Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 8

FLEXIBLE ADMINISTRATIVE ARRANGEMENTS

CHAPTER 1

AGREEMENTS WITH DESIGNATED BODIES

Powers to enter into agreements

78 Agreement between Secretary of State and designated body

(1) The Secretary of State may enter into an agreement with a designated body authorising that body to perform a DEFRA **[**[F1]or BEIS**]** function—

(a) either in relation to the whole of England or in relation to specified areas in England;

(b) subject to paragraph (a), either generally or in specified cases.

"Specified" means specified in the agreement.

(2) An agreement under this section—

(a) may be cancelled by the Secretary of State at any time, and

(b) does not prevent the Secretary of State from performing a function to which the agreement relates.

(3) This section is subject to sections 81 and 82 (reserved functions and maximum duration of agreement).

Textual Amendments

F1 Words in s. 78(1) substituted (9.11.2016) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 (S.I. 2016/992), art. 1(2), **Sch. para. 11(2)(a)** (with art. 13)

Commencement Information

I1 S. 78 in force at 31.5.2006 by S.I. 2006/1382, **art. 2**

79 Agreement between designated bodies

(1) A designated body ("A") may, with the approval of the Secretary of State, enter into an agreement with another designated body ("B") authorising B to perform a function of A that is related to or connected with a DEFRA **[**[F2]or BEIS**]** function—

(a) either in relation to the whole of England or in relation to specified areas in England;

(b) subject to paragraph (a), either generally or in specified cases.

"Specified" means specified in the agreement.

(2) The Secretary of State's approval may be given—

(a) in relation to a particular agreement or in relation to a description of agreements;

(b) unconditionally or subject to conditions specified in the approval.

(3) Subject to subsection (5), the Secretary of State—

(a) must review an agreement under this section no later than the end of the period of 5 years beginning with the date on which the agreement was entered into or was last reviewed by the Secretary of State, and

(b) if it appears appropriate to do so in the light of the review, may cancel the agreement.

(4) Subject to subsection (5), an agreement under this section may not be varied except—

(a) by agreement between A and B, and

(b) with the approval of the Secretary of State.

(5) An approval given under subsection (1) may provide that subsection (3) or (4) does not apply (or that both of them do not apply).

(6) This section is subject to sections 81 and 82 (reserved functions and maximum duration of agreement).

Textual Amendments

F2 Words in s. 79(1) substituted (9.11.2016) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 (S.I. 2016/992), art. 1(2), **Sch. para. 11(2)(b)** (with art. 13)

Commencement Information

I2 S. 79 in force at 31.5.2006 by S.I. 2006/1382, **art. 2**

80 Designated bodies

(1) In this Chapter "designated body" means a body listed in Schedule 7.

(2) The Secretary of State may by order amend Schedule 7 so as to—
- (a) add a body to the list, or
- (b) remove a body from it.

(3) But the Secretary of State may not exercise the power conferred by subsection (2)(a) unless satisfied that at least one of the purposes or functions of the body to be added to the list is related to or connected with a DEFRA **[**[F3]or BEIS**]** function.

(4) A body to be added to the list need not be a public body.

(5) The power to make an order under subsection (2) is exercisable by statutory instrument.

(6) A statutory instrument containing an order under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F3 Words in s. 80(3) substituted (9.11.2016) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 (S.I. 2016/992), art. 1(2), **Sch. para. 11(2)(c)** (with art. 13)

Commencement Information

I3 S. 80 in force at 31.5.2006 by S.I. 2006/1382, **art. 2**

81 Reserved functions

(1) An agreement may not authorise a designated body to perform a reserved function.

(2) The reserved functions are—
- (a) any function whose performance by the designated body would be incompatible with the purposes for which the body was established;
- (b) any power of a Minister of the Crown to make or terminate appointments or lay reports or accounts;
- (c) any power to make subordinate legislation, give directions or guidance or issue codes of practice (or to vary or revoke any of those things);
- (d) any power to fix fees or charges other than a power prescribed for the purposes of this section by an order made by the Secretary of State;
- (e) any function of an accounting officer in his capacity as such;
- (f) except in relation to an agreement authorising a public body to perform functions—
  - (i) any power to enter, inspect, take samples or seize anything, and
  - (ii) any other power exercisable in connection with suspected offences;
- (g) any function of the Secretary of State under the Water Industry Act 1991 or under any subordinate legislation made under that Act.
- **[**[F4](h) any function as principal regulator of an exempt charity (within the meaning of **[**[F5] section 25 of the Charities Act 2011) **].]**

(3) The power to make an order under subsection (2)(d) is exercisable by statutory instrument.

(4) A statutory instrument containing an order under subsection (2)(d) is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F4 S. 81(2)(h) inserted (1.6.2010) by The Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2010 (S.I. 2010/501), reg. 1(1), **Sch. para. 6**

F5 Words in s. 81(2)(h) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 109** (with s. 20(2), Sch. 8)

Commencement Information

I4 S. 81 in force at 31.5.2006 by S.I. 2006/1382, **art. 2**

82 Maximum duration of agreement

The maximum period for which an agreement may authorise a designated body to perform—

(a) a DEFRA [F6or BEIS] function, or

(b) a function that is related to or connected with a DEFRA [F7or BEIS] function,

is 20 years.

Textual Amendments

F6 Words in s. 82(a) substituted (9.11.2016) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 (S.I. 2016/992), art. 1(2), **Sch. para. 11(2)(d)** (with art. 13)

F7 Words in s. 82(b) substituted (9.11.2016) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 (S.I. 2016/992), art. 1(2), **Sch. para. 11(2)(d)** (with art. 13)

Commencement Information

I5 S. 82 in force at 31.5.2006 by S.I. 2006/1382, **art. 2**

Status:
Point in time view as at 09/11/2016.

Changes to legislation:
There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Cross Heading: Powers to enter into agreements.