



Public Bodies Act 2011

2011 CHAPTER 24

PART 1

GENERAL ORDER-MAKING POWERS

Powers of Ministers: supplementary

11 Procedure

- (1) If after consultation under section 10 the Minister considers it appropriate to proceed with the making of an order under sections 1 to 5, the Minister may lay before Parliament—
 - (a) a draft order, and
 - (b) an explanatory document.
- (2) The explanatory document must—
 - (a) introduce and give reasons for the order,
 - (b) explain why the Minister considers that—
 - (i) the order serves the purpose in section 8(1), and
 - (ii) the conditions in section 8(2)(a) and (b) are satisfied,
 - (c) if the order contains provision made by virtue of more than one entry in Schedules 1 to 5, explain why the Minister considers it appropriate for it to do so, and
 - (d) contain a summary of representations received in the consultation.
- (3) The Minister may not act under subsection (1) before the end of the period of twelve weeks beginning with the day on which the consultation began.
- (4) Subject as follows, if after the expiry of the 40-day period the draft order laid under subsection (1) is approved by a resolution of each House of Parliament, the Minister may make an order in the terms of the draft order.
- (5) The procedure in subsections (6) to (9) shall apply to the draft order instead of the procedure in subsection (4) if—

Status: This is the original version (as it was originally enacted).

- (a) either House of Parliament so resolves within the 30-day period, or
 - (b) a committee of either House charged with reporting on the draft order so recommends within the 30-day period and the House to which the recommendation is made does not by resolution reject the recommendation within that period.
- (6) The Minister must have regard to—
- (a) any representations,
 - (b) any resolution of either House of Parliament, and
 - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order,
- made during the 60-day period with regard to the draft order.
- (7) If after the expiry of the 60-day period the draft order is approved by a resolution of each House of Parliament, the Minister may make an order in the terms of the draft order.
- (8) If after the expiry of the 60-day period the Minister wishes to proceed with the draft order but with material changes, the Minister may lay before Parliament—
- (a) a revised draft order, and
 - (b) a statement giving a summary of the changes proposed.
- (9) If the revised draft order is approved by a resolution of each House of Parliament, the Minister may make an order in the terms of the revised draft order.
- (10) For the purposes of this section an order is made in the terms of a draft order or revised draft order if it contains no material changes to its provisions.
- (11) In this section, references to the “30-day”, “40-day” and “60-day” periods in relation to any draft order are to the periods of 30, 40 and 60 days beginning with the day on which the draft order was laid before Parliament.
- (12) For the purposes of subsection (11) no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.