

2023 No. 424

MINISTERS OF THE CROWN

The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023

<i>Made</i> - - - -	<i>4th April 2023</i>
<i>Laid before Parliament</i>	<i>13th April 2023</i>
<i>Coming into force</i> - -	<i>3rd May 2023</i>

At the Court at Windsor Castle, the 4th day of April 2023

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred by sections 1 and 2 of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of His Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023.

(2) This Order comes into force on 3rd May 2023.

Interpretation

2.—(1) In this Order—

“business function” means any function so far as—

- (a) it is transferred by article 11, or
- (b) it was entrusted to the Secretary of State for Business, Energy and Industrial Strategy immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Business and Trade;

“CMS function” means any function so far as—

- (a) it is transferred by article 13, or

(a) 1975 c. 26. Section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

- (b) it was entrusted to the Secretary of State for Digital, Culture, Media and Sport immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Culture, Media and Sport;

“digital function” means any function so far as—

- (a) it is transferred by article 9(1), (2), (3)(b), (5) or (6), or
- (b) it was entrusted to the Secretary of State for Digital, Culture, Media and Sport immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Science, Innovation and Technology;

“energy function” means any function so far as—

- (a) it is transferred by article 7, or
- (b) it was entrusted to the Secretary of State for Business, Energy and Industrial Strategy immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Energy Security and Net Zero;

“Geospatial Commission function” means a function relating to the Geospatial Commission which was entrusted to the Minister for the Cabinet Office immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Science, Innovation and Technology;

“NSI function” means any function which is directed by article 15 to be exercisable concurrently with the Chancellor of the Duchy of Lancaster;

“OSTS function” means a function relating to the Office for Science and Technology Strategy which was entrusted to the Chancellor of the Duchy of Lancaster immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Science, Innovation and Technology;

“SIT function” means any function so far as—

- (a) it is transferred by article 9(3)(a), or
- (b) it was entrusted to the Secretary of State for Business, Energy and Industrial Strategy immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Science, Innovation and Technology;

“trade function” means any function so far as it was entrusted to the Secretary of State for International Trade immediately before 6th February 2023 and has before the making of this Order been entrusted to the Secretary of State for Business and Trade.

(2) In this Order, “instrument” includes Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

Incorporation of the Secretary of State for Energy Security and Net Zero

3.—(1) The person who at the coming into force of this Order is the Secretary of State for Energy Security and Net Zero and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Energy Security and Net Zero—

- (a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and
- (b) is to be officially and judicially noticed.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Energy Security and Net Zero and to be—

(a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for in paragraph (2), or

(b) signed or executed by a person authorised by a Secretary of State to act in that behalf, is to be received in evidence and to be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Secretary of State for Energy Security and Net Zero that an instrument purporting to be made or issued by—

(a) the Secretary of State for Energy Security and Net Zero,

(b) the Secretary of State for Business, Energy and Industrial Strategy,

(c) the Secretary of State for Business, Innovation and Skills,

(d) the Secretary of State for Energy and Climate Change,

(e) the Secretary of State for Business, Enterprise and Regulatory Reform,

(f) the Secretary of State for the Environment, Farming and Rural Affairs, or

(g) the Secretary of State for Trade and Industry,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(a) applies in relation to the Secretary of State for Energy Security and Net Zero—

(a) as if references to regulations and orders included references to any document, and

(b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

Incorporation of the Secretary of State for Science, Innovation and Technology

4.—(1) The person who at the coming into force of this Order is the Secretary of State for Science, Innovation and Technology and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Science, Innovation and Technology—

(a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and

(b) is to be officially and judicially noticed.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Science, Innovation and Technology and to be—

(a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for in paragraph (2), or

(b) signed or executed by a person authorised by a Secretary of State to act in that behalf, is to be received in evidence and to be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Secretary of State for Science, Innovation and Technology that an instrument purporting to be made or issued by—

(a) the Secretary of State for Science, Innovation and Technology,

(a) 1868 c. 37.

- (b) the Secretary of State for Business, Energy and Industrial Strategy,
- (c) the Secretary of State for Digital, Culture, Media and Sport,
- (d) the Secretary of State for Business, Innovation and Skills,
- (e) the Secretary of State for Innovation, Universities and Skills, or
- (f) the Secretary of State for Trade and Industry,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(a) applies in relation to the Secretary of State for Science, Innovation and Technology—

- (a) as if references to regulations and orders included references to any document, and
- (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

Incorporation of the Secretary of State for Business and Trade

5.—(1) The person who at the coming into force of this Order is the Secretary of State for Business and Trade and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Business and Trade—

- (a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and
- (b) is to be officially and judicially noticed.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Business and Trade and to be—

- (a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for in paragraph (2), or
- (b) signed or executed by a person authorised by a Secretary of State to act in that behalf,

is to be received in evidence and to be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Secretary of State for Business and Trade that an instrument purporting to be made or issued by—

- (a) the Secretary of State for Business and Trade,
- (b) the Secretary of State for Business, Energy and Industrial Strategy,
- (c) the Secretary of State for International Trade,
- (d) the Secretary of State for Business, Innovation and Skills,
- (e) the Secretary of State for Business, Enterprise and Regulatory Reform, or
- (f) the Secretary of State for Trade and Industry,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(b) applies in relation to the Secretary of State for Business and Trade—

- (a) as if references to regulations and orders included references to any document, and
- (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

(a) 1868 c. 37.
 (b) 1868 c. 37.

Matters relating to the previous incorporation of the Secretary of State for Culture, Media and Sport

6.—(1) A certificate signed by the Secretary of State for Culture, Media and Sport that an instrument purporting to be made or issued by—

- (a) the Secretary of State for Culture, Media and Sport,
- (b) the Secretary of State for Digital, Culture, Media and Sport, or
- (c) the Secretary of State for Culture, Olympics, Media and Sport,

was so made or issued is conclusive evidence of that fact.

(2) The Documentary Evidence Act 1868(a) applies in relation to the Secretary of State for Culture, Media and Sport—

- (a) as if references to regulations and orders included references to any document, and
- (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

Transfer of functions to the Secretary of State for Energy Security and Net Zero

7.—(1) There are transferred to the Secretary of State for Energy Security and Net Zero the functions of the Secretary of State for Business, Energy and Industrial Strategy under the following provisions of the Channel Tunnel Rail Link Act 1996(b)—

- (a) section 50(4) (overhead lines: deemed planning permission);
- (b) Schedule 14 (overhead lines: consent);
- (c) paragraph 2 of Part 2 of Schedule 15 (protection for electricity, gas, water and sewerage undertakers);

that are exercisable due to the Secretary of State being an appropriate Minister for the purposes of those provisions.

(2) There are transferred to the Secretary of State for Energy Security and Net Zero the functions of the Secretary of State for Business, Energy and Industrial Strategy under the following provisions of the Crossrail Act 2008(c)—

- (a) section 4(4) (overhead lines: deemed planning permission);
- (b) Schedule 4 (overhead lines: consent);
- (c) paragraphs 2 and 13 of Part 2 of Schedule 17 (protection for electricity, gas, water and sewerage undertakers);

that are exercisable due to the Secretary of State being an appropriate Minister for the purposes of those provisions.

(3) There are transferred to the Secretary of State for Energy Security and Net Zero the following functions of the Secretary of State for Business, Energy and Industrial Strategy under the Digital Economy Act 2017(d)—

- (a) functions under section 35(1) (disclosure of information to improve public service delivery) so far as those functions relate to a relevant energy function;
- (b) functions under sections 36(1) and 37(1) (disclosure of information to and by gas and electricity supplies etc);

(a) 1868 c. 37.
(b) 1996 c. 61.
(c) 2008 c. 18.
(d) 2017 c. 30.

- (c) functions under section 48(1) (disclosure of information to reduce debt owed to the public sector), so far as those functions relate to a relevant energy function;
 - (d) functions under section 56(1) (disclosure of information to combat fraud against the public sector), so far as those functions relate to a relevant energy function.
- (4) In paragraph (3) “relevant energy function” means—
- (a) a function falling within paragraph (b) of the definition of energy function in article 2, or
 - (b) a function transferred by paragraph (1), (2), (5) or (6).

(5) There are transferred to the Secretary of State for Energy Security and Net Zero the functions of the Secretary of State for Business, Energy and Industrial Strategy under paragraphs 19 and 24 of Part 2 of Schedule 33 to the High Speed Rail (London - West Midlands) Act 2017^(a) (protection for electricity, gas, water and sewerage undertakers) that are exercisable due to the Secretary of State being an appropriate Minister for the purposes of those provisions.

(6) There are transferred to the Secretary of State for Energy Security and Net Zero the functions of the Secretary of State for Business, Energy and Industrial Strategy under paragraphs 19, 24 and 31 of Part 2 of Schedule 33 to the High Speed Rail (West Midlands - Crewe) Act 2021^(b) (protection for electricity, gas, water and sewerage undertakings) that are exercisable due to the Secretary of State being an appropriate Minister for the purposes of those provisions.

Supplementary provisions in relation to the Secretary of State for Energy Security and Net Zero

8.—(1) There are transferred to the Secretary of State for Energy Security and Net Zero all property, rights and liabilities to which the Secretary of State for Business, Energy and Industrial Strategy is entitled or subject at the coming into force of this Order in connection with any energy function.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Business, Energy and Industrial Strategy may, so far as it relates to an energy function or anything transferred by paragraph (1), be continued by or in relation to the Secretary of State for Energy Security and Net Zero.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State for Business, Energy and Industrial Strategy in connection with an energy function or anything transferred by paragraph (1) has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State for Energy Security and Net Zero.

(4) Documents or forms printed for use in connection with an energy function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Business, Energy and Industrial Strategy; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Energy Security and Net Zero.

(5) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

- (a) the transfer or entrusting to the Secretary of State for Energy Security and Net Zero of any energy function, or
- (b) the transfer of anything by paragraph (1),

(a) 2017 c. 7.
(b) 2021 c. 2.

as if references to (and references which are to be read as references to) the Secretary of State for Business, Energy and Industrial Strategy were or included references to the Secretary of State for Energy Security and Net Zero.

(6) In paragraphs (2) to (5), references to the Secretary of State for Business, Energy and Industrial Strategy include references to the department or an officer of that Secretary of State; and references to the Secretary of State for Energy Security and Net Zero are to be read accordingly.

Transfer of functions to the Secretary of State for Science, Innovation and Technology

9.—(1) There are transferred to the Secretary of State for Science, Innovation and Technology the functions of the Secretary of State for Digital, Culture, Media and Sport under Schedule 4 to the Housing and Regeneration Act 2008(a) (powers in relation to, and for, statutory undertakers) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 8(4)(b), 15(2)(b) or 40(1)(b) of that Schedule.

(2) There are transferred to the Secretary of State for Science, Innovation and Technology the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 6 of Part 4 of Schedule 17 to the Crossrail Act 2008(b) (protection of electronic communications code networks) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 6(3) of that Part of that Schedule.

(3) There are transferred to the Secretary of State for Science, Innovation and Technology the following functions under the Digital Economy Act 2017(c)—

- (a) the functions of the Secretary of State for Business, Energy and Industrial Strategy under sections 35(1), 48(1) and 56(1), so far as those functions relate to a relevant SIT function;
- (b) the functions of the Secretary of State for Digital, Culture, Media and Sport under sections 35(1) and 56(1), so far as those functions relate to a relevant digital function.

(4) In paragraph (3)—

“relevant SIT function” means a function falling within paragraph (b) of the definition of SIT function in article 2;

“relevant digital function” means—

- (a) a function falling within paragraph (b) of the definition of digital function in article 2, or
- (b) a function transferred by paragraph (1), (2), (5) or (6).

(5) There are transferred to the Secretary of State for Science, Innovation and Technology the functions of the Secretary of State for Digital, Culture, Media and Sport under Part 3 of Schedule 33 to the High Speed Rail (London - West Midlands) Act 2017(d) (protective provisions: electronic communications code networks) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 32(2) of that Schedule.

(6) There are transferred to the Secretary of State for Science, Innovation and Technology the functions of the Secretary of State for Digital, Culture, Media and Sport under Part 3 of Schedule 32 to the High Speed Rail (West Midlands - Crewe) Act 2021(e) (protective provisions: electronic communications code networks) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 32(2) of that Schedule.

(a) 2008 c. 17.
(b) 2008 c. 18.
(c) 2017 c. 30.
(d) 2017 c. 7.
(e) 2021 c. 2.

Supplementary provisions in relation to the Secretary of State for Science, Innovation and Technology

10.—(1) There are transferred to the Secretary of State for Science, Innovation and Technology—

- (a) all property, rights and liabilities to which the Secretary of State for Business, Energy and Industrial Strategy is entitled or subject at the coming into force of this Order in connection with any SIT function,
- (b) all property, rights and liabilities to which the Secretary of State for Digital, Culture, Media and Sport is entitled or subject at the coming into force of this Order in connection with any digital function,
- (c) all property, rights and liabilities to which the Minister for the Cabinet Office is entitled or subject at the coming into force of this Order in connection with any Geospatial Commission function, and
- (d) all property, rights and liabilities to which the Chancellor of the Duchy of Lancaster is entitled or subject at the coming into force of this Order in connection with any OSTs function.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to—

- (a) the Secretary of State for Business, Energy and Industrial Strategy, so far as it relates to an SIT function or anything transferred by paragraph (1)(a),
- (b) the Secretary of State for Digital, Culture, Media and Sport, so far as it relates to a digital function or anything transferred by paragraph (1)(b),
- (c) the Minister for the Cabinet Office, so far as it relates to a Geospatial Commission function or anything transferred by paragraph (1)(c), or
- (d) the Chancellor of the Duchy of Lancaster, so far as it relates to an OSTs function or anything transferred by paragraph (1)(d),

may be continued by or in relation to the Secretary of State for Science, Innovation and Technology.

(3) Anything done (or having effect as if done) by or in relation to—

- (a) the Secretary of State for Business, Energy and Industrial Strategy in connection with a SIT function or anything transferred by paragraph (1)(a),
- (b) the Secretary of State for Digital, Culture, Media and Sport in connection with a digital function or anything transferred by paragraph (1)(b),
- (c) the Minister for the Cabinet Office in connection with a Geospatial Commission function or anything transferred by paragraph (1)(c), or
- (d) the Chancellor of the Duchy of Lancaster in connection with an OSTs function or anything transferred by paragraph (1)(d),

has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State for Science, Innovation and Technology.

(4) Documents or forms printed for use in connection with an SIT function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Business, Energy and Industrial Strategy; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Science, Innovation and Technology.

(5) Documents or forms printed for use in connection with a digital function may be used in connection with that function even though they contain, or are to be read as containing, references

to the Secretary of State for Digital, Culture, Media and Sport; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Science, Innovation and Technology.

(6) Documents or forms printed for use in connection with a Geospatial Commission function may be used in connection with that function even though they contain, or are to be read as containing, references to the Minister for the Cabinet Office; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Science, Innovation and Technology.

(7) Documents or forms printed for use in connection with an OSTs function may be used in connection with that function even though they contain, or are to be read as containing, references to the Chancellor of the Duchy of Lancaster; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Science, Innovation and Technology.

(8) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

- (a) the transfer or entrusting to the Secretary of State for Science, Innovation and Technology of any SIT function, or
- (b) the transfer of anything by paragraph (1)(a),

as if references to (and references which are to be read as references to) the Secretary of State for Business, Energy and Industrial Strategy were or included references to the Secretary of State for Science, Innovation and Technology.

(9) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

- (a) the transfer or entrusting to the Secretary of State for Science, Innovation and Technology of any digital function, or
- (b) the transfer of anything by paragraph (1)(b),

as if references to (and references which are to be read as references to) the Secretary of State for Digital, Culture, Media and Sport were or included references to the Secretary of State for Science, Innovation and Technology.

(10) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

- (a) the transfer or entrusting to the Secretary of State for Science, Innovation and Technology of any Geospatial Commission function, or
- (b) the transfer of anything by paragraph (1)(c),

as if references to (and references which are to be read as references to) the Minister for the Cabinet Office were or included references to the Secretary of State for Science, Innovation and Technology.

(11) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

- (a) the transfer or entrusting to the Secretary of State for Science, Innovation and Technology of any OSTs function, or
- (b) the transfer of anything by paragraph (1)(d),

as if references to (and references which are to be read as references to) the Chancellor of the Duchy of Lancaster were or included references to the Secretary of State for Science, Innovation and Technology.

(12) In paragraphs (2) to (11)—

- (a) references to the Secretary of State for Business, Energy and Industrial Strategy or to the Secretary of State for Digital, Culture, Media and Sport include references to the department or an officer of that Secretary of State;
- (b) references to the Minister for the Cabinet Office or to the Chancellor of the Duchy of Lancaster include references to the Cabinet Office or an officer in that Office;

and references to the Secretary of State for Science, Innovation and Technology are to be read accordingly.

Transfer of functions to the Secretary of State for Business and Trade

11.—(1) There are transferred to the Secretary of State for Business and Trade the functions of the Secretary of State for Business, Energy and Industrial Strategy under section 71 of the Serious Organised Crime and Police Act 2005^(a) (offer of immunity from prosecution).

(2) There are transferred to the Secretary of State for Business and Trade the functions of the Secretary of State for Business, Energy and Industrial Strategy under the following provisions of the Digital Economy Act 2017^(b), so far as those functions relate to a relevant business function—

- (a) section 35(1) (disclosure of information to improve public service delivery);
- (b) section 48(1) (disclosure of information to reduce debt owed to the public sector);
- (c) section 56(2) (disclosure of information to combat fraud against the public sector).

(3) In paragraph (2), “relevant business function” means—

- (a) a function falling within paragraph (b) of the definition of business function in article 2, or
- (b) a function transferred by paragraph (1).

Supplementary provisions in relation to the Secretary of State for Business and Trade

12.—(1) There are transferred to the Secretary of State for Business and Trade—

- (a) all property, rights and liabilities to which the Secretary of State for Business, Energy and Industrial Strategy is entitled or subject at the coming into force of this Order in connection with any business function, and
- (b) all property, rights and liabilities to which the Secretary of State for International Trade is entitled or subject at the coming into force of this Order.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to—

- (a) the Secretary of State for Business, Energy and Industrial Strategy, so far as it relates to a business function or anything transferred by paragraph (1)(a), or
- (b) the Secretary of State for International Trade,

may be continued by or in relation to the Secretary of State for Business and Trade.

(3) Anything done (or having effect as if done) by or in relation to—

- (a) the Secretary of State for Business, Energy and Industrial Strategy in connection with a business function or anything transferred by paragraph (1)(a), or
- (b) the Secretary of State for International Trade,

(a) 2005 c. 15.

(b) 2017 c. 30.

has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State for Business and Trade.

(4) Documents or forms printed for use in connection with a business function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Business, Energy and Industrial Strategy; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Business and Trade.

(5) Documents or forms printed for use in connection with a trade function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for International Trade; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Business and Trade.

(6) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

- (a) the transfer or entrusting to the Secretary of State for Business and Trade of any business function, or
- (b) the transfer of anything by paragraph (1)(a),

as if references to (and references which are to be read as references to) the Secretary of State for Business, Energy and Industrial Strategy were or included references to the Secretary of State for Business and Trade.

(7) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

- (a) the transfer or entrusting to the Secretary of State for Business and Trade of any trade function, or
- (b) the transfer of anything by paragraph (1)(b),

as if references to (and references which are to be read as references to) the Secretary of State for International Trade were or included references to the Secretary of State for Business and Trade.

(8) In paragraphs (2) to (7), references to the Secretary of State for Business, Energy and Industrial Strategy or to the Secretary of State for International Trade include references to the department or an officer of that Secretary of State; and references to the Secretary of State for Business and Trade are to be read accordingly.

Transfer of functions to the Secretary of State for Culture, Media and Sport

13.—(1) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under Schedule 1 to the Imperial War Museum Act 1920^(a) (constitution and proceedings of the board of trustees).

(2) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 5(4) of Schedule 7 to the Channel Tunnel Rail Link Act 1996^(b) (disputes about ancient monuments) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 5(5) of that Schedule.

(3) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 5(4) of Schedule

(a) 1920 c. 16.
(b) 1996 c. 61.

9 to the Crossrail Act 2008^(a) (disputes about ancient monuments) that are exercisable due to the Secretary of State being an appropriate Minister by virtue of paragraph 5(5) of that Schedule.

(4) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under sections 35(1) and 56(1) of the Digital Economy Act 2017^(b) (disclosures of information to improve public service delivery and to combat public sector fraud), so far as those functions relate to a relevant CMS function.

(5) In paragraph (4), “relevant CMS function” means—

(a) a function falling within paragraph (b) of the definition of CMS function in article 2, or

(b) a function transferred by paragraph (1), (2), (3), (6) or (7).

(6) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 2(4) of Schedule 19 to the High Speed Rail (London - West Midlands) Act 2017^(c) (disputes about ancient monuments).

(7) There are transferred to the Secretary of State for Culture, Media and Sport the functions of the Secretary of State for Digital, Culture, Media and Sport under paragraph 2(4) of Schedule 19 to the High Speed Rail (West Midlands - Crewe) Act 2021^(d) (disputes about ancient monuments).

Supplementary provisions in relation to the Secretary of State for Culture, Media and Sport

14.—(1) There are transferred to the Secretary of State for Culture, Media and Sport all property, rights and liabilities to which the Secretary of State for Digital, Culture, Media and Sport is entitled or subject at the coming into force of this Order in connection with any CMS function.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Digital, Culture, Media and Sport may, so far as it relates to a CMS function or anything transferred by paragraph (1), be continued by or in relation to the Secretary of State for Culture, Media and Sport.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State for Digital, Culture, Media and Sport in connection with a CMS function or anything transferred by paragraph (1) has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State for Culture, Media and Sport.

(4) Documents or forms printed for use in connection with a CMS function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State for Digital, Culture, Media and Sport; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Culture, Media and Sport.

(5) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

(a) the transfer or entrusting to the Secretary of State for Culture, Media and Sport of any CMS function, or

(b) the transfer of anything by paragraph (1),

(a) 2008 c. 18.

(b) 2017 c. 30.

(c) 2017 c. 7.

(d) 2021 c. 2.

as if references to (and references which are to be read as references to) the Secretary of State for Digital, Culture, Media and Sport were or included references to the Secretary of State for Culture, Media and Sport.

(6) In paragraphs (2) to (5), references to the Secretary of State for Digital, Culture, Media and Sport include references to the department or an officer of that Secretary of State; and references to the Secretary of State for Culture, Media and Sport are to be read accordingly.

Functions under the National Security and Investment Act 2021 and the Enterprise Act 2002 to be exercisable concurrently

15.—(1) The functions of the Secretary of State under the National Security and Investment Act 2021^(a) are to be exercisable concurrently with the Chancellor of the Duchy of Lancaster.

(2) The functions of the Secretary of State under sections 85 to 95 of, and Schedules 7 and 8 to, the Enterprise Act 2002^(b) are to be exercisable concurrently with the Chancellor of the Duchy of Lancaster.

Supplementary provisions in relation to article 15

16.—(1) There are transferred to the Chancellor of the Duchy of Lancaster all property, rights and liabilities to which the Secretary of State is entitled or subject at the coming into force of this Order in connection with any NSI function.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State may, so far as it relates to an NSI function or anything transferred by paragraph (1), be continued by or in relation to the Chancellor of the Duchy of Lancaster.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State in connection with an NSI function or anything transferred by paragraph (1) has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Chancellor of the Duchy of Lancaster.

(4) Documents or forms printed for use in connection with an NSI function may be used in connection with that function even though they contain, or are to be read as containing, references to the Secretary of State; and for the purposes of the use of any such documents or forms after the coming into force of this Order in connection with the exercise of an NSI function by the Chancellor of the Duchy of Lancaster, those references are to be read as references to the Chancellor of the Duchy of Lancaster.

(5) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

- (a) article 15 (functions of the Secretary of State under National Security and Investment Act 2021 and enforcement functions under Enterprise Act 2002 to be exercisable concurrently with the Chancellor of the Duchy of Lancaster), or
- (b) the transfer of anything by paragraph (1),

as if references to (and references which are to be read as references to) the Secretary of State were or included references to the Chancellor of the Duchy of Lancaster.

(6) In paragraphs (2) to (5)—

- (a) references to the Secretary of State include the department or an officer of the Secretary of State; and

(a) 2021 c. 25.

(b) 2002 c. 40.

- (b) references to the Chancellor of the Duchy of Lancaster include references to the Cabinet Office or an officer in that Office accordingly.

Supplemental: validity of things done before coming into force of this Order

17.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to—

- (a) the Secretary of State for Business, Energy and Industrial Strategy,
- (b) the Secretary of State for Digital, Culture, Media and Sport,
- (c) the Secretary of State for International Trade,
- (d) the Minister for the Cabinet Office, or
- (e) the Chancellor of the Duchy of Lancaster,

before the coming into force of this Order.

(2) In paragraph (1)—

- (a) references to a Secretary of State include the department or an officer of that Secretary of State, and
- (b) references to the Minister for the Cabinet Office or the Chancellor of the Duchy of Lancaster include the Cabinet Office or an officer in that Office accordingly.

Consequential amendments

18. The Schedule has effect.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 18

Consequential amendments

PART 1

Primary legislation

Imperial War Museum Act 1920 (c. 16)

1. In paragraph 1 of the Schedule to the Imperial War Museum Act 1920 (appointing authorities for Board of Trustees)(a), in the second column of the table, for “The Secretary of State for Digital, Culture, Media and Sport” substitute “The Secretary of State for Culture, Media and Sport”.

Public Records Act 1958 (c. 51)

2. In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 1 of the Table at the end of paragraph 3, in the entry for the Meteorological Office, for “Department for Business, Energy and Industrial Strategy” substitute “Department for Science, Innovation and Technology”.

Parliamentary Commissioner Act 1967 (c. 13)

3. In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation)(b)—

- (a) omit “Department for Business, Energy and Industrial Strategy” and “Department for International Trade”;
- (b) at the appropriate places insert—
 - “Department for Business and Trade.”
 - “Department for Energy Security and Net Zero.”
 - “Department for Science, Innovation and Technology.”

Coinage Act 1971 (c. 24)

4.—(1) The Coinage Act 1971 is amended as follows.

(2) In section 6(3) (standard trial plates), for “the Regulatory Delivery Directorate of the Department for Business, Energy and Industrial Strategy” substitute “the Department for Business and Trade”.

(3) In section 8(2)(d) (trial of the pyx), for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Business and Trade”.

(a) Paragraph 1 was substituted by S.I. 1986/2239.

(b) Schedule 2 was substituted by S.I. 2011/2986.

Police and Criminal Evidence Act 1984 (c. 60)

5. In section 114A(2)(a) of the Police and Criminal Evidence Act 1984 (power to apply Act to officers of the Secretary of State etc)(a), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Business and Trade”.

Weights and Measures Act 1985 (c. 72)

6.—(1) The Weights and Measures Act 1985 is amended as follows.

(2) In section 3(1) and (5) (secondary, tertiary and coinage standards), for “Department for Business, Energy and Industrial Strategy” substitute “Department for Business and Trade”.

(3) In section 94(1) (interpretation), for “Department for Business, Energy and Industrial Strategy” substitute “Department for Business and Trade”.

(4) In Part 5 of Schedule 2 (authorised copies of UK standards of the yard and pound), in paragraph (e), for “Regulatory Delivery Directorate of the Department for Business, Energy and Industrial Strategy” substitute “Department for Business and Trade”.

Transport and Works Act 1992 (c. 42)

7. In section 23(10) of the Transport and Works Act 1992 (exercise of Secretary of State’s functions by appointed person), for “the Department for Business, Energy and Industrial Strategy”, in each place it occurs, substitute “Department for Energy Security and Net Zero”.

Channel Tunnel Rail Link Act 1996 (c. 61)

8.—(1) The Channel Tunnel Rail Link Act 1996 is amended as follows.

(2) In section 50(5)(b) (overhead lines), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

(3) In Schedule 7 (heritage), in paragraph 5(5)(a), for “the Secretary of State for Digital, Culture, Media and Sport” substitute “the Secretary of State for Culture, Media and Sport”.

(4) In Schedule 14 (overhead lines: consent), in paragraph 13 (interpretation), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

(5) In Part 2 of Schedule 15 (protection for electricity, gas, water and sewerage undertakers), in paragraph 2(4)(a), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Regulation of Investigatory Powers Act 2000 (c. 23)

9. In Part 1 of Schedule 1 to the Investigatory Powers Act 2000 (relevant public authorities)—

(a) omit paragraph 9ZC(b);

(b) after paragraph 15 insert—

“(15C) The Department for Business and Trade.

(15D) The Department for Energy Security and Net Zero.

(15E) The Department for Science, Innovation and Technology.”

(a) Section 114A was inserted by the Criminal Justice and Police Act 2001, section 85.

(b) Paragraph 9ZC was inserted by S.I. 2016/992.

Enterprise Act 2002 (c. 40)

- 10.**—(1) The Enterprise Act 2002 is amended as follows.
- (2) Chapter 4 of Part 3 (enforcement) is amended as set out in sub-paragraphs (3) to (6).
- (3) In section 85(2) (CMA advice in relation to enforcement action)—
- (a) after “the Secretary of State” insert “or the Chancellor of the Duchy of Lancaster”;
 - (b) for “him” substitute “either of them”.
- (4) In section 91 (register of undertakings and orders), at the end insert—
- “(8) In subsection (5), “Secretary of State” includes the Chancellor of the Duchy of Lancaster.”
- (5) In section 92 (duty of CMA to monitor undertakings and orders), at the end insert—
- “(8) In this section, “Secretary of State” includes the Chancellor of the Duchy of Lancaster.”
- (6) In section 94 (rights to enforce undertakings and orders), at the end insert—
- “(10) In subsection (8), “Secretary of State” includes the Chancellor of the Duchy of Lancaster.”
- (7) Schedule 7 (enforcement regime for public interest and special public interest cases) is amended as set out in sub-paragraphs (8) to (10).
- (8) In paragraph 3 (accepting of undertakings), at the end insert—
- “(11) In sub-paragraphs (8) and (10), “Secretary of State” includes the Chancellor of the Duchy of Lancaster.”
- (9) In paragraph 5 (orders in case of breach of undertaking etc)—
- (a) in sub-paragraph (1)—
 - (i) omit “by him” (in both places it occurs);
 - (ii) in paragraph (b), for “to him” substitute “to the Secretary of State”;
 - (b) at the end insert—
 - “(7) In this paragraph, “Secretary of State” includes the Chancellor of the Duchy of Lancaster.”
- (10) In paragraph 6 (orders to prevent prejudicial action), at the end insert—
- “(8) In this paragraph, “Secretary of State” includes the Chancellor of the Duchy of Lancaster.”
- (11) In Schedule 8 (provision that can be made by orders)—
- (a) in paragraph 20C(3)(c) (determination binding on CMA), after “Secretary of State” insert “or the Chancellor of the Duchy of Lancaster”;
 - (b) in paragraph 24 (meaning of “relevant authority”)—
 - (i) omit the “and” after paragraph (b);
 - (ii) at the end insert “; and
 - (d) in the case of an order to be made by the Chancellor of the Duchy of Lancaster, the Chancellor of the Duchy of Lancaster.”

Domestic Violence, Crime and Victims Act 2004 (c. 28)

11. In Schedule 9 to the Domestic Violence, Crime and Victims Act 2004 (authorities within remit of Commissioner for Victims and Witnesses)—

(a) for paragraph 1VA substitute—

“**1VA** The Department for Business and Trade.”;

(b) after paragraph 1ZB insert—

“**1ZC** The Department for Energy Security and Net Zero.”;

(c) before paragraph 5 insert—

“**4A** The Department for Science, Innovation and Technology.”

Serious Organised Crime and Police Act 2005 (c. 15)

12.—(1) Section 71 of the Serious Organised Crime and Police Act 2005 (assistance by offender: immunity from prosecution) is amended as follows.

(2) In subsection (4)(db)(a), for “Secretary of State for Business, Energy and Industrial Strategy” substitute “Secretary of State for Business and Trade”.

(3) In subsection (6A)(b), for “Secretary of State for Business, Energy and Industrial Strategy” substitute “Secretary of State for Business and Trade”.

(4) In subsection (6C)(c), for “Secretary of State for Business, Energy and Industrial Strategy” substitute “Secretary of State for Business and Trade”.

Natural Environment and Rural Communities Act 2006 (c. 16)

13.—(1) The Natural Environment and Rural Communities Act 2006 is amended as follows.

(2) In the following provisions, for “or BEIS” substitute “or DESNZ”—

(a) section 78(1) (agreement between Secretary of State and designated body);

(b) section 79(1) (agreement between designated bodies);

(c) section 80(3) (designated bodies);

(d) section 82(a) and (b) (maximum duration of agreement);

(e) section 86(2) (interpretation);

(f) section 98(1) and (5) (financial assistance).

(3) In section 86 (interpretation)—

(a) in subsection (2)(b), for “Department for Business, Energy and Industrial Strategy” substitute “Department for Energy Security and Net Zero”;

(b) in subsection (2A)(d), after “2016” insert “and the Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424)”.

(4) In section 98 (financial assistance)—

(a) Subsection (4)(db) was inserted by the Coroners and Justice Act 2009, section 113.

(b) Subsection (6A) was inserted by the Coroners and Justice Act 2009, section 113.

(c) Subsection (6C) was inserted by the Coroners and Justice Act 2009, section 113.

(d) Subsection (2A) was inserted by S.I. 2009/229.

- (a) in subsection (5)(b), for “Department for Business, Energy and Industrial Strategy” substitute “Department for Energy Security and Net Zero”;
- (b) in subsection (5A)(a), after “2016” insert “and the Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424)”.

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

14. In Schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007 (list of government departments etc)—

- (a) omit “Department for Business, Energy and Industrial Strategy” and “UK Trade and Investment”;
- (b) at the appropriate places insert—
 - “Department for Business and Trade”;
 - “Department for Energy Security and Net Zero”;
 - “Department for Science, Innovation and Technology”.

Housing and Regeneration Act 2008 (c. 17)

15. In Schedule 4 to the Housing and Regeneration Act 2008 (powers in relation to, and for, statutory undertakers), in the following places, for “the Secretary of State for Digital, Culture, Media and Sport” substitute “the Secretary of State for Science, Innovation and Technology”—

- (a) paragraph 8(4)(b);
- (b) paragraph 15(2)(b);
- (c) paragraph 40(1)(b).

Crossrail Act 2008 (c. 18)

16.—(1) The Crossrail Act 2008 is amended as follows.

(2) In section 4(5)(b) (overhead lines), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

(3) In Schedule 4 (overhead lines: consent), in paragraph 12, for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

(4) In Schedule 9 (heritage: disapplication and modification of controls), in paragraph 5(5), for “the Secretary of State for Digital, Culture, Media and Sport” substitute “the Secretary of State for Culture, Media and Sport”.

(5) In Schedule 17 (protective provisions)—

- (a) in Part 2 (protection for electricity, gas, water and sewerage undertakers)—
 - (i) in paragraph 2(4), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”;
 - (ii) in paragraph 13(3), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”;

(a) Subsection (5A) was inserted by S.I. 2009/229.

- (b) in Part 4 (protection of electronic communications code networks), in paragraph 6(3), for “the Secretary of State for Digital, Culture, Media and Sport” substitute “the Secretary of State for Science, Innovation and Technology”.

Justice and Security Act 2013

17. In section 14(1) of the Justice and Security Act 2013 (sections 6 to 13: interpretation), at the appropriate place insert—

““Secretary of State” includes the Chancellor of the Duchy of Lancaster.”.

Digital Economy Act 2017 (c. 30)

18.—(1) The Digital Economy Act 2017 is amended as follows.

(2) In section 35 (disclosure of information to improve public service delivery), after subsection (2) insert—

“(2A) Where in Schedule 4 functions are mentioned in relation to a specified person, the reference in subsection (1) to the person’s functions is limited to the person’s functions as mentioned in Schedule 4.”

(3) In section 48 (disclosure of information to reduce debt owed to the public sector), after subsection (4) insert—

“(4A) Where in Schedule 7 functions are mentioned in relation to a specified person, the reference in subsection (1) to the person’s functions is limited to the person’s functions as mentioned in Schedule 7.”

(4) In section 56 (disclosure of information to combat fraud against the public sector), after subsection (5) insert—

“(5A) Where in Schedule 8 functions are mentioned in relation to a specified person, the reference in subsection (1) to the person’s functions is limited to the person’s functions as mentioned in Schedule 8.”

(5) In Part 1 of Schedule 4 (public service delivery: specified persons for the purposes of section 35; UK and English bodies)—

(a) in paragraph 6, for “Business, Energy and Industrial Strategy” substitute “Business and Trade, in relation to the Secretary of State’s relevant business functions”;

(b) in paragraph 9, for “Digital, Culture, Media and Sport” substitute “Culture, Media and Sport”;

(c) after paragraph 9 insert—

“9A The Secretary of State for Energy Security and Net Zero.

9B The Secretary of State for Science, Innovation and Technology.”;

(d) at the end insert—

“28A In this Part of this Schedule—

“relevant business function” has the meaning given in article 11(3) of the 2023 Transfer of Functions Order;

“the 2023 Transfer of Functions Order” means the Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424).”

(6) In Part 1 of Schedule 5 (public service delivery: specified persons for the purposes of sections 36 and 37; UK and English bodies), in paragraph 1, for “Business, Energy and Industrial Strategy” substitute “Energy Security and Net Zero”.

(7) In Part 1 of Schedule 7 (specified persons for the purposes of the debt provisions; UK and English bodies)—

(a) in paragraph 5, for “Business, Energy and Industrial Strategy” substitute “Business and Trade, in relation to the Secretary of State’s relevant business functions”;

(b) after paragraph 5 insert—

“5A The Secretary of State for Energy Security and Net Zero.

5B The Secretary of State for Science, Innovation and Technology, in relation to the Secretary of State’s relevant SIT functions.”;

(c) at the end insert—

“17A In this Part of this Schedule—

“relevant business function” has the meaning given in article 11(3) of the 2023 Transfer of Functions Order;

“relevant SIT function” has the meaning given in article 9(4) of the 2023 Transfer of Functions Order;

“the 2023 Transfer of Functions Order” means the Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424).”

(8) In Part 1 of Schedule 8 (specified persons for the purposes of the fraud provisions)—

(a) in paragraph 6, for “Business, Energy and Industrial Strategy” substitute “Business and Trade, in relation to the Secretary of State’s relevant business functions”;

(b) in paragraph 12, for “Digital, Culture, Media and Sport” substitute “Culture, Media and Sport”;

(c) after paragraph 12 insert—

“12A The Secretary of State for Energy Security and Net Zero.

12B The Secretary of State for Science, Innovation and Technology.”;

(d) at the end insert—

“41A In this Part of this Schedule—

“relevant business function” has the meaning given in article 11(3) of the 2023 Transfer of Functions Order;

“the 2023 Transfer of Functions Order” means the Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424).”

High Speed Rail (London - West Midlands) Act 2017 (c. 7)

19.—(1) The High Speed Rail (London - West Midlands) Act 2017 is amended as follows.

(2) In paragraph 2(4) of Schedule 19 (ancient monuments), for “the Secretary of State for Digital, Culture, Media and Sport” substitute “the Secretary of State for Culture, Media and Sport”.

(3) In Schedule 33 (protective provisions)—

- (a) in Part 2, in paragraph 19(4), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”;
- (b) in Part 2, in paragraph 24(7), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”;
- (c) in Part 3, in paragraph 32(2), in the definition of “the appropriate Ministers”, for “the Secretary of State for Digital, Culture, Media and Sport” substitute “the Secretary of State for Science, Innovation and Technology”.

High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2)

20.—(1) The High Speed Rail (West Midlands - Crewe) Act 2021 is amended as follows.

(2) In paragraph 2(4) of Schedule 19 (ancient monuments), for “the Secretary of State for Digital, Culture, Media and Sport” substitute “the Secretary of State for Culture, Media and Sport”.

(3) In Schedule 32 (protective provisions)—

- (a) in Part 2, in paragraph 19(4), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”;
- (b) in Part 3, in paragraph 24(7), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”;
- (c) in Part 3, in paragraph 31(4), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”;
- (d) in Part 3, in paragraph 32(2), in the definition of “the appropriate Ministers”, for “the Secretary of State for Digital, Culture, Media and Sport” substitute “the Secretary of State for Science, Innovation and Technology”.

National Security and Investment Act 2021 (c. 25)

21. In section 65 of the National Security and Investment Act 2021 (interpretation), at the appropriate place insert—

““Secretary of State” includes the Chancellor of the Duchy of Lancaster.”.

Police, Crime, Sentencing and Courts Act 2022 (c. 32)

22. In Part 3 of Schedule 3 to the Police, Crime, Sentencing and Courts Act 2022 (extraction of information from electronic devices; authorised persons in relation to the prevention of crime etc only), for “An officer of the department of the Secretary of State for Business, Energy and Industrial Strategy” substitute—

“An officer of the department of the Secretary of State for Business and Trade.

An officer of the department of the Secretary of State for Energy Security and Net Zero.

An officer of the department of the Secretary of State for Science, Innovation and Technology.”

British Sign Language Act 2022 (c. 34)

23. In the Schedule to the British Sign Language Act 2022 (relevant government departments)—

- (a) in paragraph 3, for “Business, Energy and Industrial Strategy” substitute “Business and Trade”;
- (b) in paragraph 4, for “Digital, Culture, Media and Sport” substitute “Culture, Media and Sport”;
- (c) after paragraph 5 insert—
“5A Department for Energy Security and Net Zero.”;
- (d) omit paragraph 7;
- (e) after paragraph 8 insert—
“8A Department for Science, Innovation and Technology.”

PART 2

Subordinate legislation

Housing (Right to Buy) (Service Charges) Order 1986 (S.I. 1986/2195)

24. In article 2 of the Housing (Right to Buy) (Service Charges) Order 1986 (interpretation), in the definition of “index figure”(a)—

- (a) for “BEIS” (in both places it occurs) substitute “DBT”;
- (b) for “Department for Business, Energy and Industrial Strategy” substitute “Department for Business and Trade”.

Social Fund (Cold Weather Payments) (General) Regulations 1988 (S.I. 1988/1724)

25. In regulation 1(2) of the Social Fund Cold Weather Payments (General) Regulations 1988 (interpretation), in the definition of “the Met Office”(b), for “Department for Business, Energy and Industrial Strategy” substitute “Department for Science, Innovation and Technology”.

Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)

26. In Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Regulations 1990(c), for “the Secretary of State for Digital, Culture, Media and Sport” (in each place it occurs) substitute “the Secretary of State for Culture, Media and Sport”.

Patent Office Trading Fund Order 1991 (S.I. 1991/1796)

27.—(1) The Patent Office Trading Fund Order 1991 is amended as follows.

- (2) In article 2 (establishment of the fund)—
 - (a) the existing text becomes paragraph (1);
 - (b) in that paragraph—

(a) The definition of “index figure” was substituted, in relation to England, by S.I. 2010/2769, article 2. The definition has been amended by S.I. 2016/992, Schedule.

(b) The definition was substituted by S.I. 2016/876.

(c) Schedule 4 was substituted, in relation to England, by S.I. 2009/2711 and further amended by S.I. 2017/979. It was revoked, in relation to Wales, by S.I. 2012/793.

- (i) omit the words from “for all the operations” to “particularly described in Schedule 1 to this Order”;
- (ii) omit the words from “From the coming into force” (in the first place it occurs) to the end;
- (c) after that paragraph insert—

“(2) The fund is to be for the operations of that part of the Department for Science, Innovation and Technology known as the Patent Office so far as those operations correspond to those described in Schedule 1 to this Order.”

(3) In article 3 (source of loans), for “The Secretary of State for Business, Energy and Industrial Strategy” substitute “The Secretary of State for Science, Innovation and Technology”.

Bail (Amendment) Act 1993 (Prescription of Prosecuting Authorities) Order 1994 (S.I. 1994/1438)

28. In the Schedule to the Bail (Amendment) Act 1993 (Prescription of Prosecuting Authorities) Order 1994, for “The Secretary of State for Business, Energy and Industrial Strategy” substitute “The Secretary of State for Business and Trade”.

Insolvency Regulations 1994 (S.I. 1994/2507)

29. In regulation 3(3) of the Insolvency Regulations 1994 (interpretation and application), for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Business and Trade”.

Meteorological Office Trading Fund Order 1996 (S.I. 1996/774)

- 30.**—(1) The Meteorological Office Trading Fund Order 1996 is amended as follows.
- (2) In article 3 (source of loans), for “The Secretary of State for Business, Energy and Industrial Strategy” substitute “The Secretary of State for Science, Innovation and Technology”.
 - (3) In Schedule 1 (funded operations) for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Science, Innovation and Technology”.

Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (S.I. 1998/1056)

31. In regulation 4(7) of the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (oil pollution emergency plans), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Trial of the Pyx Order 1998 (S.I. 1998/1764)

- 32.** In the Trial of the Pyx Order 1998, in the following places, for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Business and Trade”—
- (a) article 4(4) (preliminary arrangements for the trial);
 - (b) article 15(2) (verdict).

Civil Procedure Rules 1998 (S.I. 1998/3132)

33. In rule 82.1(2) of the Civil Procedure Rules 1998 (interpretation of Part 82)(a), after sub-paragraph (d) insert—

“(da) “Secretary of State” is to be construed in accordance with section 14(1) of the Act.”.

Building Societies (Business Names) Regulations 1998 (S.I. 1998/3186)

34. In the Schedule to the Building Societies (Business Names) Regulations 1998 (specification of words, expressions and relevant bodies), in the entry for Polytechnic, in column (2), for “The Department for Business, Energy and Industrial Strategy” substitute “The Department for Science, Innovation and Technology”.

Railway Administration Order Rules 2001 (S.I. 2001/3352)

35. In rule 1.2(1) of the Railway Administration Order Rules 2001 (construction and interpretation), in the definition of “the Department”, for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Business and Trade”.

Police and Criminal Evidence Act 1984 (Department of Trade and Industry Investigations) Order 2002 (S.I. 2002/2326)

36.—(1) The Police and Criminal Evidence Act 1984 (Department of Trade and Industry Investigations) Order 2002 is amended as follows.

(2) In article 2 (definitions)—

- (a) for “BEIS investigator” (in both places it occurs) substitute “DBT investigator”;
- (b) for “BEIS investigation” substitute “DBT investigation”;
- (c) for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Business and Trade”.

(3) In article 3 (application of certain provisions of the Act to investigations), in paragraph (1)(b) and in the heading, for “BEIS investigations” (in both places it occurs) substitute “DBT investigations”.

(4) In article 4 (modifications)—

- (a) for “BEIS investigator” (in each place it occurs) substitute “DBT investigator”;
- (b) for “the Secretary of State for Business, Energy and Industrial Strategy” (in each place it occurs) substitute “the Secretary of State for Business and Trade”.

Community Investment Tax Relief (Accreditation of Community Development Finance Institutions) Regulations 2003 (S.I. 2003/96)

37.—(1) The Community Investment Tax Relief (Accreditation of Community Development Finance Institutions) Regulations 2003 are amended as follows.

(2) In the following places, for “Department for Business, Energy and Industrial Strategy” substitute “Department for Business and Trade”—

- (a) regulation 7(4);
- (b) regulation 12A(2)(b);

(a) Part 82 was inserted by S.I. 2013/1571.

(b) Regulation 12A was inserted by S.I. 2013/417.

- (c) regulation 13(1) (in both places where it occurs) and (4);
- (d) regulation 15(2)(b)(ii);
- (e) regulation 16(3)(b).

Land Registration Rules 2003 (S.I. 2003/1417)

38. In the Land Registration Rules 2003, in Schedule 5(a), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Business and Trade”.

Crime (International Co-operation) Act 2003 (Designation of Prosecuting Authorities) Order 2004 (S.I. 2004/1034)

39. In article 2(2) of the Crime (International Co-operation) Act 2003 (Designation of Prosecuting Authorities) Order 2004, for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Business and Trade”.

Measuring Instruments (EEC Requirements) (Fees) Regulations 2004 (S.I. 2004/1300)

40. In paragraph (b) of Schedule 1 to the Measuring Instruments (EEC Requirements) (Fees) Regulations 2004 (calculation of variable fee), for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Business and Trade”.

Electricity (Fuel Mix Disclosure) Regulations 2005 (S.I. 2005/391)

41. In paragraph 1 of the condition set out in the Schedule to the Electricity (Fuel Mix Disclosure) Regulations 2005, in the definition of “fuel mix disclosure data table”, for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Energy Security and Net Zero”.

Damages (Government and Health Service Bodies) Order 2005 (S.I. 2005/474)

42. In Part 1 of the Schedule to the Damages (Government and Health Service Bodies) Order 2005 (designated government bodies), for “Department for Business, Energy and Industrial Strategy” substitute—

“Department for Business and Trade
Department for Energy Security and Net Zero
Department for Science, Innovation and Technology”.

Energy Administration Rules 2005 (S.I. 2005/2483)

43. In rule 186(2) of the Energy Administration Rules 2005 (expressions used generally), for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Energy Security and Net Zero”.

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006/1466)

44. In column (2) of the table in Schedule 5 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (persons to be served with copy of

(a) Schedule 5 was substituted by S.I. 2018/70.

application etc), in row 8 and row 19, for “Secretary of State for Digital, Culture, Media and Sport” substitute “Secretary of State for Culture, Media and Sport”.

Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007 (S.I. 2007/292)

45. In regulation 2 of the Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration Regulations 2007 (interpretation)(a), in the definition of “the competent authority”, for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2007 (S.I. 2007/934)

46. In the Schedule to the Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2007, in column 1 of the table, for “The Department for Business, Energy and Industrial Strategy” substitute “The Department for Business and Trade”.

Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2007 (S.I. 2007/2501)

47. In article 11(g) of the Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2007 (disclosure of information by the Commission), for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Business and Trade”.

Petroleum Licensing (Production) (Seaward Areas) Regulations 2008 (S.I. 2008/225)

48. In clause 1(1) of the model clauses set out in the Schedule to the Petroleum Licensing (Production) (Seaward Areas) Regulations 2008, in the definition of “the Minister”, for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2008 (S.I. 2008/1737)

49. In article 11(g) of the Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2008 (disclosure of information by the Commission), for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Business and Trade”.

Export Control Order 2008 (S.I. 2008/3231)

50. In the Export Control Order 2008, in the following places, for “Department for International Trade” substitute “Department for Business and Trade”—

- (a) article 33(5) (licence refusals, etc and appeals);
- (b) article 44 (service of notices).

(a) Regulation 2 was substituted by S.I. 2018/1206.

Offshore Gas Storage and Unloading (Licensing) Regulations 2009 (S.I. 2009/2813)

51. In clause 1(1) of the model clauses set out in the Schedule to the Offshore Gas Storage and Unloading (Licensing) Regulations 2009, in the definition of “the Minister”, for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Offshore Exploration (Petroleum, and Gas Storage and Unloading) (Model Clauses) Regulations 2009 (S.I. 2009/2814)

52. In clause 1(1) of the model clauses set out in the Schedule to the Offshore Exploration (Petroleum, and Gas Storage and Unloading) (Model Clauses) Regulations 2009, in the definition of “the Minister”, for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2010 (S.I. 2010/501)

53. In regulation 1(2) of the Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2010, in the definition of “Culture Secretary”, for “the Secretary of State for Digital, Culture, Media and Sport” substitute “the Secretary of State for Culture, Media and Sport”.

Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521)

54. In Part 1 of the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (offices and restrictions etc), in column 1 of the table, for “The Department for Business, Energy and Industrial Strategy” substitute “The Department for Business and Trade”.

Criminal Justice Act 2003 (Commencement No. 26) Order 2011 (S.I. 2011/2188)

55. In article 3(b) of the Criminal Justice Act 2003 (Commencement No. 26) Order 2011, for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Business and Trade”.

Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648)

56. In paragraph 6 of Schedule 15 to the Hinkley Point C (Nuclear Generating Station) Order 2013 (protection of the Environment Agency), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Energy Savings Opportunity Scheme Regulations 2014 (S.I. 2014/1643)

57. In the Energy Savings Opportunity Scheme Regulations 2014, in the following places, for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”—

- (a) regulation 6(1)(e) (compliance bodies);
- (b) regulation 48(2)(a) (appeals).

Public Interest Disclosure (Prescribed Persons) Order 2014 (S.I. 2014/2418)

58.—(1) The table in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014 is amended as follows.

(2) In the second column, opposite the entry in the first column for Health and Safety Executive, in paragraph (b), for “Secretary of State for Business, Energy and Industrial Strategy” substitute “Secretary of State for Energy and Net Zero”.

(3) In the first column, for “Secretary of State for Business, Energy and Industrial Strategy” substitute “Secretary of State for Business and Trade”.

(4) In the second column, opposite the entry in the first column amended by sub-paragraph (3) above, omit paragraph (c) and the “and” before it.

(5) At the appropriate place insert—

“Secretary of State for Energy Security and Net Zero	Matters relating to the functions of the Secretary of State for Energy Security and Net Zero as a designated competent authority under the Network and Information Systems Regulations 2018.”
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Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2014 (S.I. 2014/3140)

59. In Part 1 of Schedule 2 to the Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2014 (list of bodies whose views must be sought), in column (2), for “Department for Business, Energy and Industrial Strategy” (in each place it occurs) substitute “Department for Business and Trade”.

Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015 (S.I. 2015/1431)

60. In regulation 5B(3)(c) of the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015(a), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Care and Support (Financial Assessment) (Wales) Regulations 2015 (S.I. 2015/1844)

61. In paragraph 40 of Schedule 2 to the Care and Support (Financial Assessment) (Wales) Regulations 2015 (capital to be disregarded)(b), for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Renewables Obligation Order 2015 (S.I. 2015/1947)

62. In article 79(3) of the Renewables Obligation Order 2015 (provision of information), for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Energy Security and Net Zero”.

Network and Information Systems Regulations 2018 (S.I. 2018/506)

63. In Schedule 1 to the Network and Information Systems Regulations 2018 (competent authorities), in column 3 of the table, for “Secretary of State for Business, Energy and Industrial Strategy” (in each place it occurs) substitute “Secretary of State for Energy Security and Net Zero”.

(a) Regulation 5B was inserted by S.I. 2017/404.

(b) Paragraph 40 was inserted by S.I. 2023/67.

Nuclear Safeguards (EU Exit) Regulations 2019 (S.I. 2019/196)

64. In regulation 46(2)(b) of the Nuclear Safeguards (EU Exit) Regulations 2019 (form of notification)—

- (a) for “the Department for Business Energy and Industrial Strategy” substitute “the Department for Energy Security and Net Zero”;
- (b) for “the BEIS” substitute “that Department’s”.

Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706)

65. In Part 7 of Schedule 16 to the Norfolk Vanguard Offshore Wind Farm Order 2020 (protective provisions), in paragraph 81 for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

A303 (Amesbury to Berwick Down) Development Consent Order 2020 (S.I. 2020/1297)

66. In article 2(1) of the A303 (Amesbury to Berwick Down) Development Consent Order 2020, in the definition of “Historic England”, for “the Department for Digital, Culture, Media and Sport” substitute “the Department for Culture, Media and Sport”.

Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656)

67. In Part 7 of Schedule 9 to the Hornsea Three Offshore Wind Farm Order 2020 (protective provisions), in paragraph 11 for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Order 2021 (S.S.I. 2021/98)

68. In regulation 2(1) of the Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Order 2021 (interpretation), in paragraph (b) of the definition of “border department”(a) for “Secretary of State for Business, Energy and Industrial Strategy” substitute “Secretary of State for Business and Trade”.

A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125)

69. In Part 3 of Schedule 8 to the A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (protective provisions), in paragraph 28, for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales and Northern Ireland) Order 2021 (S.I. 2021/640)

70. In Schedule 1 to the Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales and Northern Ireland) Order 2021 (accredited financial investigators), for “the Department for Business, Energy and Industrial Strategy” (in each place it occurs) substitute “the Department for Business and Trade”.

(a) The definition of border department was inserted by S.S.I. 2021/293.

Space Industry (Appeals) Regulations 2021 (S.I. 2021/816)

71. In regulation 2 of the Space Industry (Appeals) Regulations 2021 (interpretation), in the definition of “UKSA”, for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Science, Innovation and Technology”.

National Security and Investment Act 2021 (Monetary Penalties) (Turnover of a Business) Regulations 2021 (S.I. 2021/1262)

72. In regulation 1(3) of the National Security and Investment Act 2021 (Monetary Penalties) (Turnover of a Business) Regulations 2021 (interpretation), at the end insert “, and

“Secretary of State” includes the Chancellor of the Duchy of Lancaster.”

National Security and Investment Act 2021 (Notifiable Acquisition) (Specification of Qualifying Entities) Regulations 2021 (S.I. 2021/1264)

73.—(1) The table in paragraph 2 of Schedule 9 to the National Security and Investment Act 2021 (Notifiable Acquisition) (Specification of Qualifying Entities) Regulations 2021 (interpretation — public sector authority) is amended as follows.

(2) Omit the entries for “Department for International Trade” and “UK Export Finance (also known as the Exports Credit Guarantee Department)”.

(3) For the entries from “Department for Business, Energy and Industrial Strategy” to “Office of Communications (Ofcom)” substitute—

“Department for Business and Trade
Competition and Markets Authority
HM Land Registry
UK Export Finance (also known as the Exports Credit Guarantee Department)
Department for Energy Security and Net Zero
Office of Gas and Electricity Markets (Ofgem)
Nuclear Decommissioning Authority
Department for Science, Innovation and Technology
Information Commissioner
Intellectual Property Office
Meteorological Office
Office of Communications (Ofcom)
United Kingdom Space Agency
Department for Culture, Media and Sport
The National Archives”

National Security and Investment Act 2021 (Procedure for Service) Regulations 2021 (S.I. 2021/1267)

74. In regulation 2(1) of the National Security and Investment Act 2021 (Procedure for Service) Regulations 2021 (interpretation), at the end insert—

““Secretary of State” includes the Chancellor of the Duchy of Lancaster.”

National Security and Investment Act 2021 (Prescribed Form and Content of Notices and Validation Applications) Regulations 2021 (S.I. 2021/1272)

75. In regulation 2 of the National Security and Investment Act 2021 (Prescribed Form and Content of Notices and Validation Applications) Regulations 2021 (interpretation), at the end insert—

““Secretary of State” includes the Chancellor of the Duchy of Lancaster.”

Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414)

76. In Part 7 of Schedule 17 to the Norfolk Boreas Offshore Wind Farm Order 2021 (protective provisions), in paragraph 81 for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138)

77. In Part 7 of Schedule 16 to the Norfolk Vanguard Offshore Wind Farm Order 2022 (protective provisions), in paragraph 81 for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206)

78. In Part 2 of Schedule 9 to the A57 Link Roads Development Consent Order 2022 (protective provisions), in paragraph 28 for “the Secretary of State for Business, Energy and Industrial Strategy” substitute “the Secretary of State for Energy Security and Net Zero”.

PART 3

Retained EU law

Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules

79. In Article 6 of Commission Delegated Regulation (EU) 664/2014, in the following places, for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Science, Innovation and Technology”—

- (a) paragraph 4(b);
- (b) paragraph 4e(e)(iii).

Regulation (EU) 2016/793 of the European Parliament and of the Council of 11 May 2016 to avoid trade diversion into the European Union of certain key medicines

80. In Article 4(1) of Regulation (EU) 2016/793 of the European Parliament and of the Council, for the words from “the Department” to the end substitute “the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London SW1A 2DY”.

Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in

the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation

81. In Article 14 of Commission Delegated Regulation (EU) 2019/33, in paragraph 2b(b), for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Science, Innovation and Technology”.

Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008

82. In article 31 of Regulation (EU) 2019/787 of the European Parliament and of the Council, in paragraph 6(b), for “the Department for Business, Energy and Industrial Strategy” substitute “the Department for Science, Innovation and Technology”.

EXPLANATORY NOTE

(This note is not part of the Order in Council)

This Order in Council is made under sections 1 and 2 of the Ministers of the Crown Act 1975. It makes provision in connection with the establishment of the Department for Energy Security and Net Zero, the Department for Science, Innovation and Technology, the Department for Business and Trade and the Department for Culture, Media and Sport.

Articles 3, 4 and 5 provide for the incorporation of the Department for Energy Security and Net Zero, the Department for Science, Innovation and Technology and the Department for Business and Trade as corporations sole. Those articles also make provision about the authentication of the corporate seals of those departments and about the execution and certification of documents.

Article 6 makes similar provision about the certification of documents in relation to the Department for Culture, Media and Sport. That department has already been incorporated: the Secretary of State for National Heritage was incorporated by S.I. 1992/1311 and then that Secretary of State was renamed the Secretary of State for Culture, Media and Sport by S.I. 1997/1744.

Article 7 transfers certain statutory functions from the Secretary of State for Business, Energy and Industrial Strategy to the Secretary of State for Energy Security and Net Zero.

Article 8(1) provides for the transfer of property, rights and liabilities from the Secretary of State for Business, Energy and Industrial Strategy to the Secretary of State for Energy Security and Net Zero. Article 8(2) to (6) makes supplementary provision, in particular for ensuring continuity in the exercise of the functions and in relation to the property, rights and liabilities transferred.

Article 9 transfers certain statutory functions to the Secretary of State for Science, Innovation and Technology. Some of these come from the Secretary of State for Business, Energy and Industrial Strategy, and some come from the Secretary of State for Digital, Culture, Media and Sport.

Article 10(1) provides for the transfer of property, rights and liabilities to the Secretary of State for Science, Innovation and Technology, including those relating to certain functions that the Secretary of State for Science, Innovation and Technology has received from the Minister for the Cabinet Office and the Chancellor of the Duchy of Lancaster. Article 10(2) to (12) makes similar supplementary provision to that in article 8(2) to (6).

Article 11 transfers certain statutory functions from the Secretary of State for Business, Energy and Industrial Strategy to the Secretary of State for Business and Trade. Article 12 deals with the transfer of property, rights and liabilities to that Secretary of State, including in relation to functions that have come from the Secretary of State for International Trade, and contains similar supplementary provision to that in articles 8 and 10.

Article 13 transfers certain statutory functions from the Secretary of State for Digital, Culture, Media and Sport to the Secretary of State for Culture, Media and Sport. Article 14 effects the transfer of property, rights and liabilities to the Secretary of State for Culture, Media and Sport and contains supplementary provisions.

Article 15 provides for functions of the Secretary of State under the National Security and Investment Act 2021, and for certain similar legacy functions under the Enterprise Act 2002, to be exercisable concurrently by the Secretary of State and the Chancellor of the Duchy of Lancaster.

Article 16 transfers property, rights and liabilities in connection with those functions to the Chancellor of the Duchy of Lancaster, and contains supplementary provision.

Article 17 makes provision preserving the validity of anything done by or in relation to the Secretary of State for Business, Energy and Industrial Strategy, the Secretary of State for Digital, Culture, Media and Sport, the Secretary of State for International Trade, the Minister for the Cabinet Office and the Chancellor of the Duchy of Lancaster before the coming into force of this Order.

Article 18 introduces the Schedule, which makes consequential amendments to Acts of Parliament, secondary legislation and retained EU law.

Nothing in this Order alters the functions of the Welsh Ministers, the Scottish Ministers or the devolved authorities in Northern Ireland.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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