



# Public Bodies Act 2011

## 2011 CHAPTER 24

### PART 2

#### OTHER PROVISIONS RELATING TO PUBLIC BODIES

##### *Delegation and shared services*

#### **26 Delegation of functions by Environment Agency**

- (1) The Environment Agency may make arrangements with a person exercising Welsh environmental functions who is not a cross-border operator for that person to exercise a non-devolved function of the Agency.
- (2) The consent of the Secretary of State and the Welsh Ministers is required for arrangements under subsection (1).
- (3) The Secretary of State may by order with the consent of the Welsh Ministers make provision about how the function of making arrangements under subsection (1) is to be discharged (including provision about the extent to which a fee may be charged in respect of anything done under the arrangements).
- (4) An order under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) For the purposes of subsection (1) a person is not a cross-border operator merely because functions exercisable in or with respect to England have been delegated to that person.

#### **27 Delegation of Welsh environmental functions**

- (1) A person to whom this section applies may make arrangements with another such person for—
  - (a) a Welsh environmental function exercised by one to be exercised by the other;
  - (b) co-operation in relation to the exercise of Welsh environmental functions.

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*Status: This is the original version (as it was originally enacted).*

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- (2) This section applies to—
  - (a) the Environment Agency,
  - (b) the Forestry Commissioners, and
  - (c) a person not falling within paragraph (a) or (b) who exercises a Welsh environmental function.
- (3) The Welsh Ministers' consent is required for arrangements under subsection (1).
- (4) The Welsh Ministers may by order make provision about how the function of making arrangements under subsection (1) is to be discharged (including provision about the extent to which a fee may be charged in respect of anything done under the arrangements).
- (5) An order under subsection (4) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (6) The Secretary of State's consent is required for arrangements under subsection (1) involving, or an order under subsection (4) affecting—
  - (a) the Environment Agency,
  - (b) the Forestry Commissioners, or
  - (c) a person not falling within paragraph (a) or (b) who is a cross-border operator.

## **28 Shared services**

- (1) A person to whom this section applies may make arrangements with any other person to provide administrative, professional or technical services to that person for purposes relating to the exercise of public functions in or as regards England or Wales.
- (2) This section applies to—
  - (a) the Board of Trustees of the Royal Botanic Gardens, Kew;
  - (b) the Environment Agency;
  - (c) the Joint Nature Conservation Committee;
  - (d) an internal drainage board;
  - (e) the Marine Management Organisation;
  - (f) Natural England;
  - (g) a person not falling within paragraphs (a) to (f) who exercises a Welsh environmental function.
- (3) The Secretary of State's consent is required for arrangements under subsection (1) involving a person who exercises a non-devolved function (whether or not the person also exercises a Welsh devolved function).
- (4) The Secretary of State may by order make provision about how the function of making arrangements in subsection (1) is to be discharged in the case of arrangements made by a person to whom this section applies who exercises a non-devolved function.
- (5) An order under subsection (4) requires the consent of the Welsh Ministers if the person referred to in subsection (4) also exercises a Welsh devolved function.
- (6) An order under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.

- (7) The Welsh Ministers' consent is required for arrangements under subsection (1) involving a person who exercises a Welsh devolved function (whether or not the person also exercises a non-devolved function).
- (8) The Welsh Ministers may by order make provision about how the function of making arrangements in subsection (1) is to be discharged in the case of arrangements made by a person to whom this section applies who exercises a Welsh devolved function.
- (9) An order under subsection (8) requires the consent of the Secretary of State if the person referred to in subsection (8) also exercises a non-devolved function.
- (10) An order under subsection (8) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (11) The provision referred to in subsections (4) and (8) includes provision about the extent to which a fee may be charged in respect of anything done under the arrangements.
- (12) The power to make arrangements under subsection (1) is without prejudice to any other power of a body to which this section applies to provide services to other persons.

## **29 Shared services: Forestry Commissioners**

- (1) The Forestry Commissioners may make arrangements with a person who exercises a Welsh environmental function (with or without other functions) to provide administrative, professional or technical services to that person for purposes relating to the exercise of public functions in or as regards Wales.
- (2) The Welsh Ministers may by order make provision about how the function of making arrangements under this section is to be discharged (including provision about the extent to which a fee may be charged in respect of anything done under the arrangements).
- (3) An order under subsection (2) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) The Secretary of State's consent is required for—
  - (a) arrangements under this section, or
  - (b) an order under subsection (2).
- (5) The power to make arrangements under this section is without prejudice to any other power of the Forestry Commissioners to provide services to other persons.