



# Public Bodies Act 2011

## 2011 CHAPTER 24

### PART 2

#### OTHER PROVISIONS RELATING TO PUBLIC BODIES

##### *Delegation and shared services*

#### **26 Delegation of functions by Environment Agency**

- (1) The Environment Agency may make arrangements with a person exercising Welsh environmental functions who is not a cross-border operator for that person to exercise a <sup>F1</sup>...function of the Agency.
- (2) The consent of the Secretary of State and the Welsh Ministers is required for arrangements under subsection (1).
- (3) The Secretary of State may by order with the consent of the Welsh Ministers make provision about how the function of making arrangements under subsection (1) is to be discharged (including provision about the extent to which a fee may be charged in respect of anything done under the arrangements).
- (4) An order under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) For the purposes of subsection (1) a person is not a cross-border operator merely because functions exercisable in or with respect to England have been delegated to that person.

#### **Textual Amendments**

- F1** Words in s. 26(1) omitted (18.7.2013 with effect in accordance with art. 1(3)) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **3(2)** (with art. 24)

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*Changes to legislation: There are currently no known outstanding effects for the Public Bodies Act 2011, Part 2. (See end of Document for details)*

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## **27 Delegation of Welsh environmental functions**

- (1) A person to whom this section applies may make arrangements with another such person for—
  - (a) a Welsh environmental function exercised by one to be exercised by the other;
  - (b) co-operation in relation to the exercise of Welsh environmental functions.
- (2) This section applies to—
  - (a) the Environment Agency,
  - (b) the Forestry Commissioners, and
  - (c) a person not falling within paragraph (a) or (b) who exercises a Welsh environmental function.
- (3) The Welsh Ministers' consent is required for arrangements under subsection (1).
- (4) The Welsh Ministers may by order make provision about how the function of making arrangements under subsection (1) is to be discharged (including provision about the extent to which a fee may be charged in respect of anything done under the arrangements).
- (5) An order under subsection (4) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (6) The Secretary of State's consent is required for arrangements under subsection (1) involving, or an order under subsection (4) affecting—
  - (a) the Environment Agency,
  - (b) the Forestry Commissioners, or
  - (c) a person not falling within paragraph (a) or (b) who is a cross-border operator.

## **28 Shared services**

- (1) A person to whom this section applies may make arrangements with any other person to provide administrative, professional or technical services to that person for purposes relating to the exercise of public functions in or as regards England or Wales.
- (2) This section applies to—
  - (a) the Board of Trustees of the Royal Botanic Gardens, Kew;
  - (b) the Environment Agency;
  - (c) the Joint Nature Conservation Committee;
  - (d) an internal drainage board;
  - (e) the Marine Management Organisation;
  - (f) Natural England;
  - (g) a person not falling within paragraphs (a) to (f) who exercises a Welsh environmental function.
- (3) The Secretary of State's consent is required for arrangements under subsection (1) involving a person who exercises a non-devolved function (whether or not the person also exercises a Welsh devolved function).
- (4) The Secretary of State may by order make provision about how the function of making arrangements in subsection (1) is to be discharged in the case of arrangements made by a person to whom this section applies who exercises a non-devolved function.

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- (5) An order under subsection (4) requires the consent of the Welsh Ministers if the person referred to in subsection (4) also exercises a Welsh devolved function.
- (6) An order under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The Welsh Ministers' consent is required for arrangements under subsection (1) involving a person who exercises a Welsh devolved function (whether or not the person also exercises a non-devolved function).
- (8) The Welsh Ministers may by order make provision about how the function of making arrangements in subsection (1) is to be discharged in the case of arrangements made by a person to whom this section applies who exercises a Welsh devolved function.
- (9) An order under subsection (8) requires the consent of the Secretary of State if the person referred to in subsection (8) also exercises a non-devolved function.
- (10) An order under subsection (8) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (11) The provision referred to in subsections (4) and (8) includes provision about the extent to which a fee may be charged in respect of anything done under the arrangements.
- (12) The power to make arrangements under subsection (1) is without prejudice to any other power of a body to which this section applies to provide services to other persons.

## **29 Shared services: Forestry Commissioners**

- (1) The Forestry Commissioners may make arrangements with a person who exercises a Welsh environmental function (with or without other functions) to provide administrative, professional or technical services to that person for purposes relating to the exercise of public functions in or as regards Wales.
- (2) The Welsh Ministers may by order make provision about how the function of making arrangements under this section is to be discharged (including provision about the extent to which a fee may be charged in respect of anything done under the arrangements).
- (3) An order under subsection (2) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) The Secretary of State's consent is required for—
  - (a) arrangements under this section, or
  - (b) an order under subsection (2).
- (5) The power to make arrangements under this section is without prejudice to any other power of the Forestry Commissioners to provide services to other persons.

### *Specific bodies and offices*

## **30 Regional development agencies**

- (1) The regional development agencies are abolished.

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- (2) Subsection (1) does not apply to the London Development Agency (provision for the abolition of which is contained in the Localism Act 2011).
- (3) The enactments specified in Schedule 6 are repealed to the extent shown.
- (4) The Secretary of State may by order make provision for the purpose of facilitating or securing that activities begun by a regional development agency may be continued or completed by another person.
- (5) That includes in particular provision securing or facilitating that a person continuing or completing activities begun by a regional development agency may for their own purposes exercise any power of the agency.
- (6) The powers referred to in subsection (5) include—
- (a) powers of compulsory acquisition of land or rights over land;
  - (b) rights of entry.
- (7) The Secretary of State may by order make other consequential, supplementary, incidental or transitional provision, or savings.
- (8) A statutory instrument containing an order under this section—
- (a) if it contains provision repealing or amending an enactment, may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;
  - (b) in any other case, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) The Secretary of State may make a scheme for the transfer of property, rights and liabilities of a regional development agency to an eligible person or any body corporate in connection with the abolition of the agency under subsection (1); and sections 23(4) to (9) and 25 apply in relation to such a scheme.
- (10) A scheme under subsection (9) may be included in an order under this section, but if not so included must be laid before Parliament after being made.
- (11) In this section “regional development agency” means a development agency established under the Regional Development Agencies Act 1998.

#### Commencement Information

- I1** S. 30(1)(2) in force at 1.7.2012 at 0.02 a.m. by [S.I. 2012/1662, art. 2\(2\)\(a\)](#)
- I2** S. 30(3) in force at 1.7.2012 at 0.02 a.m. for specified purposes by [S.I. 2012/1662, art. 2\(2\)\(b\)](#)
- I3** S. 30(4)-(8) in force at 1.7.2012 by [S.I. 2012/1662, art. 2\(1\)](#)
- I4** S. 30(9)-(11) in force at 16.12.2011 by [S.I. 2011/3043, art. 2](#)

### 31 Sianel Pedwar Cymru

For section 61 of the Broadcasting Act 1990 (funding of Sianel Pedwar Cymru) there is substituted—

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### **“61 Funding of Welsh Authority**

- (1) The Secretary of State shall secure that in 2012 and each subsequent year the Welsh Authority are paid an amount which he considers sufficient to cover the cost to the Authority during that year of—
  - (a) providing the Authority's public services (within the meaning of section 207 of the Communications Act 2003), and
  - (b) arranging for the broadcasting or distribution of those services.
- (2) The Secretary of State may discharge the duty in subsection (1) by making payments himself or entering into an agreement with another person for that person to do so (or both).
- (3) If under this section the Welsh Authority are paid an amount for any year which exceeds the cost referred to in subsection (1), the Authority may pay the difference from the public service fund referred to in section 61A to the person (or pro rata to the persons) from whom payments were received.
- (4) Any sums required by the Secretary of State under this section shall be paid out of money provided by Parliament.”

## **32 V & A, Science Museum, Kew and English Heritage**

- (1) The National Heritage Act 1983 is amended as follows.
- (2) In section 3 (power of the Board of Trustees of the Victoria and Albert Museum to form companies)—
  - (a) in subsection (1) for “one or more of those mentioned in subsection (2)” there is substituted—
    - “(a) one or more of the particular objects mentioned in subsection (2), or
    - (b) any other object or objects incidental to the Board's functions.”;
  - (b) in subsection (2) for “objects” there is substituted “ particular objects ”.
- (3) In section 11 (power of the Board of Trustees of the Science Museum to form companies)—
  - (a) in subsection (1) for “one or more of those mentioned in subsection (2)” there is substituted—
    - “(a) one or more of the particular objects mentioned in subsection (2), or
    - (b) any other object or objects incidental to the Board's functions.”;
  - (b) in subsection (2) for “objects” there is substituted “ particular objects ”.
- (4) In section 25 (power of the Board of Trustees of the Royal Botanic Gardens, Kew to form companies)—
  - (a) in subsection (1) for “one or more of those mentioned in subsection (2)” there is substituted—
    - “(a) one or more of the particular objects mentioned in subsection (2), or

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- (b) any other object or objects incidental to the Board's functions.”;
- (b) in subsection (2) for “objects” there is substituted “ particular objects ”.
- (5) In section 35 (power of the Historic Buildings and Monuments Commission for England to form companies)—
  - (a) in subsection (1) for “one or more of those mentioned in subsection (2)” there is substituted—
    - “(a) one or more of the particular objects mentioned in subsection (2), or
    - (b) any other object or objects incidental to the Commission's functions.”;
  - (b) in subsection (2) for “objects” there is substituted “ particular objects ”.

### **33 Chief Coroner**

- (1) Section 40 of the Coroners and Justice Act 2009 (appeals to the Chief Coroner) is repealed.
- (2) The following provisions of that Act (which relate to appeals under section 40 of that Act) are also repealed—
  - section 36(4)(b);
  - section 42(2)(b);
  - in section 42(2)(c) the words “and to exercise rights of appeal”;
  - section 45(1)(b) and (c) and (2)(j);
  - paragraph 4 of Schedule 10.

### *Superannuation*

### **34 Scope of power to amend Schedule 1 to Superannuation Act 1972**

In section 1 of the Superannuation Act 1972 (superannuation schemes as respects civil servants etc), in subsection (6) (restriction on addition to Schedule 1), after “unless” there is inserted “ at the date from which the addition has effect ”.

**Changes to legislation:**

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