



Public Bodies Act 2011

2011 CHAPTER 24

PART 3

FINAL

35 Orders: supplementary

- (1) An order under this Act must be made by statutory instrument.
- (2) The provision which may be made by an order under this Act, other than an order under sections 26 to 29, may be made by repealing, revoking or amending an enactment (whenever passed or made).
- (3) The powers conferred by this Act are without prejudice to any other power conferred on a Minister or the Welsh Ministers.
- (4) If the draft of an instrument containing an order under this Act (alone or with other provision) would, apart from this section, be a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not such an instrument.

36 Interpretation

- (1) In this Act—
 - “charity” has the meaning given in section 1(1) of the Charities Act 2006;
 - “community benefit society” means—
 - (a) a society registered as a community benefit society under [^{F1}the Co-operative and Community Benefit Societies Act 2014],
 - (b) [^{F2}a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(ii) of that Act,] or
 - (c) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969 which meets the condition in section 1(2)(b) of that Act;

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“constitutional arrangements” is to be construed in accordance with section 3(2) and (3);

“co-operative society” means—

- (a) a society registered as a co-operative society under [^{F3}the Co-operative and Community Benefit Societies Act 2014],
- (b) [^{F4}a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act,] or
- (c) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969 which meets the condition in section 1(2)(a) of that Act;

“cross-border operator” means a person exercising functions or carrying on activities in or with respect to Wales (or any part of it) and England (or any part of it), but does not include—

(za) [^{F5}the Natural Resources Body for Wales,][^{F6}or]

- (a) an internal drainage board, ^{F7}...
- (b) ^{F7}...

“eligible person” has the meaning given in section 1(3);

“enactment” means any primary or subordinate legislation;

“Minister” means—

- (a) a Minister of the Crown (as defined by section 8 of the Ministers of the Crown Act 1975), or
- (b) the Commissioners for Her Majesty's Revenue and Customs;

“modify”, in relation to functions, is to be construed in accordance with section 5(2);

“modify”, in relation to funding arrangements, is to be construed in accordance with section 4(3);

“non-devolved function” means a function that is not a Welsh devolved function;

“primary legislation” means any Act, Act of the Scottish Parliament, Northern Ireland legislation or Measure or Act of the National Assembly for Wales;

“public function” means a function conferred under an enactment or royal charter;

“subordinate legislation” means an instrument made under primary legislation;

“Wales” has the same meaning as in the Government of Wales Act 2006;

“Welsh devolved function” means—

- (a) a function conferred under an Act or Measure of the National Assembly for Wales,
- (b) a function which is exercisable in or as regards Wales and could be conferred by an Act of the Assembly, or
- (c) a function in relation to which a function (other than a function of being consulted) is exercisable by the Welsh Ministers, the First Minister or the Counsel General to the Welsh Assembly Government,

and references to a person exercising a Welsh devolved function do not include a person exercising such a function by virtue of arrangements under section 27;

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“Welsh environmental function” means a Welsh devolved function relating to the environment.

^{F8}(2)

^{F9}(3)

Textual Amendments

- F1** Words in s. 36(1) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 180\(2\)\(a\)](#) (with Sch. 5)
- F2** Words in s. 36(1) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 180\(2\)\(b\)](#) (with Sch. 5)
- F3** Words in s. 36(1) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 180\(3\)\(a\)](#) (with Sch. 5)
- F4** Words in s. 36(1) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 180\(3\)\(b\)](#) (with Sch. 5)
- F5** Words in s. 36(1) inserted (18.7.2013 with effect in accordance with art. 1(3)) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\), arts. 1\(2\), 3\(3\)](#) (with art. 24)
- F6** Word in s. 36(1) inserted (E.W.) (14.7.2017) by [Environment \(Wales\) Act 2016 \(anaw 3\), s. 88\(3\)\(c\), Sch. 2 para. 26\(3\)\(a\)](#); S.I. 2017/714, art. 2
- F7** Words in s. 36(1) omitted (E.W.) (14.7.2017) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\), s. 88\(3\)\(c\), Sch. 2 para. 26\(3\)\(b\)](#); S.I. 2017/714, art. 2
- F8** S. 36(2) repealed (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 7](#) (with Sch. 5)
- F9** S. 36(3) repealed (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 7](#) (with Sch. 5)

37 Extent

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, subject as follows.
- (2) The amendments made by section 32 (V & A, Science Museum, Kew and English Heritage) have the same extent as the enactments which they amend.
- (3) The repeals in section 33 (Chief Coroner) have the same extent as the enactments to which they relate.
- (4) The repeals in Schedule 6 (regional development agencies: consequential repeals) have the same extent as the enactments to which they relate.
- (5) An order under this Act which repeals, revokes or amends an enactment extending to any other jurisdiction may also extend there.

38 Commencement

- (1) This Act comes into force at the end of the period of two months beginning with the day on which it is passed, subject as follows.
- (2) Sections 10 and 11 (consultation and procedure) and 35 to 39 (final) come into force on the day on which this Act is passed.

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- (3) Section 30 and Schedule 6 (regional development agencies) come into force on such day as the Secretary of State may by order appoint (and different days may be appointed for different purposes, including the purposes of different regional development agencies).

39 Short title

This Act may be cited as the Public Bodies Act 2011.

Changes to legislation:

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