

# **PUBLIC BODIES ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

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

##### ***Section 13: Powers relating to environmental bodies***

39. *Section 13* confers power on Welsh Ministers, by order, to modify and transfer functions of certain environmental bodies, or to transfer certain functions relating to the environment to specified bodies.
40. *Subsection (1)* confers power to modify functions of the Countryside Council for Wales (“the CCW”), the Environment Agency as it relates to Wales, the Forestry Commissioners as they relate to Wales or a Welsh Flood and Coastal Committee (as defined in *subsection (8)*).
41. *Subsection (2)* confers power to transfer functions of the CCW. The persons to whom functions may be transferred are a new body (provided for in *subsection (7)*), the Environment Agency or Forestry Commissioners or any other person exercising Welsh devolved functions.
42. *Subsection (3)* confers power to transfer Welsh devolved functions (as defined in section 36) of the Environment Agency or the Forestry Commissioners to a new body, the CCW, the Welsh Ministers or any other person exercising Welsh devolved functions.
43. *Subsection (4)* confers power to transfer functions of Welsh Flood and Coastal Committees to a new body, the Welsh Ministers or any other person exercising Welsh devolved functions.
44. *Subsections (5) and (6)* create further powers for Welsh Ministers to transfer any of their own functions relating to the environment or to transfer any Welsh environmental function which is exercisable by other persons. Transfers made under subsections (5) and (6) can be to a new body, CCW, the Environment Agency or the Forestry Commissioners.
45. *Subsection (7)* confers a power on Welsh Ministers to establish a new body corporate for the purposes of this section.
46. *Subsection (9)* stipulates that the Welsh Ministers must consult with the Secretary of State prior to making an order under subsection (1) or (4) relating to a Welsh Flood and Coastal Committee established for a region not wholly in Wales.