b) the Secretary of State for Foreign and Commonwealth Affairs, or
- (c) the Secretary of State for International Development,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(1) applies in relation to the Secretary of State for Foreign, Commonwealth and Development Affairs—

- (a) as if references to regulations and orders included references to any document, and
- (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

Transfer of functions

4.—(1) The functions of the Secretary of State for Foreign and Commonwealth Affairs are transferred to the Secretary of State for Foreign, Commonwealth and Development Affairs.

(2) The functions of the Secretary of State for International Development are transferred to the Secretary of State for Foreign, Commonwealth and Development Affairs, subject to paragraph (3).

(3) The functions of the Secretary of State for International Development under the Police Pensions Regulations 2015(2) are transferred to the Secretary of State.

Transfer of property, rights and liabilities

5.—(1) There are transferred to the Secretary of State for Foreign, Commonwealth and Development Affairs all property, rights and liabilities to which the Secretary of State for Foreign and Commonwealth Affairs is entitled or subject at the coming into force of this Order.

(2) There are transferred to the Secretary of State for Foreign, Commonwealth and Development Affairs all property, rights and liabilities to which the Secretary of State for International Development is entitled or subject at the coming into force of this Order.

Immovable property outside the United Kingdom and contracts etc governed by foreign law

6.—(1) The person from time to time holding office as the Secretary of State for Foreign, Commonwealth and Development Affairs is, by virtue of that office—

- (a) to be Secretary of State for Foreign and Commonwealth Affairs so long as—
 - (i) any immovable property outside the United Kingdom remains vested in that Secretary of State, or

(1) 1868 c. 37.
(2) S.I. 2015/445.

- (ii) that Secretary of State is a party to a contract or other agreement governed by the law of a country or territory outside the United Kingdom,
- (b) to be Secretary of State for International Development so long as—
 - (i) any such property remains vested in that Secretary of State, or
 - (ii) that Secretary of State is a party to any such contract or other agreement,
- (c) to be Secretary of State for the Environment, Transport and the Regions⁽³⁾ so long as any such property remains vested in that Secretary of State,
- (d) to be Secretary of State for the Environment so long as any such property remains vested in that Secretary of State,
- (e) to be Minister of Public Building and Works so long as any such property remains vested in that Minister, and
- (f) to be First Commissioner of Works so long as the Commissioners of Works have not been dissolved by Order in Council under the Minister of Works Act 1942⁽⁴⁾.

(2) Section 5(1) to (3) and (5) of the Minister of Works Act 1942 (as set out with adaptations in Schedule 2 to the Secretary of State for the Environment Order 1970⁽⁵⁾) continues to apply to the Secretary of State for Foreign, Commonwealth and Development Affairs as Minister of Public Building and Works.

(3) Article 17 of the Transfer of Functions (Transport, Local Government and the Regions) Order 2002⁽⁶⁾ is revoked.

Supplementary

7.—(1) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to—

- (a) the Secretary of State for Foreign and Commonwealth Affairs, or
- (b) the Secretary of State for International Development,

may be continued by or in relation to the Secretary of State for Foreign, Commonwealth and Development Affairs.

(2) Anything done (or having effect as if done) by or in relation to—

- (a) the Secretary of State for Foreign and Commonwealth Affairs, or
- (b) the Secretary of State for International Development,

has effect, so far as is necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State for Foreign, Commonwealth and Development Affairs.

(3) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

- (a) the transfer or entrusting to the Secretary of State for Foreign, Commonwealth and Development Affairs of any former FCO function or former DFID function, or
- (b) the transfer of anything by article 5,

(3) By virtue of article 17(1) of [S.I. 2002/2626](#), the person from time to time holding office as the Secretary of State for Foreign and Commonwealth Affairs also, by virtue of that office, held office as each of the Ministers listed in article 6(1)(c) to (e) of this Order so long as any immovable property outside the United Kingdom remained vested in that Minister. Article 17(1) also provided that the person held office as First Commissioner of Works so long as the Commissioners of Works had not been dissolved by Order in Council under the Minister of Works Act 1942.

(4) [1942 c. 23](#).

(5) [S.I. 1970/1681](#).

(6) [S.I. 2002/2626](#).

as if references to (and references which are to be read as references to) the transferor were or included references to the Secretary of State for Foreign, Commonwealth and Development Affairs.

(4) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of article 4(3), as if references to the Secretary of State for International Development (and references which are to be read as references to the Secretary of State for International Development) were or included references to the Secretary of State.

(5) Documents or forms printed for use in connection with a former FCO function or former DFID function may be used in connection with that function even though they contain, or are to be read as containing, references to the transferor; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Foreign, Commonwealth and Development Affairs.

(6) Documents or forms printed for use in connection with a function transferred by article 4(3) may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for International Development; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State.

(7) In paragraphs (1) to (6) references to—

- (a) the Secretary of State for Foreign and Commonwealth Affairs,
- (b) the Secretary of State for International Development, or
- (c) the transferor,

include references to the department or an officer of the Secretary of State in question, and references to the Secretary of State for Foreign, Commonwealth and Development Affairs or to the Secretary of State are to be read accordingly.

(8) In this article a reference to anything done by or in relation to the Secretary of State for International Development includes a reference to anything done pursuant to a delegation under section 3(3) of the Overseas Pensions Act 1973(7) (pensions and superannuation schemes: supplementary).

(9) In this article “transferor” means—

- (a) in relation to a former FCO function or anything transferred by article 5(1), the Secretary of State for Foreign and Commonwealth Affairs, and
- (b) in relation to a former DFID function or anything transferred by article 5(2), the Secretary of State for International Development.

Supplementary: validity of things done before coming into force of Order

8.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to—

- (a) the Secretary of State for Foreign and Commonwealth Affairs, or
- (b) the Secretary of State for International Development,

before the coming into force of this Order.

(2) In paragraph (1) —

- (a) a reference to a Secretary of State includes a reference to the department or an officer of that Secretary of State, and

- (b) the reference to anything done by or in relation to the Secretary of State for International Development includes a reference to anything done pursuant to a delegation under section 3(3) of the Overseas Pensions Act 1973.

Consequential amendments

9. The Schedule has effect.

Richard Tilbrook
Clerk of the Privy Council