



Public Bodies Act 2011

2011 CHAPTER 24

PART 1

GENERAL ORDER-MAKING POWERS

Powers of Ministers: supplementary

7 Restrictions on Ministerial powers

- (1) The modification or transfer of a function by an order under sections 1 to 5 must not prevent it (to the extent that it continues to be exercisable) from being exercised independently of Ministers in any of the following cases.
- (2) Those cases are—
 - (a) where the function is a judicial function (whether or not exercised by a court or a tribunal);
 - (b) where the function's exercise involves enforcement activities in relation to obligations imposed on a Minister;
 - (c) where the function's exercise otherwise constitutes the exercise of oversight or scrutiny of the actions of a Minister.
- (3) Provision made by an order under sections 1 to 5 must be proportionate to the reasons for the order.
- (4) In this section "enforcement activities" means—
 - (a) the bringing of legal proceedings or the provision of assistance with the bringing of legal proceedings,
 - (b) the carrying out of an investigation with a view to bringing legal proceedings or to providing such assistance, or
 - (c) the taking of steps preparatory to any of those things.