



# Public Bodies Act 2011

## 2011 CHAPTER 24

### PART 1

#### GENERAL ORDER-MAKING POWERS

##### *Powers of Welsh Ministers*

### 13 Powers relating to environmental bodies

- (1) The Welsh Ministers may by order modify—
  - (a) the functions of the Countryside Council for Wales (“the CCW”),
  - (b) the Welsh devolved functions of the Environment Agency, [<sup>F1</sup>or]
  - (c) the Welsh devolved functions of the Forestry Commissioners, <sup>F2</sup>...
  - <sup>F2</sup>(d) .....
- (2) The Welsh Ministers may by order transfer any function of the CCW to—
  - (a) a new body,
  - (b) the Welsh Ministers,
  - (c) the Environment Agency or the Forestry Commissioners, or
  - (d) any other person exercising Welsh devolved functions.
- (3) The Welsh Ministers may by order transfer any Welsh devolved function of the Environment Agency or the Forestry Commissioners to—
  - (a) a new body,
  - (b) the Welsh Ministers,
  - (c) the CCW, or
  - (d) any other person exercising Welsh devolved functions.
- <sup>F3</sup>(4) .....
- (5) The Welsh Ministers may by order transfer any function of theirs relating to the environment to—
  - (a) a new body,

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- (b) the CCW, or
  - (c) the Environment Agency or the Forestry Commissioners.
- (6) The Welsh Ministers may by order transfer any Welsh environmental function from the person whose function it is to—
- (a) a new body,
  - (b) the CCW, or
  - (c) the Environment Agency or the Forestry Commissioners.
- (7) The Welsh Ministers may by order establish a body corporate for the purposes of this section; and in this section references to a “new body” are to any body so established.

<sup>F4</sup>(8) .....

<sup>F4</sup>(9) .....

#### Textual Amendments

- F1** Word in s. 13(1)(b) inserted (E.W.) (14.7.2017) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(3)(c), [Sch. 2 para. 26\(2\)\(a\)\(i\)](#); S.I. 2017/714, art. 2
- F2** S. 13(1)(d) and word omitted (E.W.) (14.7.2017) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(3)(c), [Sch. 2 para. 26\(2\)\(a\)\(ii\)](#); S.I. 2017/714, art. 2
- F3** S. 13(4) omitted (E.W.) (14.7.2017) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(3)(c), [Sch. 2 para. 26\(2\)\(b\)](#); S.I. 2017/714, art. 2
- F4** S. 13(8)(9) omitted (E.W.) (14.7.2017) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(3)(c), [Sch. 2 para. 26\(2\)\(c\)](#); S.I. 2017/714, art. 2

## 14 Powers relating to other bodies

- (1) The Welsh Ministers may by order abolish any of the following—
- (a) an agricultural dwelling-house advisory committee for an area in, or consisting of, Wales;
  - (b) an agricultural wages committee for an area in, or consisting of, Wales;
  - (c) the Environment Protection Advisory Committee established pursuant to section 12(6) of the Environment Act 1995 (Wales);
  - (d) the regional and local fisheries advisory committee established pursuant to section 13(5) of that Act (Wales);
  - (e) a regional advisory committee maintained under section 37(1)(b) of the Forestry Act 1967 for a conservancy in, or consisting of, Wales.
- (2) An order under subsection (1) may include provision transferring functions from the body being abolished to—
- (a) the Welsh Ministers, or
  - (b) any other person exercising Welsh devolved functions.
- (3) The Welsh Ministers may by order modify the funding arrangements of inspectors appointed by the Welsh Ministers under section 86 of the Water Industry Act 1991 (assessors for the enforcement of water quality).
- (4) In subsection (3), the reference to modifying funding arrangements has effect as if the reference in section 4(3)(a) to a Minister were to the Welsh Ministers.

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- (5) The Welsh Ministers may by order do any of the following in relation to an internal drainage board for an area wholly or mainly in Wales—
  - (a) modify its constitutional arrangements;
  - (b) modify its functions;
  - (c) transfer any of its functions to—
    - (i) the Welsh Ministers;
    - (ii) any other person exercising Welsh devolved functions;
    - (iii) a company limited by guarantee;
    - (iv) a community interest company;
    - (v) a body of trustees or other unincorporated body of persons.
- (6) In subsection (5)(a), the reference to modifying constitutional arrangements has effect as if the references in section 3(2)(h) and (3)(e) to Ministers were to the Welsh Ministers.
- (7) The Welsh Ministers must consult the Secretary of State before making an order under subsection (5) relating to an internal drainage board for an area not wholly in Wales.

## **15 Powers of Welsh Ministers: consequential provision etc**

- (1) An order under section 13 or 14 may contain consequential, supplementary, incidental or transitional provision, or savings.
- (2) Where an order under either of those sections transfers functions, the power in subsection (1) includes power to make consequential or supplementary provision—
  - (a) to modify the constitutional or funding arrangements of the transferor or transferee (subject to subsection (4)),
  - (b) to modify functions of the transferor or transferee, or
  - (c) to confer powers of direction on the Welsh Ministers in relation to functions transferred.
- (3) Where an order under either of those sections modifies functions of a body or office-holder, the power in subsection (1) includes power to make consequential or supplementary provision to modify the constitutional or funding arrangements of the body or office (subject to subsection (4)).
- (4) Subsections (2)(a) and (3) do not confer power on the Welsh Ministers to modify the constitutional or funding arrangements of—
  - (a) the Environment Agency,
  - (b) the Forestry Commissioners, or
  - (c) any other cross-border operator.
- (5) In subsections (2) to (4) references to modifying constitutional or funding arrangements have effect as if the references in sections 3(2)(h) and (3)(e) and 4(3)(a) to a Minister were to the Welsh Ministers.
- (6) The Secretary of State may by order modify the constitutional or funding arrangements of a person referred to in subsection (4)(a) to (c) in consequence of an order made by the Welsh Ministers under section 13 or 14.
- (7) The reference in subsection (6) to modifying the funding arrangements of a person includes modifying the extent to which the person is funded by the Welsh Ministers,

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but the Secretary of State may only modify the extent to which a person is funded by the Welsh Ministers with their consent.

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