EXPLANATORY MEMORANDUM TO

THE LORD CHANCELLOR (TRANSFER OF FUNCTIONS AND SUPPLEMENTARY PROVISIONS) ORDER 2007

2007 NO. 661

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty

2. Description

2.1. This Order in Council transfers or abolishes a number of functions currently exercised by the Lord Chancellor in relation to certain institutions and colleges.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None

4. Legislative Background

4.1. Section 19 and section 143 of the Constitutional Reform Act 2005, which provide for the transfer, modification and abolition of functions by order and for supplementary provisions to be made.

5. Extent

5.1. This Order applies to the United Kingdom.

6. European Convention on Human Rights

6.1. As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1. The Order removes some of the adjudicatory functions attached to the Office of Lord Chancellor in respect of certain institutions, in line with the changes made to the office by the Constitutional Reform Act 2005. The Act provided that the Lord Chancellor was no longer a judge, nor head of the judiciary, nor was he required to be a lawyer.

7.2. The Lord Chancellor's functions in relation to the Institutions named in the Order are either adjudicatory in nature - in his role as Visitor, or derived from his role as a Judge and lawyer - in relation to his role in appointing or electing members of Governing Bodies.

7.3. The amendments to the Statutes and Charters we propose follow consultation with the institutions involved.

8. Impact

8.1. No Regulatory Impact Assessment has been prepared because there is no regulatory impact on any part of the private or voluntary sector. There are no implications for the Exchequer.

9. Contact

9.1. Any enquiries about the contents of this memorandum should be addressed to:
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