EXPLANATORY MEMORANDUM TO

THE TRANSFER OF FUNCTIONS (CHEQUERS AND DORNEYWOOD ESTATES) ORDER 2013

2013 No.537

1. This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Transfer of Functions (Chequers and Dorneywood Estates) Order 2013 transfers to the Chancellor of the Duchy of Lancaster various functions conferred by legislation on the Lord Privy Seal, and transfers to the Chancellor of the Duchy of Lancaster various functions under the Dorneywood Thomson Endowment Trust Fund 'B' which were originally conferred on the Minister of Works. This Order transfers property, rights and liabilities in connection with those functions. The Order makes supplemental provision and consequential amendments to primary legislation.

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

3.1 None.

4. Legislative Context

4.1 This Order makes provision in connection with the transfer of functions relating to the Chequers Estate from the Lord Privy Seal to the Chancellor of the Duchy of Lancaster. The functions transferred in relation to the Chequers Estate are those under the Chequers Estate Act 1917.

4.2 This Order makes provision in connection with the transfer of functions relating to the Dorneywood Estate which were originally conferred on the Minister of Works to the Chancellor of the Duchy of Lancaster. The functions transferred in relation to the Dorneywood Estate are those under the Dorneywood Thomson Endowment Trust Fund 'B'. The functions originally conferred on the Minister of Works were transferred to the Secretary of State by the Secretary of State for the Environment Order 1970 (S.I. 1970/1681).

4.3 The present Order is made under section 1 of the Ministers of the Crown Act 1975, which confers power to transfer functions of one Minister to another and make any necessary or expedient provisions which are incidental, consequential and supplemental to the transfer of those functions. A "Minister of the Crown" is defined in section 8(1) of the Ministers of the Crown Act 1975 as meaning the holder of an office in Her Majesty's Government in the United Kingdom.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom, but it does not affect devolved functions.

6. European Convention on Human Rights

The Chancellor of the Duchy of Lancaster has made the following statement regarding Human Rights:

In my view the provisions of the Transfer of Functions (Chequers and Dorneywood Estates) Order 2013 are compatible with the Convention rights.

7. Policy background

- What is being done and why

7.1 The Prime Minister has decided that the Chancellor of the Duchy of Lancaster will exercise functions that were previously exercisable by the Lord Privy Seal under the Chequers Act 1917 and functions that were originally conferred on the Minister of Works by the Dorneywood Thomson Endowment Trust 'B'. This Fund was established by Baron Courtauld-Thomson, when he gave the Dorneywood Estate to the nation, for the purpose of maintaining the Estate.

7.2 Accordingly, the Order transfers to the Chancellor of the Duchy of Lancaster all of those functions. The Order also makes consequential and supplementary provision in connection with the transfer and the entrusting of functions to the Chancellor of the Duchy of Lancaster. That provision includes amending legislation and transferring property, rights and liabilities.

- Consolidation

7.3 The Department does not intend to consolidate the legislation which is amended by this Order.

8. Consultation outcome

8.1 No consultation was carried out as this Order transfers functions relating to the Chequers Estate and the Dorneywood Estate to the Chancellor of the Duchy of Lancaster, which in itself has no impact on business, charities or voluntary bodies.

9. Guidance

9.1 The Cabinet Office does not intend to issue any guidance alongside this instrument. This is not considered necessary as the Order is self-explanatory and has no impact on business, charities or voluntary bodies.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The Order does not apply to small business.

12. Monitoring & review

12.1 There are no plans to perform monitoring or review.

13. Contact

Sarah Kerr at the Cabinet Office (Tel: 020 7219 8527 or email: sarah.kerr@cabinet-office.x.gsi.gov.uk) can answer any queries regarding the instrument.