*Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.*

DRAFT STATUTORY INSTRUMENTS

# 2013 No.

# PUBLIC BODIES

## The Public Bodies (Abolition of the Registrar of Public Lending Right) Order 2013

*Made - - - -* ***

*Coming into force in accordance with article 1*

The Secretary of State, in exercise of the powers conferred by sections 1(1) and (2), 6(1), (2) and (5), 23(1)(a) and (6), 24(1) and 35(2) of the Public Bodies Act 2011(**1**) ("the Act"), makes the following Order.

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

(a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1) of the Act;

(b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The Treasury has consented to the making of this Order in so far as its consent is required by section 6(4) of the Act.

The Northern Ireland Assembly has consented to the making of this Order in so far as its consent is required by section 9(3)(a) of the Act.

The British Library Board(**2**) has consented to the transfer of functions, property, rights and liabilities made by this Order in so far as its consent is required by sections 21(1)(a) and 23(4) of the Act.

The Secretary of State has carried out consultation in accordance with section 10 of the Act.

The Secretary of State has consulted the Welsh Ministers in accordance with section 63(1) of the Government of Wales Act 2006(**3**).

A draft of this Order and an explanatory document containing the information required in section 11(2) of the Act have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3).

In accordance with section 11(4) of the Act, a draft of this Order has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

(**1**) 2011 c. 24.
(**2**) The British Library Board was established under section 1(2) of the British Library Act 1972 (c. 54).
(**3**) 2006 c. 32.

### Citation, commencement, extent and interpretation

**1.**—(1) This Order may be cited as the Public Bodies (Abolition of the Registrar of Public Lending Right) Order 2013.

(2) Except as provided by paragraph (3), this Order comes into force on 1st October 2013 or if the Order is made on or after 1st October 2013, the day after the day on which it is made.

(3) Paragraph 15 of Schedule 1, and article 7(1) so far as relating to that paragraph, come into force on the day after the day determined by paragraph (2).

(4) The amendments, repeals and revocations made by article 7 and Schedules 1 and 2 have the same extent as the provisions to which they relate.

(5) In this Order—

"the 1979 Act" means the Public Lending Right Act 1979(**4**);

"the Board" means the British Library Board;

"the Registrar" means the Registrar of Public Lending Right(**5**);

"the Scheme" means the Public Lending Right Scheme 1982(**6**);

"the transfer date" means the day on which this Order (other than as provided in paragraph (3)) comes into force.

(6) Articles 4 and 8 (in so far as article 8 applies to property, rights and liabilities transferred under article 4) constitute a transfer scheme under section 23(1) of the Act.

### Abolition of the Registrar

**2.** The Registrar is abolished.

### Transfer of functions

**3.** The functions of the Registrar are transferred to the Board.

### Transfer of property, rights and liabilities

**4.**—(1) The property, rights and liabilities to which the Registrar is entitled or subject immediately before the transfer date become on that date the property, rights and liabilities of the Board.

(2) Paragraph (1) has effect in relation to property, rights and liabilities—

(a) whether or not they would otherwise be capable of being transferred;

(b) without any instrument or other formality being required; and

(c) despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict their transfer.

### Final report

**5.**—(1) As soon as reasonably practicable after the transfer date, the Board must make a report ("the final report") to the Secretary of State on the working of the Scheme during the period which—

(**4**) 1979 c. 10.

(**5**) The Registrar of Public Lending Right was established under section 1(3) of and the Schedule to the Public Lending Right Act 1979 (c. 10).

(**6**) The Scheme was brought into force by S.I. 1982/719 and was set out in the Appendix to that order. It is now set out in Appendix 2 to S.I. 1990/2360. The Scheme has since been amended by the following orders: S.I. 1991/2618, 1996/1338, 1997/1576, 1998/1218, 1999/420, 1999/1042, 2002/3135, 2004/1258, 2005/1519 and 2012/3123.

(a) began immediately after the end of the last period for which the Secretary of State made a report under section 3(8) of the 1979 Act, and

(b) ended immediately before the transfer date.

(2) The Secretary of State must lay a copy of the final report before Parliament.

**Final statement of accounts**

**6.**—(1) The Board must prepare a statement of accounts of the Registrar ("the final accounts") for the period which—

(a) began immediately after the end of the last year for which the Registrar prepared a statement of accounts under section 2(6) of the 1979 Act, and

(b) ended immediately before the transfer date.

(2) The final accounts must be prepared in accordance with any directions given by the Secretary of State to the Registrar under section 2(6) of the 1979 Act which had effect immediately before the transfer date.

(3) The Board must send a copy of the final accounts to the Secretary of State and the Comptroller and Auditor General as soon as reasonably practicable after the end of the period covered by the final accounts.

(4) The Comptroller and Auditor General must—

(a) examine, certify and report on the final accounts, and

(b) lay copies of those certified final accounts and that report before Parliament.

**Consequential provisions**

**7.**—(1) Schedule 1 (which makes consequential provisions to primary legislation) has effect.

(2) Schedule 2 (which makes consequential provisions to secondary legislation) has effect.

**Supplementary**

**8.**—(1) Nothing in this Order affects the validity of anything done (or having effect as if done) by or in relation to the Registrar before the transfer date.

(2) Anything (including legal proceedings) which immediately before the transfer date is in the process of being done by or in relation to the Registrar may be continued on or after the transfer date by or in relation to the Board.

(3) Anything done (or having effect as if done) by or in relation to the Registrar has effect, so far as is necessary for continuing its effect on or after the transfer date, as if done by or in relation to the Board.

(4) So far as necessary or appropriate for the purposes of or in consequence of article 3 or 4, and without prejudice to the generality of article 7 and Schedules 1 and 2, a reference to the Registrar in an enactment, instrument or other document is to be treated as a reference to the Board.

*Name*
Parliamentary Under Secretary of State
Date Department for Culture, Media and Sport

We consent.

*Name and Name*
Two of the Lords Commissioners of Her
Date Majesty's Treasury