



# Public Bodies Act 2011

## 2011 CHAPTER 24

### PART 1

#### GENERAL ORDER-MAKING POWERS

##### *Powers of Ministers*

#### **1 Power to abolish**

- (1) A Minister may by order abolish a body or office specified in Schedule 1.
- (2) An order under subsection (1) may include provision transferring functions from the body or office being abolished to an eligible person.
- (3) In this Act, “eligible person” means—
  - (a) a Minister, the Scottish Ministers, a Northern Ireland department or the Welsh Ministers,
  - (b) any other person exercising public functions,
  - (c) a company limited by guarantee,
  - (d) a community interest company,
  - (e) a co-operative society,
  - (f) a community benefit society,
  - (g) a charitable incorporated organisation, or
  - (h) a body of trustees or other unincorporated body of persons.

#### **2 Power to merge**

- (1) A Minister may by order merge any group of bodies or offices specified in Schedule 2.
- (2) In this section, to “merge” a group means—
  - (a) to abolish all the bodies or offices in the group, create a new body corporate or office and transfer some or all of the functions of the abolished bodies or offices to the new one, or

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*Status: Point in time view as at 14/02/2012.*

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

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- (b) to abolish all but one of the bodies or offices in the group and to transfer some or all of the functions of the abolished bodies or offices to the remaining one.
- (3) An order under subsection (1) may include provision to transfer a function from a body or office being abolished to an eligible person not included in the group.

### **3 Power to modify constitutional arrangements**

- (1) A Minister may by order modify the constitutional arrangements of a body or office specified in Schedule 3.
- (2) In this Act, references to the constitutional arrangements of a body include matters relating to—
  - (a) the name of the body;
  - (b) the chair of the body (including qualifications and procedures for appointment and functions);
  - (c) members of the body (including the number of members, qualifications and procedures for appointment and functions);
  - (d) employees of the body exercising functions on its behalf (including qualifications and procedures for appointment and functions);
  - (e) the body's powers to employ staff;
  - (f) governing procedures and arrangements (including the role and membership of committees and sub-committees);
  - (g) reports and accounts;
  - (h) the extent to which the body is accountable to Ministers;
  - (i) the extent to which the body exercises functions on behalf of the Crown.
- (3) In this Act, references to the constitutional arrangements of an office include matters relating to—
  - (a) the name of the office;
  - (b) appointment of the office-holder (including qualifications and procedures for appointment);
  - (c) the office-holder's powers to employ staff;
  - (d) reports and accounts;
  - (e) the extent to which the office-holder is accountable to Ministers;
  - (f) the extent to which the office-holder exercises functions on behalf of the Crown.

### **4 Power to modify funding arrangements**

- (1) A Minister may by order modify the funding arrangements of a body or office specified in Schedule 4.
- (2) The consent of the Treasury is required to make an order under this section.
- (3) In this Act, references to modifying the funding arrangements of a body or office include—
  - (a) modifying the extent to which it is funded by a Minister;
  - (b) conferring power on the body, or the office-holder, to charge fees for the exercise of a function (and to determine their amount).

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## **5 Power to modify or transfer functions**

- (1) A Minister may by order—
  - (a) modify the functions of a body, or the holder of an office, specified in Schedule 5, or
  - (b) transfer a function of such a person to an eligible person.
- (2) In this Act, references to modifying the functions of a person include—
  - (a) conferring a function on the person;
  - (b) abolishing a function of the person;
  - (c) changing the purpose or objective for which the person exercises a function;
  - (d) changing the conditions under which the person exercises a function.

## **6 Consequential provision etc**

- (1) An order under sections 1 to 5 may make consequential, supplementary, incidental or transitional provision, or savings.
- (2) Where an order under section 1, 2 or 5(1)(b) transfers functions, the power in subsection (1) includes power to make consequential or supplementary provision—
  - (a) to modify functions of the transferor or transferee;
  - (b) to modify the constitutional or funding arrangements of the transferor or transferee.
- (3) Where an order under section 5(1)(a) 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.
- (4) The consent of the Treasury is required to make provision by virtue of subsection (2) (b) or (3) modifying funding arrangements.
- (5) An order under sections 1 to 5 may include provision repealing the entry in the Schedule by virtue of which the order was made.

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