STATUTORY INSTRUMENTS

2005 No. 252

MINISTERS OF THE CROWN

The Transfer of Functions (Children, Young People and Families) Order 2005

Made - - - -	*9th February 2005*
Laid before Parliament	*21st February 2005*
Coming into force - -	*1st April 2005*

At the Court at Buckingham Palace, the 9th day of February 2005

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(**a**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Children, Young People and Families) Order 2005.

(2) This Order comes into force on 1st April 2005.

Transfer of functions of the Lord Chancellor relating to CAFCASS

2. The following are transferred to the Secretary of State—

(a) the Lord Chancellor's functions under subsection (1)(b) of section 59 of the Courts Act 2003(**b**);

(b) his functions under subsections (1)(c) and (4) of that section by virtue of subsection (1)(c)(ii) of that section;

(c) his functions under subsection (4) of section 60 of that Act by virtue of paragraph (b) of that subsection.

Property, rights and liabilities

3. All property, rights and liabilities to which the Lord Chancellor is entitled or subject at the coming into force of this Order in connection with the functions transferred by article 2 are transferred to the Secretary of State for Education and Skills.

(**a**) 1975 c. 26.
(**b**) 2003 c. 39.

Consequential amendments

4.—(1) Section 59 of the Courts Act 2003 (functions of inspectors) is amended as follows.

(2) In subsection (1)(b) for "Lord Chancellor" substitute "Secretary of State".

(3) In subsection (1)(c) for the words from "specified" to the end substitute—

"—

(i) specified in connection with the courts listed in subsection (2) in a direction given by the Lord Chancellor, or

(ii) specified in connection with CAFCASS functions or related functions of any other person in a direction given by the Secretary of State."

(4) For subsection (4) substitute—

"(4) The Lord Chancellor, before giving any direction under subsection (1)(c)(i), and the Secretary of State, before giving any direction under subsection (1)(c)(ii), must consult the Chief Inspector."

5. In section 60 of that Act (functions of Chief Inspector) for subsection (4) substitute—

"(4) The Chief Inspector must—

(a) report to the Lord Chancellor on any matter which the Lord Chancellor refers to him and which is connected with the courts listed in section 59(2);

(b) report to the Secretary of State on any matter which the Secretary of State refers to him and which is connected with CAFCASS functions or related functions of any other person."

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under section 1 of the Ministers of the Crown Act 1975.

Article 2 transfers to the Secretary of State functions of the Lord Chancellor under provisions of the Courts Act 2003 relating to inspection of the Children and Family Court Advisory and Support Service. This is with a view to the functions being exercised by the Secretary of State for Education and Skills, and accordingly article 3 transfers to that Secretary of State any property, rights and liabilities to which the Lord Chancellor is entitled or subject in connection with the functions transferred.

Articles 4 and 5 make consequential amendments to the Courts Act 2003.

The relevant provisions of that Act will replace provisions of the Justices of the Peace Act 1997 functions under which were transferred to the Secretary of State by the Transfer of Functions (Children, Young People and Families) Order 2003 (S.I. 2003/3191).

Nothing in this Order alters the functions of the National Assembly for Wales, the Scottish Ministers or the devolved authorities in Northern Ireland.

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