STATUTORY INSTRUMENTS

2018 No. 526

MINISTERS OF THE CROWN

The Transfer of Functions (Digital Government) Order 2018

Made - - - -	*24th April 2018*
Laid before Parliament	*26th April 2018*
Coming into force - -	*18th May 2018*

At the Court at Windsor Castle, the 24th day of April 2018

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 1 of the Ministers of the Crown Act 1975(**1**), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Digital Government) Order 2018.

(2) This Order comes into force on 18th May 2018.

Functions of the Secretary of State to cease to be exercisable concurrently with the Minister for the Cabinet Office

2.—(1) The functions of the Secretary of State under Chapter 1 of Part 5 of the Digital Economy Act 2017(**2**) (digital government: public service delivery) which are exercisable concurrently with the Minister for the Cabinet Office are to cease to be exercisable concurrently with the Minister for the Cabinet Office and are instead to be exercisable only by the Secretary of State.

(2) The functions to which paragraph (1) applies include functions under any provision not yet in force at the time this Order is made.

Transfer of function from the Minister for the Cabinet Office to the Secretary of State

3. The function of the Minister for the Cabinet Office under section 44(4)(d) of the Digital Economy Act 2017 (regulations under Chapter 1: consultation) is transferred to the Secretary of State.

(**1**) 1975 c. 26. Section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).
(**2**) 2017 c. 30.

Supplementary provision

4.—(1) In this article "relevant function" means a function—

(a) which ceases by virtue of article 2 to be exercisable concurrently with the Minister for the Cabinet Office, or

(b) which is transferred by article 3.

(2) 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 the Minister for the Cabinet Office may, so far as it relates to a relevant function, be continued by or in relation to the Secretary of State.

(3) Anything done (or having effect as if done) by or in relation to the Minister for the Cabinet Office in connection with a relevant function has effect, so far as 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.

(4) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as necessary for the purposes of or in consequence of article 2 or 3, as if references to (and references which are to be read as references to) the Minister for the Cabinet Office were or included references to the Secretary of State.

(5) Documents or forms printed for use in connection with a relevant function may be used in connection with the exercise of that function even though they contain (or are read as containing) references to the Minister for the Cabinet Office; 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.

(6) In paragraphs (2) to (5)—

(a) references to the Minister for the Cabinet Office include references to the Cabinet Office or an officer in that Office, and

(b) references to the Secretary of State include references to the department or an officer of the Secretary of State accordingly.

(7) In this article "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.

Validity of things done before coming into force of Order

5.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Minister for the Cabinet Office before the coming into force of this Order.

(2) In paragraph (1) the reference to the Minister for the Cabinet Office includes a reference to the Cabinet Office or an officer in that Office.

Consequential amendments

6.—(1) The Digital Economy Act 2017 is amended as follows.

(2) In sections 43 and 44 for "relevant Minister" (in each place it occurs) substitute "Secretary of State".

(3) In section 44(4)(d) for "Minister for the Cabinet Office" substitute "Secretary of State".

(4) In section 45(1)—

(a) in the definition of "the appropriate national authority" for "relevant Minister" substitute "Secretary of State", and

(b) omit the definition of "relevant Minister".