

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

# **PUBLIC BODIES ACT 2011**

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## **EXPLANATORY NOTES**

### **TERRITORIAL APPLICATION: SCOTLAND**

16. Orders under sections 1 to 5 of the Act may in principle affect matters which are the responsibility of the devolved institutions in Scotland in the following respects:
  - It is possible that the exercise of the powers in sections 1 to 5 may affect the functions of Scottish Ministers or relate to matters within the legislative competence of the Scottish Parliament. But such provision requires the consent of the Scottish Parliament in accordance with section 9(1).
  - Section 1 of the Act specifies the Scottish Ministers as “an eligible person” to whom functions may be transferred under sections 1, 2 and 5. Again, section 9(1) requires the consent of the Scottish Parliament to any such provision.
17. The Scottish Parliament’s consent was obtained for the provisions in the Act that trigger the Sewel Convention (i.e. provision which would fall within Scottish legislative competence if contained in an Act of Parliament).