



# Public Bodies Act 2011

## 2011 CHAPTER 24

### PART 1

#### GENERAL ORDER-MAKING POWERS

##### *Powers of Ministers: supplementary*

## 9 Devolution

- (1) An order under sections 1 to 5 requires the consent of the Scottish Parliament to make provision—
  - (a) which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, or
  - (b) which modifies the functions of the Scottish Ministers.
- (2) Consent is not required under subsection (1)(b) in relation to provision abolishing a function of the Scottish Ministers which relates to a body abolished under section 1 or 2.
- (3) An order under sections 1 to 5 requires the consent of the Northern Ireland Assembly to make provision—
  - (a) which would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of the Assembly, or
  - (b) which modifies the functions of a person within subsection (4).
- (4) The persons referred to in subsection (3)(b) are—
  - (a) the First Minister and deputy First Minister of Northern Ireland;
  - (b) a Northern Ireland Minister;
  - (c) the Attorney General for Northern Ireland;
  - (d) a Northern Ireland department;
  - (e) a person exercising public functions in relation to a transferred matter (within the meaning of the Northern Ireland Act 1998).

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*Status: Point in time view as at 14/02/2012.*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, Section 9. (See end of Document for details)*

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- (5) Consent is not required under subsection (3)(a) in relation to any provision if—
- (a) a Bill for an Act of the Northern Ireland Assembly containing the provision would require the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998, and
  - (b) the provision does not affect, other than incidentally, a transferred matter (within the meaning of that Act).
- (6) An order under sections 1 to 5 requires the consent of the National Assembly for Wales to make provision which would be within the legislative competence of the Assembly if it were contained in an Act of the Assembly.
- (7) An order under sections 1 to 5 requires the consent of the Welsh Ministers to make provision not falling within subsection (6)—
- (a) which modifies the functions of the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government, or
  - (b) which could be made by any of those persons.
- (8) In subsection (7), references to a function do not include—
- (a) a function of giving consent to, or being consulted about, the exercise of a function by a Minister, or
  - (b) a function relating to the constitutional arrangements of a body or office.

**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, Section 9.