EXPLANATORY MEMORANDUM TO

THE TRANSFER OF FUNCTIONS (SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT) ORDER 2024

2024 No. 991

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 The Rt Hon Angela Rayner MP, Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Becca Crosier, Deputy Director of the Elections Division, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Peter Richardson at the Ministry of Housing, Communities and Local Government Telephone: 0303 444 0488 or email: peter.richardson@communities.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Order makes provision in connection with the renaming of the Department for Levelling Up, Housing and Communities as the Ministry of Housing, Communities and Local Government, and the appointment of the Secretary of State for Housing, Communities and Local Government. The Order will enable the Secretary of State for Housing, Communities and Local Government to exercise functions, including functions of the Secretary of State for Levelling Up, Housing and Communities, in that role, and ensure that certain functions are correctly assigned to the Secretary of State for Housing, Communities and Local Government in legislation.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 On 6 July 2024, the Privy Council confirmed the Prime Minister's appointment of the Rt Hon Angela Rayner MP as the Secretary of State for Levelling Up, Housing and Communities. On 9 July, it was announced that the Department for Levelling Up, Housing and Communities was to be renamed as the Ministry of Housing, Communities and Local Government and that the Rt Hon Angela Rayner MP would be appointed as the Secretary of State for Housing, Communities and Local Government. On 10 July, the Privy Council confirmed the Prime Minister's appointment of the Rt Hon Angela Rayner MP as the Secretary of State for Housing, Communities and Local Government.

5.2 The Order is being made to ensure relevant legislation is up to date and works effectively following the departmental name change and the appointment of the Secretary of State for Housing, Communities and Local Government, and that the Secretary of State is able to carry out the necessary functions of the role.

What was the previous policy, how is this different?

5.3 Under the Order, the functions of the Secretary of State for Levelling Up, Housing and Communities are transferred to the Secretary of State for Housing, Communities and Local Government.

5.4 The Order also provides that the property, rights and liabilities of the Secretary of State for Levelling Up, Housing and Communities are transferred to the Secretary of State for Housing, Communities and Local Government.

5.5 Previously, legislation provided that certain functions were exercisable solely by the Secretary of State for Levelling Up, Housing and Communities, and the Schedule to the Order makes amendments to primary and secondary legislation which are a consequence of the transfer of functions to the Secretary of State for Housing, Communities and Local Government.

6. Legislative and Legal Context

How has the law changed?

6.1 The Order puts into effect the machinery of government change which transfers functions and associated property rights and liabilities from the Secretary of State for Levelling Up, Housing and Communities to the Secretary of State for Housing, Communities and Local Government. The Secretary of State for Levelling Up, Housing and Communities was incorporated by article 3 of the Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265). The Secretary of State for Housing, Communities and Local Government was incorporated by article 7 of the Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018 (S.I. 2018/378). Article 8 of and the Schedule to this Order make a number of consequential amendments to provisions in primary and secondary legislation as a result of the transfer.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 There is no requirement to consult on this Order, which gives effect to a departmental name change already announced, and there has not been any formal consultation on the Order itself.

8. Applicable Guidance

8.1 No guidance is being produced in connection with this Order as guidance is not required.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no impact on business is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the instrument makes changes as a consequence of the departmental name change to ensure the law is up to date and works effectively and does not impact on these areas.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the instrument makes changes as a consequence of the departmental name change to ensure the law is up to date and works effectively and does not impact on this area.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 No formal monitoring or review of this legislation is considered necessary.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government has made the following statement regarding Human Rights:

"In my view the provisions of the Transfer of Functions (Secretary of State for Housing, Communities and Local Government) Order 2024 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").