



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 8 **E+W**

#### ARCHITECTURE AND THE BUILT ENVIRONMENT

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

#### **F1 87 The Commission for Architecture and the Built Environment **E+W****

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##### **Textual Amendments**

**F1** Ss. 87-89 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

#### **F1 88 General functions of the Commission **E+W****

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##### **Textual Amendments**

**F1** Ss. 87-89 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

#### **F1 89 Changes to functions of the Commission **E+W****

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#### Textual Amendments

- F1** Ss. 87-89 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

### 90 Power to dissolve the Commission **E+W**

- (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 [<sup>F2</sup>Transfer of Undertakings (Protection of Employment) Regulations 2006] to apply to that transfer.

#### Textual Amendments

- F2** 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

- I1** S. 90 in force at 1.1.2006 by [S.I. 2005/3439](#), [art. 2](#)

### 91 Dissolution of the old Commission **E+W**

- (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.

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- (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**

**I2** S. 91 in force at 1.1.2006 by S.I. 2005/3439, art. 2

**92 Transfer of staff, property etc** **E+W**

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

**Commencement Information**

**I3** S. 92 in force at 1.1.2006 by S.I. 2005/3439, art. 2

**93 Tax** **E+W**

- (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.
- (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**

**I4** 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** **E+W**

- (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—

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- (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.
- <sup>F3</sup>(4) .....
- (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.

**Textual Amendments**

**F3** S. 94(4) repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

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**Commencement Information**

**I5** S. 94 in force at 1.1.2006 by [S.I. 2005/3439](#), [art. 2](#)

*Supplementary*

**95 Orders** **E+W**

- (1) This section applies to a power to make an order conferred on the Secretary of State by any provision of this Part.
- (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) <sup>F4</sup>... , 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.
- <sup>F5</sup>(5) .....

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#### **Textual Amendments**

- F4** Words in s. 95(4) repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, **Sch.**
- F5** S. 95(5) repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, **Sch.**

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#### **Commencement Information**

- I6** S. 95 in force at 1.1.2006 by [S.I. 2005/3439](#), **art. 2**

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing S.I. 2006/2797