Changes to legislation: *The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018 is up to date with all changes known to be in force on or before 23 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2018 No. 378

MINISTERS OF THE CROWN

The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018

Made - - - -	*14th March 2018*
Laid before Parliament	*21st March 2018*
Coming into force - -	*11th April 2018*

At the Court at Buckingham Palace, the 14th day of March 2018

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by sections 1 and 2 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 Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018.

(2) This Order comes into force on 11th April 2018.

Commencement Information

I1 Art. 1 in force at 11.4.2018, see **art. 1(2)**

Interpretation

2. In this Order—

"CLG function" means any function so far as—

(a) it is transferred by article 8, or

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

(b) it was entrusted to the Secretary of State for Communities and Local Government immediately before 8th January 2018 and has before the making of this Order been entrusted to the Secretary of State for Housing, Communities and Local Government;

"health function" means any function so far as—

(a) it is transferred by article 4, or

(b) it was entrusted to the Secretary of State for Health immediately before 8th January 2018 and has before the making of this Order been entrusted to the Secretary of State for Health and Social Care;

"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.

Commencement Information

I2 Art. 2 in force at 11.4.2018, see **art. 1(2)**

Incorporation of the Secretary of State for Health and Social Care

3.—(1) The person who at the coming into force of this Order is the Secretary of State for Health and Social Care and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Health and Social Care—

(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 noted.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Health and Social Care and to be—

(a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for by paragraph (2), or

(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 Health and Social Care that an instrument purporting to be made or issued by—

(a) the Secretary of State for Health and Social Care, or

(b) the Secretary of State for Health,

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

(5) The Documentary Evidence Act 1868(**2**) applies in relation to the Secretary of State for Health and Social Care—

(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.

(**2**) 1868 c. 37.

Commencement Information
I3 Art. 3 in force at 11.4.2018, see **art. 1(2)**

Transfer of functions etc to the Secretary of State for Health and Social Care

4. The functions of the Secretary of State for Health are transferred to the Secretary of State for Health and Social Care.

5. There are transferred to the Secretary of State for Health and Social Care all property, rights and liabilities to which the Secretary of State for Health is entitled or subject at the coming into force of this Order.

Commencement Information
I4 Art. 4 in force at 11.4.2018, see **art. 1(2)**
I5 Art. 5 in force at 11.4.2018, see **art. 1(2)**

Secretary of State for Health and Social Care: supplementary

6.—(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 the Secretary of State for Health may be continued by or in relation to the Secretary of State for Health and Social Care.

(2) Anything done (or having effect as if done) by or in relation to the Secretary of State for Health 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 for Health and Social Care.

(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 Health and Social Care of a health function, or

(b) the transfer of anything by article 5,

as if references to (and references which are to be read as references to) the Secretary of State for Health were or included references to the Secretary of State for Health and Social Care.

(4) Documents or forms printed for use in connection with a health function 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 Health; 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 Health and Social Care.

(5) In paragraphs (1) to (4), references to a Secretary of State include references to the department or an officer of that Secretary of State.

Commencement Information
I6 Art. 6 in force at 11.4.2018, see **art. 1(2)**

Incorporation of the Secretary of State for Housing, Communities and Local Government

7.—(1) The person who at the coming into force of this Order is the Secretary of State for Housing, Communities and Local Government and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Housing, Communities and Local Government—

(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 noted.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Housing, Communities and Local Government and to be—

(a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for by paragraph (2), or

(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 Housing, Communities and Local Government that an instrument purporting to be made or issued by—

(a) the Secretary of State for Housing, Communities and Local Government,

(b) the Secretary of State for Communities and Local Government,

(c) the First Secretary of State,

(d) the Secretary of State for Transport, Local Government and the Regions,

(e) the Secretary of State for Environment, Transport and the Regions, or

(f) the Secretary of State for the Environment,

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

(5) The Documentary Evidence Act 1868 applies in relation to the Secretary of State for Housing, Communities and Local Government—

(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.

Commencement Information

I7 Art. 7 in force at 11.4.2018, see **art. 1(2)**

Transfer of functions etc to the Secretary of State for Housing, Communities and Local Government

8. The functions of the Secretary of State for Communities and Local Government are transferred to the Secretary of State for Housing, Communities and Local Government.

9. There are transferred to the Secretary of State for Housing, Communities and Local Government all property, rights and liabilities to which the Secretary of State for Communities and Local Government is entitled or subject at the coming into force of this Order.

Commencement Information

I8 Art. 8 in force at 11.4.2018, see **art. 1(2)**

I9 Art. 9 in force at 11.4.2018, see **art. 1(2)**

Secretary of State for Housing, Communities and Local Government: supplementary

10.—(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 the Secretary of State for Communities and Local Government may be continued by or in relation to the Secretary of State for Housing, Communities and Local Government.

(2) Anything done (or having effect as if done) by or in relation to the Secretary of State for Communities and Local Government 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 for Housing, Communities and Local Government.

(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 Housing, Communities and Local Government of a CLG function, or

(b) the transfer of anything by article 9,

as if references to (and references which are to be read as references to) the Secretary of State for Communities and Local Government were or included references to the Secretary of State for Housing, Communities and Local Government.

(4) Documents or forms printed for use in connection with a CLG function 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 Communities and Local Government; 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 Housing, Communities and Local Government.

(5) In paragraphs (1) to (4), references to a Secretary of State include references to the department or an officer of that Secretary of State.

Commencement Information

I10 Art. 10 in force at 11.4.2018, see **art. 1(2)**

Transfer of functions etc from the Lord Chancellor to the Secretary of State

11. The functions of the Lord Chancellor under Part 1 of the Commonhold and Leasehold Reform Act 2002(**3**) (commonhold land) are transferred to the Secretary of State.

12. There are transferred to the Secretary of State for Housing, Communities and Local Government all property, rights and liabilities to which the Lord Chancellor is entitled or subject at the coming into force of this Order in connection with a function transferred by article 11.

Commencement Information

I11 Art. 11 in force at 11.4.2018, see **art. 1(2)**

(**3**) 2002 c. 15