STATUTORY INSTRUMENTS

2015 No. 1376

MINISTERS OF THE CROWN

The Chancellor of the Duchy of Lancaster Order 2015

Made - - - -	*10th June 2015*
Laid before Parliament	*11th June 2015*
Coming into force - -	*22nd June 2015*

At the Court at Buckingham Palace, the 10th day of June 2015

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 Chancellor of the Duchy of Lancaster Order 2015.

(2) This Order comes into force on 22nd June 2015.

Interpretation

2. In this Order—

"the Chancellor of the Duchy" means the Chancellor of the Duchy of Lancaster;

"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;

"the Lord President" means the Lord President of the Council.

Transfer of concurrently exercisable functions of the Lord President to the Chancellor of the Duchy

3.—(1) The functions of the Secretary of State under—

(a) an Act, or a provision of an Act or instrument, listed in Schedule 1, or

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

(b) an instrument having effect under any such Act or provision of such an Act,

which are exercisable concurrently with the Lord President are to cease to be exercisable concurrently with the Lord President and are instead to be exercisable concurrently with the Chancellor of the Duchy(**2**).

(2) The functions to which paragraph (1) applies include functions under any provision not yet in force at the time this Order is made (and in Schedule 1 a reference to an Act or provision of an Act or instrument includes a reference to the Act or provision as amended by any provision of an enactment or instrument passed or made before that time even though the amending provision is not yet in force at that time).

Supplementary provision in connection with article 3

4.—(1) In this article, "article 3 function" means a function which is directed by article 3(1) to be exercisable by the Secretary of State concurrently with the Chancellor of the Duchy.

(2) There are transferred to the Chancellor of the Duchy all property, rights and liabilities to which the Lord President is entitled or subject at the coming into force of this Order in connection with an article 3 function.

(3) 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 Lord President may, so far as it relates to an article 3 function or anything transferred by paragraph (2), be continued by or in relation to the Chancellor of the Duchy.

(4) Anything done (or having effect as if done) by or in relation to the Lord President in connection with an article 3 function or anything transferred by paragraph (2) 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 Chancellor of the Duchy.

(5) Documents or forms printed for use in connection with an article 3 function may be used in connection with the exercise of that function by the Chancellor of the Duchy even though they contain, or are to be read as containing, references to the Lord President; and for the purposes of the use of any such documents or forms in connection with the exercise of that function by the Chancellor of the Duchy, those references are to be read as references to the Chancellor of the Duchy.

(6) 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 3 or paragraph (2), as if references to the Lord President (and references which are to be read as references to the Lord President) were or included references to the Chancellor of the Duchy.

Transfer of functions exercisable by the Lord President only to the Chancellor of the Duchy

5.—(1) The following functions of the Lord President are transferred to the Chancellor of the Duchy—

(a) functions under section 2(2)(b) of the Political Parties, Elections and Referendums Act 2000(**3**);

(b) functions under an instrument, or provision of an instrument, listed in paragraph (2).

(2) The instruments and provisions referred to in paragraph (1)(b) are—

(a) the Representation of the People (England and Wales) Regulations 2001(**4**);

(**2**) The functions that are to be exercisable by the Chancellor of the Duchy (concurrently with the Secretary of State) include those functions that were made exercisable by the Lord President (concurrently with the Secretary of State) by S.I. 2010/1837, art. 3; S.I. 2013/2597 art. 2; and S.I. 2014/268, art. 2.

(**3**) 2000 c. 41. Section 2(2)(b) was substituted by S.I. 2002/2626, Sch. 2 and amended by S.I. 2010/1837, Sch. The functions under section 2(2)(b) were transferred to the Lord President by S.I. 2010/1837, art. 4.

(**4**) S.I. 2001/341.

(b) the Representation of the People (Scotland) Regulations 2001(**5**);

(c) article 17 of the Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013(**6**);

(d) article 6 of the Electoral Registration Pilot Scheme Order 2014(**7**).

Supplementary provision in connection with article 5

6.—(1) In this article, "article 5 function" means a function which is transferred by article 5 to the Chancellor of the Duchy.

(2) There are transferred to the Chancellor of the Duchy all property, rights and liabilities to which the Lord President is entitled or subject at the coming into force of this Order in connection with an article 5 function.

(3) 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 Lord President may, so far as it relates to an article 5 function or anything transferred by paragraph (2), be continued by or in relation to the Chancellor of the Duchy.

(4) Anything done (or having effect as if done) by or in relation to the Lord President in connection with an article 5 function or anything transferred by paragraph (2) 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 Chancellor of the Duchy.

(5) Documents or forms printed for use in connection with an article 5 function may be used in connection with the exercise of that function by the Chancellor of the Duchy even though they contain, or are to be read as containing, references to the Lord President; and for the purposes of the use of any such documents or forms in connection with the exercise of that function by the Chancellor of the Duchy, those references are to be read as references to the Chancellor of the Duchy.

(6) 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 5 or paragraph (2), as if references to the Lord President (and references which are to be read as references to the Lord President) were or included references to the Chancellor of the Duchy.

Functions of the Secretary of State relating to police and crime commissioner elections to be exercisable concurrently with the Chancellor of the Duchy

7. The functions of the Secretary of State under section 54(1)(b) and (2) of the Police Reform and Social Responsibility Act 2011(**8**), so far as relating to an election of a police and crime commissioner the date of the poll for which is on or after 1st May 2016, are to be exercisable concurrently with the Chancellor of the Duchy.

Supplementary provision in connection with article 7

8.—(1) In this article, "article 7 function" means a function which is directed by article 7 to be exercisable by the Secretary of State concurrently with the Chancellor of the Duchy.

(2) There are transferred to the Chancellor of the Duchy all property, rights and liabilities to which the Secretary of State is entitled or subject at the coming into force of this Order in connection with an article 7 function.

(**5**) S.I. 2001/497.
(**6**) S.I. 2013/3197.
(**7**) S.I. 2014/3178.
(**8**) 2011 c. 13.

(3) 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 may, so far as it relates to an article 7 function or anything transferred by paragraph (2), be continued by or in relation to the Chancellor of the Duchy.

(4) Anything done (or having effect as if done) by or in relation to the Secretary of State in connection with an article 7 function or anything transferred by paragraph (2) 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 Chancellor of the Duchy.

(5) Documents or forms printed for use in connection with an article 7 function may be used in connection with the exercise of that function by the Chancellor of the Duchy even though they contain, or are to be read as containing, references to the Secretary of State; and for the purposes of the use of any such documents or forms in connection with the exercise of that function by the Chancellor of the Duchy, those references are to be read as references to the Chancellor of the Duchy.

(6) 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 7 or paragraph (2), as if references to the Secretary of State (and references which are to be read as references to the Secretary of State) were or included references to the Chancellor of the Duchy.

(7) In paragraphs (3) to (6)—

(a) references to the Secretary of State are to be read as including references to the department or an officer of the Secretary of State, and

(b) references to the Chancellor of the Duchy are to be read as including references to the Cabinet Office or an officer in that Office accordingly.

Validity of things done before coming into force of Order

9.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Lord President or the Secretary of State before the coming into force of this Order.

(2) In paragraph (1)—

(a) the reference to the Lord President is to be read as including a reference to the Cabinet Office or an officer in that Office, and

(b) the reference to the Secretary of State is to be read as including a reference to the department or an officer of the Secretary of State.

Consequential amendments

10. Schedule 2 has effect.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 3

Acts and provisions referred to in article 3(1)

The Acts and provisions referred to in article 3(1) are—

(a) the Representation of the People Act 1983(**9**);

(b) the Representation of the People Act 1985(**10**);

(c) the Parliamentary Constituencies Act 1986(**11**);

(d) paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990(**12**);

(e) section 52ZQ of the Local Government Finance Act 1992(**13**);

(f) section 17A of the Greater London Authority Act 1999(**14**);

(g) the Representation of the People Act 2000(**15**);

(h) the Local Government Act 2000(**16**);

(i) the Political Parties, Elections and Referendums Act 2000(**17**);

(j) regulation 8 of the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001(**18**);

(k) the European Parliamentary Elections Act 2002(**19**);

(l) the European Parliament (Representation) Act 2003(**20**);

(m) the Electoral Administration Act 2006(**21**);

(n) the Political Parties and Elections Act 2009(**22**);

(o) the Parliamentary Voting System and Constituencies Act 2011(**23**);

(p) section 58 of the Police Reform and Social Responsibility Act 2011(**24**);

(q) the Electoral Registration and Administration Act 2013(**25**);

(**9**) 1983 c 2.
(**10**) 1985 c. 50.
(**11**) 1986 c. 56.
(**12**) 1990 c. 8. Schedule 4B was inserted by Schedule 10 to the Localism Act 2011 (c. 20). It is applied with modifications by sections 38A(3) and 38C(5) of the Planning and Compulsory Purchase Act 2004 (c. 5) and paragraph 7 of Schedule 4C to the Town and Country Planning Act 1990 as inserted by Schedules 9 and 11 to the Localism Act 2011.
(**13**) 1992 c. 14. Section 52ZQ was inserted by Schedule 5 to the Localism Act 2011.
(**14**) 1999 c. 29. Section 17A was inserted by section 14 of the Representation of the People Act 2000 (c. 2).
(**15**) 2000 c. 2.
(**16**) 2000 c. 22.
(**17**) 2000 c. 41.
(**18**) S.I. 2001/1184.
(**19**) 2002 c. 24.
(**20**) 2003 c. 7.
(**21**) 2006 c. 22.
(**22**) 2009 c. 12.
(**23**) 2011 c. 1.
(**24**) 2011 c. 13.
(**25**) 2013 c. 6.