EXPLANATORY MEMORANDUM TO

THE TRANSFER OF FUNCTIONS (SPEAKER'S COMMITTEE) ORDER 2021

2021 No. 310

1. Introduction

1.1 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 This Order makes provision for functions of the Minister for the Cabinet Office under section 2(2)(b) of the Political Parties, Elections and Referendums Act 2000 (the "2000 Act") (membership of the Speaker's Committee) to be exercisable concurrently with any Minister of the Crown in the Cabinet Office with responsibilities in relation to the constitution.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is all of the United Kingdom.

4.2 The territorial application of this instrument is all of the United Kingdom.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 Part 1 of the 2000 Act established the Electoral Commission and the Speaker's Committee. The Speaker's Committee is a statutory committee with functions conferred on it by the 2000 Act. The membership of the Speaker's Committee is set out in section 2(2). Section 2(2)(b) names the Minister for the Cabinet Office as a member of the Speaker's Committee.

6.2 Section 1 of the Ministers of the Crown Act 1975 enables Her Majesty by Order in Council to provide for the transfer of functions between Ministers, including to direct that functions of any Minister of the Crown shall be exercisable concurrently with another Minister of the Crown, or cease to be so exercisable.

6.3 This Order makes provision for the functions relating to the Minister for the Cabinet Office's membership of the Speaker's Committee under section 2(2)(b) of the 2000 Act to be exercisable concurrently with any Minister of the Crown in the Cabinet Office with responsibilities in relation to the constitution.

7. Policy background

What is being done and why?

7.1 The Speaker's Committee is a statutory body established by the 2000 Act to perform functions conferred by that Act. The functions of the Committee relate to the Electoral Commission and the Local Government Boundary Commission for England.

7.2 While section 2(2)(b) of the 2000 Act provides for the Minister for the Cabinet Office to be a member of the Committee, in practice the Minister known as the Minister of State for the Constitution and Devolution generally exercises functions relating to elections and the constitution on behalf of the Minister for the Cabinet Office. However, this is not currently possible in respect of the Speaker's Committee.

7.3 This Order provides for the concurrent exercise of the functions relating to membership of the Speaker's Committee by the Minister for the Cabinet Office and any Minister of the Crown in the Cabinet Office with responsibilities in relation to the constitution. In practice, this will mean that any such Minister will be able to attend, contribute to or vote in a particular meeting of the Speaker's Committee.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 No consolidation is required as a result of this Order.

10. Consultation outcome

10.1 There has not been a public consultation on this Order as no impact on business or the voluntary sector is foreseen.

11. Guidance

11.1 No guidance has been prepared in respect of this Order.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private, charitable, voluntary or public sector is foreseen.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 No monitoring or review of this Order is planned.

15. Contact

15.1 James Hairsnape at the Cabinet Office, telephone: 07926 077343 or email: james.hairsnape@cabinetoffice.gov.uk can be contacted with any queries regarding the instrument.

15.2 Becca Crosier, Deputy Director for Elections at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Chloe Smith, Minister of State for the Constitution and Devolution at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.