
STATUTORY INSTRUMENTS

2017 No. 1283

MINISTERS OF THE CROWN

**The Transfer of Functions (International
Development) Order 2017**

Made - - - - - *13th December 2017*
Laid before Parliament *20th December 2017*
Coming into force - - - *10th January 2018*

At the Court at Buckingham Palace, the 13th day of December 2017

Present,

The Queen's Most Excellent Majesty in Council

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

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (International Development) Order 2017.

(2) This Order comes into force on 10th January 2018.

Functions of the Secretary of State to be exercisable concurrently with the Treasury

2. The following functions of the Secretary of State under the International Development Act 2002(2) are to be exercisable concurrently with the Treasury—

- (a) the functions under section 1 (development assistance);
- (b) the functions under section 4 (supplementary powers), so far as they relate to the exercise of the power under section 1;
- (c) the functions under section 7 (terms on which assistance is provided), so far as they relate to the exercise of the power under section 1;
- (d) the functions under section 11 (multilateral development banks).

(1) 1975 c.26. Section 1 was amended by section 20(2) of the Constitutional Reform Act 2005 (c.4).

(2) 2002 c.1.

Supplementary

3.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State before the coming into force of this Order.

(2) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as necessary for the purposes of or in consequence of article 2, as if references to (and references which are to be read as references to) the Secretary of State were or included references to the Treasury.

(3) In paragraphs (1) and (2)—

(a) the references to the Secretary of State are to be read as including references to the department or an officer of the Secretary of State, and

(b) the reference to the Treasury is to be read as including a reference to the department of Her Majesty's Treasury or an officer of the Treasury accordingly.

(4) In paragraph (2) “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.

Consequential amendments

4. The Schedule has effect.

Ceri King
Deputy Clerk of the Privy Council

SCHEDULE

Article 4

Consequential amendments

Parliamentary Commissioner Act 1967

1. In paragraph 10 of Schedule 3 to the Parliamentary Commissioner Act 1967 (matters not subject to investigation)(3), after sub-paragraph (2) insert—

“(3) Sub-paragraph (1)(c) does not apply to any action (not otherwise excluded from investigation by this Schedule) which is taken by the Treasury in connection with—

- (a) the provision of information relating to the terms and conditions of any employment covered by an agreement entered into by the Treasury pursuant to the exercise of the Treasury’s powers under Part 1 of the International Development Act 2002, or
- (b) the provision of any allowance, grant or supplement or any benefit (other than those relating to superannuation) arising from such an agreement.”

International Development Act 2002

2. The International Development Act 2002 is amended as follows.

3.—(1) Section 1 (development assistance) is amended as follows.

(2) In subsection (1)—

- (a) for “Secretary of State” substitute “Minister”, and
- (b) for “he” substitute “the Minister”.

(3) In subsection (1A)(4), for “Secretary of State” substitute “Minister”.

(4) In subsection (3), for “Secretary of State” substitute “Minister”.

(5) After subsection (3) insert—

“(4) In this Act, “the Minister” means the Secretary of State or the Treasury.”

4.—(1) Section 4 (supplementary powers) is amended as follows.

(2) In subsection (1)—

- (a) for “Secretary of State” substitute “Minister”, and
- (b) for “his powers under section 1, 2 or 3” substitute “the applicable powers”.

(3) After subsection (1) insert—

“(1A) In subsection (1) “the applicable powers” means—

- (a) where the Minister is the Secretary of State, the powers under section 1, 2 or 3, and
- (b) where the Minister is the Treasury, the power under section 1.”

(4) In subsection (2)—

- (a) in the words before paragraph (a), for “Secretary of State” substitute “Minister”, and
- (b) in the words after paragraph (c), for “he” substitute “the Minister”.

(5) For subsection (4) substitute—

(3) Paragraph 10 of Schedule 3 was amended by [S.I. 1983/1707](#), section 1(3)(c) of the Parliamentary and Health Service Commissioners Act 1987 (c.39), paragraph 2 of Schedule 3 to the International Development Act 2002 and [S.I. 2013/238](#).

(4) Subsection (1A) was inserted by section 1(2) of the International Development (Gender Equality) Act 2014 (c.9).

- “(4) For the purposes of subsection (2) “relevant purpose” means—
- (a) where the Minister is the Secretary of State—
 - (i) a purpose mentioned in section 1(2)(a) or (b) or 3, or
 - (ii) a purpose that broadly corresponds to that purpose, and
 - (b) where the Minister is the Treasury—
 - (i) a purpose mentioned in section 1(2)(a) or (b), or
 - (ii) a purpose that broadly corresponds to that purpose.”

5.—(1) Section 6 (financial assistance) is amended as follows.

(2) In subsection (1)(c), for “Secretary of State” substitute “Minister”.

(3) After subsection (4) insert—

“(5) In a case where securities of a company are acquired by the Treasury, the securities are to be treated as held by the persons for the time being constituting the Treasury.”

6.—(1) Section 7 (terms on which assistance is provided) is amended as follows.

(2) In subsection (1)—

- (a) for “Secretary of State” substitute “Minister”, and
- (b) for “he” substitute “the Minister”.

(3) In subsection (2)(b), for “Secretary of State” substitute “Minister”.

(4) In subsection (3), after “Act” insert “by the Secretary of State”.

7.—(1) Section 8 (arrangements with third parties) is amended as follows.

(2) In subsection (1), for “Secretary of State by sections 1 to 4” substitute “Minister by the relevant provisions”.

(3) In subsection (2)(b), for “Secretary of State” substitute “Minister”.

(4) After subsection (2) insert—

- “(3) In this section “the relevant provisions” means—
- (a) where the Minister is the Secretary of State, sections 1 to 4, and
 - (b) where the Minister is the Treasury, sections 1 and 4.”

8.—(1) Section 11 (multilateral development banks) is amended as follows.

(2) In subsection (3), for “Secretary of State” substitute “Minister”.

(3) In subsection (4), for the words from “by the Secretary” to the end substitute—

- “(a) by the Treasury, or
- (b) by the Secretary of State with the approval of the Treasury.”

9. In section 16(2) (financial provision: payments into Consolidated Fund), for “Secretary of State” substitute “Minister”.

10. In section 17(1) (interpretation), after the definition of “development assistance” insert—

““the Minister” has the meaning given in section 1.”

Asian Infrastructure Investment Bank (Initial Capital Contribution) Order 2015

11. In article 2 of the Asian Infrastructure Investment Bank (Initial Capital Contribution) Order 2015(5), after “Secretary of State” insert “or the Treasury”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under section 1 of the Ministers of the Crown Act 1975. It makes provision for various functions of the Secretary of State in relation to international development to be exercisable concurrently with the Treasury.

Article 2 provides for the concurrent exercise of certain functions under sections 1, 4, 7 and 11 of the International Development Act 2002. These functions concern the provision of development assistance and the making of payments to multilateral development banks.

Article 3 contains supplementary provision in connection with article 2.

Article 4 and the Schedule make consequential amendments to the Parliamentary Commissioner Act 1967, the International Development Act 2002 and the Asian Infrastructure Investment Bank (Initial Capital Contribution) Order 2015.

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

An impact assessment has not been prepared for this instrument because no impact on the private or voluntary sectors is foreseen.