

*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**

### **COMMENTARY**

#### **Part 1: General Order-Making Powers**

##### ***Section 11: Procedure***

35. This section sets out the procedure applicable to orders made under sections 1 to 5. *Subsections (1) to (3)* require a Minister to lay a draft order and explanatory document before Parliament, but the Minister may not do so for 12 weeks from the beginning of the consultation process. *Subsection (4)* provides that any orders must be approved by Parliament through the use of the affirmative procedure (approval by a resolution of each House of Parliament) unless the procedure described in the following paragraph applies.
36. *Subsections (5) to (9)* provide for an enhanced affirmative procedure if either House of Parliament so requires, or a Committee of either House so recommends (and the recommendation is not rejected by the House). Such a resolution or recommendation must be made within 30 days of the laying of a draft order. The enhanced procedure extends the scrutiny period for an order to 60 days, and requires a Minister to have regard to any recommendations or representations made by Parliament during this period. Following the conclusion of the scrutiny period, a Minister would have the option of laying a revised draft order.