



CABINET OFFICE (CREATION OF NEW DEPARTMENT AND TRANSFER OF PLANNING POLICY FUNCTION) ORDER 2015

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Statutory Document No. 2015/0405



Government Departments Act 1987

CABINET OFFICE (CREATION OF NEW DEPARTMENT AND TRANSFER OF PLANNING POLICY FUNCTION) ORDER 2015

Approved by Tynwald: 15 December 2015
Coming into Operation: 1 January 2016

The Governor in Council makes the following Order under Schedule 2 to the *Government Departments Act 1987*.

1 Title

This Order is the Cabinet Office (Creation of New Department and Transfer of Planning Policy Function) Order 2015.

2 Commencement

If approved by Tynwald, this Order comes into operation on 1 January 2016.¹

3 Establishment of new Department, etc.

- (1) A new Department called “the Cabinet Office” is established.
- (2) In consequence of paragraph (1), the *Government Departments Act 1987* is amended in section 1 by deleting subsection (1) and substituting the following —

■ (1) The following are the Departments established under this Act —

- (a) the Treasury;
- (b) the Department of Economic Development;
- (c) the Department of Education and Children;
- (d) the Department of Environment, Food and Agriculture;
- (e) the Department of Health and Social Care;
- (f) the Department of Home Affairs;
- (g) the Department of Infrastructure; and

¹ Tynwald approval is required by paragraph 4(4) of Schedule 2 to the *Government Departments Act 1987*.

(h) the Cabinet Office. .

4 Planning policy function transferred

The function of the Department of Infrastructure relating to planning policy is transferred to the Cabinet Office and, consequently, the *Town and Country Planning Act 1999* and the *Tynwald Commissioner for Administration Act 2011* are amended in the manner set out in the Schedule.

5 Saving

For the avoidance of doubt —

- (a) nothing in this Order affects the continuing validity of provisions made or of anything done, before this Order comes into operation, under the *Town and Country Planning Act 1999*; and
- (b) after the coming into operation of this Order the Cabinet Office shall continue to have the competence to perform all activities and to exercise all functions that it performs and exercises before the coming into operation of this Order.

6 Transitional provisions

- (1) Any revision of the development plan that the Department of Infrastructure has commenced under section 2(1) of the *Town and Country Planning Act 1999* but has not completed at the time this Order comes into operation —
 - (a) shall not be invalidated by the coming into operation of this Order; and
 - (b) may be adopted and completed by the Cabinet Office.
- (2) Any development order that the Department of Infrastructure has begun making under section 8(1) of the *Town and Country Planning Act 1999* but has not completed at the time this Order comes into operation —
 - (a) shall not be invalidated by the coming into operation of this Order; and
 - (b) may be adopted and completed by the Cabinet Office.
- (3) Any advice —
 - (a) sought by the Department of Infrastructure by means of consultation with the consultative body under section 40 of the *Town and Country Planning Act 1999*; and
 - (b) not yet given by the consultative body when this Order comes into operation,shall, when given, be treated as if it had been sought by the Cabinet Office and as such the Cabinet Office shall have regard to it and to any

other advice given by the consultative body, whether pursuant to such consultation or otherwise.

7 Secondary legislation

- (1) So far as is necessary as a result of the transfer of function and the consequential amendments contained in the Schedule, references to the Department of Infrastructure (however expressed) in secondary legislation made or having effect under the *Town and Country Planning Act 1999* are to be read as references to the Cabinet Office.
- (2) Paragraph (1) does not apply to the extent that contrary provision is made in any other public document made after this Order.

MADE 30 NOVEMBER 2015

W GREENHOW
Chief Secretary

SCHEDULE

[Articles 4 and 7(1)]

CONSEQUENTIAL AMENDMENTS

1. The *Town and Country Planning Act 1999* is amended —
 - (b) by deleting **“the Department of Infrastructure”** wherever it appears in each of the provisions listed below and substituting in each case **“the Cabinet Office”** —
 - (i) section 1(1);
 - (ii) subsections (1), (2), (2A), (3), and (5) of section 2;
 - (iii) subsections (1), (2), (2A) and (3) of section 3;
 - (iv) subsections (2) and (3) of section 4;
 - (v) subsections (1) and (5) of section 8;
 - (vi) subsections (1), (2) and (5) of section 18;
 - (vii) section 19(2);
 - (viii) section 22(4);
 - (ix) subsections (2) and (3) of section 40;
 - (x) section 43A;
 - (c) in subsections (2) and (3)(a) of section 40, by deleting **“that Department”** wherever it appears and substituting in each case **“the Cabinet Office”**;
 - (d) in section 45(1), by deleting the definition of **“relevant Department”** and substituting the following —

“relevant Department” means the Department or the Cabinet Office (as the case requires);
 - (e) in Schedule 1, by deleting **“the Department of Infrastructure”** wherever it appears in each of the provisions listed below and substituting in each case **“the Cabinet Office”** —
 - (i) paragraph 2;
 - (ii) paragraph 3(1);
 - (iii) paragraph 4(1);
 - (iv) paragraph 5;
 - (v) subparagraphs (1) and (2) of paragraph 6; and
 - (vi) paragraph 7.
2. The *Tynwald Commissioner for Administration Act 2011* is amended in Schedule 2 by repealing subparagraph (j) of paragraph 1.

EXPLANATORY NOTE***(This note is not part of the Order)***

This Order establishes the Cabinet Office as a Government Department under Schedule 2 to the *Government Departments Act 1987* and transfers the planning policy function from the Department of Infrastructure to the newly-created Department (i.e. the Cabinet Office). The Order consequentially amends the *Town and Country Planning Act 1999* (which is the enactment in which the planning policy function is set out) and the *Tynwald Commissioner for Administration Act 2011*. The Order also includes transitional provisions in connection with the transfer.