



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 8

#### ARCHITECTURE AND THE BUILT ENVIRONMENT

##### *Commission for Architecture and the Built Environment*

#### **87 The Commission for Architecture and the Built Environment**

- (1) There is to be a body corporate to be known as the Commission for Architecture and the Built Environment (in this Part referred to as “the Commission”).
- (2) Schedule 2 makes further provision about the Commission.

#### **Commencement Information**

**II** [S. 87](#) in force at 1.1.2006 by [S.I. 2005/3439](#), [art. 2](#)

#### **88 General functions of the Commission**

- (1) The functions of the Commission are the promotion of education and high standards in, and understanding and appreciation of—
  - (a) architecture, and
  - (b) the design, management and maintenance of the built environment.
- (2) The Commission must discharge its functions in relation to England and may also discharge them in relation to any other place it thinks appropriate.
- (3) The Commission may, for any purpose connected with the discharge of its functions—
  - (a) provide, or assist in the provision of, public works, services and amenities;

*Status: Point in time view as at 01/12/2009.*

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- (b) take any other steps it thinks appropriate.
- (4) The steps that the Commission has power to take under subsection (3)(b) include in particular—
- (a) providing advice and developing and reviewing projects (whether or not it is requested to do so);
  - (b) providing financial assistance;
  - (c) carrying out or supporting the carrying out of research;
  - (d) commissioning or assisting in the commissioning of works of art;
  - (e) establishing and administering charities;
  - (f) inviting and accepting financial assistance and gifts (financial or otherwise);
  - (g) entering into funding or other arrangements or agreements;
  - (h) exploiting intellectual property or any other intangible asset;
  - (i) making investments, subject to subsection (5);
  - (j) acquiring or disposing of land, subject to subsection (6);
  - (k) forming or participating in the formation of bodies corporate, subject to subsection (6).
- (5) The Commission may make an investment only if the form or manner of the investment has been approved by the Secretary of State.
- (6) The Commission may—
- (a) acquire or dispose of land, or
  - (b) form or participate in the formation of a body corporate,
- only with the consent of the Secretary of State.
- (7) If the Commission has power to take any steps under subsection (3), it may take them anywhere it thinks appropriate.
- (8) The Commission may make charges in respect of any service provided by it.
- (9) In discharging its functions the Commission must have regard to national policies and advice relating to sustainable development contained in guidance issued by the Secretary of State.
- (10) In this section—
- “the built environment” includes—
    - (a) any structure or area built or designed for human use (such as squares, parks and recreation areas);
    - (b) any area available for public use which is in the vicinity of such a structure or within or in the vicinity of such an area;
  - “intellectual property” means—
    - (a) any patent, trade mark, registered design, copyright, design right, right in performance or plant breeder's right;
    - (b) any rights under the law of a country outside the United Kingdom which correspond or are similar to those falling within paragraph (a).

**Commencement Information**

**I2** S. 88 in force at 1.1.2006 by S.I. 2005/3439, art. 2

*Status: Point in time view as at 01/12/2009.*

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## 89 Changes to functions of the Commission

- (1) The Secretary of State may by order—
  - (a) confer further functions on the Commission;
  - (b) remove functions from the Commission;
  - (c) make changes to any functions of the Commission.
- (2) An order under subsection (1) may confer a function on the Commission only if the function appears to the Secretary of State to be connected (directly or indirectly) to an existing or former function of the Commission.
- (3) The provision that may be made in an order under subsection (1) includes provision amending or repealing any provision of an enactment conferring functions on the Commission.
- (4) In preparing a draft of an order under subsection (1) the Secretary of State must consult the Commission.

### Commencement Information

**I3** S. 89 in force at 1.1.2006 by S.I. 2005/3439, art. 2

## 90 Power to dissolve the Commission

- (1) The Secretary of State may by order make provision for the dissolution of the Commission.
- (2) An order under this section may, in particular—
  - (a) provide for the transfer of the property, rights or liabilities of the Commission to another person;
  - (b) make provision enabling a person to receive anything transferred under paragraph (a) (despite any provision which would otherwise prevent, penalise or restrict it);
  - (c) provide for the transfer of some or all of the functions of the Commission to another person;
  - (d) establish a body corporate;
  - (e) provide for anything done by or in relation to the Commission to have effect as if done by or in relation to another person;
  - (f) permit anything (which may include legal proceedings) which is in the process of being done by or in relation to the Commission when a transfer takes effect, to be continued by or in relation to another person;
  - (g) provide for a reference to the Commission in an enactment, instrument or other document to be treated as a reference to another person.
- (3) The Secretary of State may not make an order under this section providing for the transfer of property, rights, liabilities or functions to a person unless the person has consented to the transfer.
- (4) An order under this section which transfers rights and liabilities relating to employees of the Commission must make provision for the [F1Transfer of Undertakings (Protection of Employment) Regulations 2006] to apply to that transfer.

*Status: Point in time view as at 01/12/2009.*

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#### Textual Amendments

- F1** Words in s. 90(4) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 1\(k\)](#)

#### Commencement Information

- I4** S. 90 in force at 1.1.2006 by [S.I. 2005/3439](#), [art. 2](#)

### 91 Dissolution of the old Commission

- (1) The company limited by guarantee with registered number 3831652 and the company name “Commission for Architecture and the Built Environment” (in this Part referred to as “the old Commission”) is dissolved.
- (2) The Secretary of State must inform the registrar of companies of the dissolution of the old Commission before the end of the period of seven days starting on the day on which this section comes into force.
- (3) On being informed of the dissolution of the old Commission, the registrar of companies must strike the name of the old Commission off the register of companies.
- (4) “The registrar of companies” has the meaning given in section 744 of the Companies Act 1985 (c. 6).

#### Commencement Information

- I5** [S. 91](#) in force at 1.1.2006 by [S.I. 2005/3439](#), [art. 2](#)

### 92 Transfer of staff, property etc

Schedule 3 (which provides for the transfer of staff, property, rights and liabilities from the old Commission to the Commission) has effect.

#### Commencement Information

- I6** [S. 92](#) in force at 1.1.2006 by [S.I. 2005/3439](#), [art. 2](#)

### 93 Tax

- (1) For the purposes of any enactment about income tax or corporation tax, the Commission and the old Commission are to be treated as the same person.
- (2) In particular, the transfers effected by paragraphs 1 and 3 of Schedule 3 are to be disregarded for those purposes.
- (3) Accordingly, those transfers are not to be regarded for the purposes of Schedule 29 to the Finance Act 2002 (c. 23) (gains and losses from intangible fixed assets) as involving any realisation of an asset by the old Commission or acquisition of an asset by the Commission.

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- (4) No transfer effected by paragraph 3 of Schedule 3 is to give rise to any liability to stamp duty or stamp duty land tax.

**Commencement Information**

**I7** S. 93 in force at 1.1.2006 by S.I. 2005/3439, art. 2

*Financial assistance*

**94 Architecture and the built environment: financial assistance**

- (1) The Secretary of State may give financial assistance to a person for a purpose which appears to the Secretary of State to be connected with the promotion of education or high standards in, or understanding or appreciation of—
- (a) architecture, or
  - (b) the design, management or maintenance of the built environment.
- (2) Financial assistance under this section may be given in such form as the Secretary of State thinks fit and in particular may be given by—
- (a) making grants (whether or not repayable) or loans;
  - (b) giving guarantees;
  - (c) incurring expenditure;
  - (d) providing services, staff or equipment.
- (3) Financial assistance under this section may be given subject to conditions imposed by the Secretary of State or the Treasury.
- (4) If the Secretary of State makes an order under section 89 he may by order amend this section to ensure that the purposes for which financial assistance may be given under this section reflect any changes made to the functions of the Commission by the order under section 89.
- (5) “The built environment” includes—
- (a) any structure or area built or designed for human use (such as squares, parks and recreation areas);
  - (b) any area available for public use which is in the vicinity of such a structure or within or in the vicinity of such an area.

**Commencement Information**

**I8** S. 94 in force at 1.1.2006 by S.I. 2005/3439, art. 2

*Supplementary*

**95 Orders**

- (1) This section applies to a power to make an order conferred on the Secretary of State by any provision of this Part.

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- (2) The power includes—
- (a) power to make different provision for different purposes;
  - (b) power to make consequential, supplementary, incidental, transitional and saving provision.
- (3) The power is exercisable by statutory instrument.
- (4) Subject to subsection (5), the Secretary of State may not make a statutory instrument containing an order under this Part unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (5) A statutory instrument containing an order under paragraph 2(4) of Schedule 2 is subject to annulment in pursuance of a resolution of either House of Parliament.

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**Commencement Information**

**19** S. 95 in force at 1.1.2006 by [S.I. 2005/3439](#), [art. 2](#)

**Status:**

Point in time view as at 01/12/2009.

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