



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 8

#### ARCHITECTURE AND THE BUILT ENVIRONMENT

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

#### **<sup>F1</sup>87 The Commission for Architecture and the Built Environment**

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**F1** Ss. 87-89 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

#### **<sup>F1</sup>88 General functions of the Commission**

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**F1** Ss. 87-89 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

#### **<sup>F1</sup>89 Changes to functions of the Commission**

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**Changes to legislation:** Clean Neighbourhoods and Environment Act 2005, Cross Heading: Commission for Architecture and the Built Environment is up to date with all changes known to be in force on or before 09 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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**F1** Ss. 87-89 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)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

- (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

- (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).

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**Commencement Information**

**I2** 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.

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**Commencement Information**

**I3** 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.
- (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.

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**Commencement Information**

**I4** S. 93 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