

*These notes refer to the Public Bodies Act 2011 (c.24)
which received Royal Assent on 14th December 2011*

PUBLIC BODIES ACT 2011

EXPLANATORY NOTES

COMMENTARY

Part 1: General Order-Making Powers

Section 3: Power to modify constitutional arrangements

22. **Section 3** confers power on a Minister to make provision by order to modify the constitutional arrangements of any body or office listed in Schedule 3. The term “constitutional arrangements” refers to a wide range of arrangements relating to the structure, governance and functions of a body or office: Examples of provision that could be made are stated in *subsections (2) and (3)* and provision that could be made under section 3 includes:

- Provision to ensure a particular number of non-executive directors on the board of a body or office;
- Provision requiring a body to report publicly on how it has sought to increase efficiency in the exercise of its functions;
- Provision requiring permission from a Minister in relation to employment of staff, or remuneration of staff in excess of an agreed threshold;
- Provision requiring that the chair of a body, or an office-holder, be required to undergo a pre-appointment hearing process before taking up their post.