STATUTORY INSTRUMENTS

2017 No. 979

MINISTERS OF THE CROWN

The Transfer of Functions (Secretary of State for Digital, Culture, Media and Sport) Order 2017

Made - - - -	*11th October 2017*
Laid before Parliament	*18th October 2017*
Coming into force - -	*8th November 2017*

At the Court at Buckingham Palace, the 11th day of October 2017

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 Transfer of Functions (Secretary of State for Digital, Culture, Media and Sport) Order 2017.

(2) This Order comes into force on 8th November 2017.

Interpretation

2. In this Order—

"CMS 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 Culture, Media and Sport immediately before 3rd July 2017 and has before the making of this Order been entrusted to the Secretary of State for Digital, Culture, Media and Sport;

"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.

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

Incorporation of the Secretary of State for Digital, Culture, Media and Sport

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

(2) The corporate seal of the Secretary of State for Digital, Culture, Media and Sport—

(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 Digital, Culture, Media and Sport 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 Digital, Culture, Media and Sport that an instrument purporting to be made or issued by—

(a) the Secretary of State for Digital, Culture, Media and Sport,

(b) the Secretary of State for Culture, Media and Sport, or

(c) the Secretary of State for Culture, Olympics, Media and Sport,

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 Digital, Culture, Media and Sport—

(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. The functions of the Secretary of State for Culture, Media and Sport are transferred to the Secretary of State for Digital, Culture, Media and Sport.

Transfer of property, rights and liabilities

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

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 Culture, Media and Sport may be continued by or in relation to the Secretary of State for Digital, Culture, Media and Sport.

(2) Anything done (or having effect as if done) by or in relation to the Secretary of State for Culture, Media and Sport 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 Digital, Culture, Media and Sport.

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

(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 Digital, Culture, Media and Sport of any CMS 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 Culture, Media and Sport were or included references to the Secretary of State for Digital, Culture, Media and Sport.

(4) Documents or forms printed for use in connection with any CMS 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 Culture, Media and Sport.

(5) 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 Digital, Culture, Media and Sport.

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

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

7.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State for Culture, Media and Sport before the coming into force of this Order.

(2) In paragraph (1) the reference to the Secretary of State includes a reference to the department or an officer of the Secretary of State.

Consequential amendments

8. The Schedule has effect.

Richard Tilbrook
Clerk of the Privy Council