



## Briefing Note on the Public Bodies Act

## BRIEFING

### Introduction

This briefing considers the coalition Government's Public Bodies Act<sup>1</sup>, which received Royal Assent on 14 December 2011. Where appropriate, it compares the content of the Act with that of the Bill as introduced and considers how some of the constitutional issues surrounding this flagship legislation have been addressed. The final part of the note comprises a table of bodies and offices included in the Schedules to the Act.

### Background<sup>2</sup>

The Public Bodies Act empowers Ministers to abolish or reform those public bodies listed in its Schedules, in order to increase accountability and control costs.

The delegation of functions of government to unelected public bodies, funded by the taxpayer but operating at arms' length from government (commonly known as "quangos"<sup>3</sup>) has been going on for many years. They are usually "NDPBs"<sup>4</sup> established by specific government departments

<sup>1</sup> 2011 c.24

<sup>2</sup> There is a great deal of material available concerning the background to this Bill and the issues arising from it. This note draws on, in particular, the Standard Note SN/PC/05609 dated 11 November 2010 provided to members of Parliament and the Fifth Report of the Delegated Powers and Regulatory Reform Committee published on 12 November 2010

<sup>3</sup> "quasi-autonomous non-Governmental organisations"

<sup>4</sup> non-departmental public bodies

(such as the Highways Agency, which is an executive agency of the Department for Transport) or creations of statute (such as the Agricultural Wages Board established by Act in 1948). They may also be established by Royal Charter, although this is less common.

Successive administrations have pledged and failed to cut the number and expense of these bodies and, in May 2010, the Queen's Speech included a commitment that "*the cost of bureaucracy and the number of public bodies will be reduced*". On 14 October 2010, the Cabinet Office published a review of 901 public bodies, which summarised plans to abolish, merge or reform 481 of them, with continuing triennial reviews. Some changes could be carried out by the responsible government department and have already been implemented, but those public bodies established by statute or Royal Charter could not be abolished or modified without primary legislation.

Given cross-party support for a reduction in the "quangocracy"<sup>5</sup>, one might have expected that legislation to address this would not be contentious. Nevertheless, the Bill as introduced in the House of Lords on 28 October 2010 proved extremely controversial because of its constitutional ramifications, and was the subject of heated debate. The Government listened to much of the criticism and the Act now contains important

<sup>5</sup> Rule by quango or other unelected body



safeguards. Despite watering down, however, it still confers wide-ranging powers on Ministers.

### Constitutional implications

#### 1. Reform of primary legislation by ministerial order

The Public Bodies Act 2011 is “enabling” legislation meaning that it comprises a framework giving Ministers powers, by secondary legislation<sup>6</sup>, to abolish, merge and transfer functions to and from the public bodies listed in Schedules 1 to 5, even when such bodies were established by primary legislation. The Impact Assessment accompanying the Bill stated that this *modus operandi* would save Parliamentary time and allow individual departments to consider all potential impacts of their proposals before bringing forward orders, but the approach was widely criticised; including in several Select Committee Reports. Powers to amend primary legislation by order are informally known as Henry VIII powers.<sup>7</sup> In its report dated 4 November 2010, the Constitutional Committee described such powers in general as “*pushing at the boundaries of the constitutional principle that only Parliament may amend or repeal primary legislation*”.

<sup>6</sup> Statutory Instrument

<sup>7</sup> After King Henry VIII’s Statute of Proclamations 1539, which provided that proclamations made by the King with the assent of the Privy Council should have the force of Acts of Parliament if they were not prejudicial to “any person’s inheritance, offices, liberties, goods, chattels or life.” This enactment was repealed by an Act of 1547.

#### 2. Too great a Ministerial discretion

The Bill as introduced provided merely for the Minister to “have regard to” specified objectives before making an order but did not limit the reasons for which it could be made.

#### 3. Lack of “super-affirmative” resolution procedure or consultation

Orders under the legislation were to be made by simple affirmative procedure. This was criticised, in particular by the Constitutional Committee and the Delegated Powers and Regulatory Reform Committee, because Ministers would not be required to take into account any representations or resolution of either House, or of any recommendations of a Parliamentary Committee, nor would they be required to consult with interested or affected parties (both of which requirements had been included in the Legislative and Regulatory Reform Act 2006).

#### 4. Lack of a time limit

The Government intends to conduct regular reviews of remaining public bodies. Concern was expressed that those bodies listed in the Bill’s Schedules would have a sword of Damocles over their futures. Indeed, the mere fact of being listed in a Schedule could introduce uncertainty damaging to their success and jeopardising their impartiality (e.g. officers might fear interference if they departed from the government’s party line). The idea of a sunset clause was supported in chapter 8 of the Public Administration Select



Committee's Fifth Report<sup>8</sup> entitled "*Smaller Government: Shrinking the Quango State*" which suggested that the proposed legislation should only serve the current review, with fresh primary legislation required for future reviews.

### **Safeguards**

Protection introduced during the passage of the Bill are explained below in relation to the relevant provision of the Act. In brief, Ministerial discretion has been reined in whilst an enhanced affirmative procedure gives both Houses of Parliament, and their Committees, the opportunity to make representations about draft orders and allows for Ministers to amend and re-lay orders if necessary. There is now a statutory duty to consult, and a provision for entries in Schedules 1 to 5 to lapse after 5 years. A long list of bodies in Schedule 7 (*bodies and offices subject to power to add to other Schedules*) is no longer included.

### **Content of Public Bodies Act 2011**

The Act is divided into three parts: order-making powers and related provisions; provisions relating to specific bodies; and general provisions such as interpretation and extent.

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

### **Sections 1 to 6 – Powers of Ministers**

#### Section 1 & Schedule 1 – power to abolish

Section 1 enables a Minister, by order, to abolish any public body or office specified in Schedule 1 and to transfer any or all of its functions to an "eligible person", defined as:

- a Minister, the Scottish Ministers, a Northern Ireland Department or the Welsh Ministers
- any other person exercising public functions
- a company limited by guarantee
- a community interest company
- a co-operative society
- a community benefit society
- a charitable incorporated organisation; or
- a body of trustees or other unincorporated body

"Community benefit society" and "co-operative society" are terms defined in section 36.

#### Section 2 & Schedule 2 – power to merge

Section 2 enables a Minister, by order, to merge any group of bodies or offices listed in Schedule 2, including establishing new bodies or offices and transferring functions within that group or to an eligible person not included in the group.

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<sup>8</sup> Published 7 January 2011



### Section 3 & Schedule 3 – power to modify constitutional arrangements

Section 3 enables a Minister, by order, to modify the constitutional arrangements of a body or office specified in Schedule 3. “Constitutional arrangements” are broadly defined, covering structure, governance and functions.

### Section 4 & Schedule 4 – power to modify funding arrangements

Section 4 enables a Minister, by order, to alter the funding arrangements of a body or office in Schedule 4. This may change the extent to which it is funded by the taxpayer and/or enable it to charge fees. Following amendment during the passage of the Bill, exercise of this power requires Treasury consent.

### Section 5 and Schedule 5 – power to modify or transfer functions

Section 5 enables a Minister, by order, to abolish, add to or alter the functions of a body or office specified in Schedule 5, to devolve them to an eligible person (defined in section 1(3)) or to change the purpose or objective for which the person exercises a function or the conditions under which it is exercised.

### Section 6 – consequential provision etc

Section 6 enables orders made under sections 1 to 5 to include provisions and savings incidental to their main purpose. Section 6(4), introduced as an amendment, allows (but does not require) orders

made concerning a particular body to also remove that body from the relevant Schedule, thereby providing it with some security about its future.

### ***Sections 7 to 12 – Powers of Ministers: supplementary***

#### Section 7 – Restrictions on Ministerial powers

Section 7 is intended to prevent orders being made that curtail the independent exercise of existing judicial, enforcement and scrutiny functions. Further, provision in any order under sections 1 to 5 must be proportionate to the reasons for that order. The Bill was frequently compared to the Legislative and Regulatory Reform Act 2006, which also provides a framework for amending primary legislation by order. Unlike section 3(1) of that Act, however, section 7 does not include additional safeguards that the order must strike a fair balance between the public interest and the interests of any person adversely affected by it and not be constitutionally significant.

#### Section 8 – purpose and conditions

The Bill as introduced did not limit the purposes for which powers could be exercised. It provided merely that the Minister must “have regard to” the objectives of “achieving increased efficiency, effectiveness and economy in the exercise of public functions” and “*securing appropriate accountability to Ministers*”. Section 8 now states that a Minister may make an order “*only*” if he considers that it will serve the purposes of “*improving the exercise of public functions, “having*



regard to (a) efficiency, (b) effectiveness, (c) economy and (d) securing appropriate accountability to Ministers.” This is intended to prevent orders being made for purposes outside the scope of the Act.

By section 8(2), a Minister may make an order “only” if “he considers” that it “does not remove any necessary protection and does not prevent a person from exercising a right or freedom which that person might reasonably expect to be able to continue to exercise”.

#### Section 9 – devolution

Section 9 limits the powers of Ministers in respect of devolved matters. Orders that include provisions within the legislative competence of the devolved administrations must have the consent of the Scottish Parliament, Welsh Assembly or Northern Ireland Assembly.

#### Section 10 – consultation

This section was inserted and revised during the passage of the Bill. A Minister proposing to make an order under clauses 1 to 5 must first consult with the persons or bodies listed in subsection (1) (a) to (g). These include the body to which the order relates and other persons representative of those whose interests appear to be “*substantially affected*”. If changes are made to the proposed order as a result of consultation, the Minister must carry out such further consultation with respect to the changes as seems appropriate. (The Act does not expressly provide for further consultation where changes are made after consultation but do

not result from it.) It is immaterial whether the relevant consultation was carried out before the coming into effect of this section and the obligation to consult does not require a Minister to consult a body with no members or an office with no office-holder.

#### Section 11 – procedure

The proposal that orders should be made by simple affirmative procedure was one of the more contentious aspects of the Bill. Section 11 now provides a minimum 12 week period between the start of consultation and the laying before Parliament of not just the draft order but also an explanatory document setting out reasons for the order and why the Minister considers it serves the purpose (and satisfies the conditions) in section 8. Importantly, the explanatory document must summarise the representations received in consultation and, where an order contains provisions in relation to multiple bodies (“omnibus orders”), the Minister must explain why he considers this approach to be appropriate. The order can only be made if approved by a resolution<sup>9</sup> of each House after 40 days<sup>10</sup>.

To allay constitutional concerns, an alternative “enhanced” procedure applies if, within 30 days of the order being laid, either House so resolves or a Committee charged with reporting on the draft order recommends it (and the recommendation is not rejected by the House). In such cases, the Minister must have regard to any representations,

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<sup>9</sup> Affirmative resolution

<sup>10</sup> From the date the order is laid before Parliament



any resolutions of either House of Parliament or any recommendations of the Committee made within a 60 day period. If, thereafter, the Minister wishes to proceed with a materially amended order, he must lay before Parliament both that order and a summary of the proposed changes for affirmative resolution. It is worth noting that, in practice, it is rare for either House to vote against secondary legislation.

#### Section 12 – time limits

This section introduces a sunset clause to repeal the content of schedules 1 to 5 five years after the relevant entries come into force. Primary legislation will be required to repopulate the Schedules. (The government's reasoning for not sunsetting the whole Act was that it intends the remaining public bodies to be subject to three yearly reviews and that departments often find it difficult to find a legislative vehicle to implement their reforms.)

#### Sections 13 to 15 – powers of Welsh Ministers

The overall policy objective of these provisions is that Welsh Ministers should be able to alter the delivery of functions relating to the environment in, and in relation to, Wales.

#### Section 13 – powers relating to environmental bodies

Section 13(1) contains powers enabling Welsh Ministers to modify the functions of the Countryside Council for Wales, functions of a Welsh Flood and Coastal Committee (defined in

subsection (8)) and the “*Welsh devolved functions*”<sup>11</sup> of the Environment Agency and Forestry Commissioners. Subsection (2) allows Welsh Ministers to transfer of any function of the Countryside Council for Wales to themselves, a new body created under subsection (7), the Environment Agency or Forestry Commissioners or to any other person exercising Welsh devolved functions. Subsection (3) allows them to transfer any Welsh devolved function of the Environment Agency or the Forestry Commissioners to themselves, a new body, the Countryside Council for Wales or any other person exercising Welsh devolved functions.

The explanation for the limitation in relation to the Environment Agency and Forestry Commissioners<sup>12</sup> is that Welsh devolved functions reflects the existing scope of the Welsh Ministers' powers. Subsection (4) enables Welsh Ministers to transfer any function of a Welsh Flood and Coastal Committee to themselves, a new body or any other person exercising Welsh devolved functions. Clause 13(9) requires Welsh Ministers to consult the Secretary of State before making an order relating to a Welsh Flood and Coastal Committee for a region not wholly in Wales. (These provisions were not in the Bill at introduction.) Sections 13(5) and (6) enable the transfer of Welsh Ministers' own functions relating to the environment, or any Welsh function relating to the environment that is exercised by a third party, to a new body, the

<sup>11</sup> Defined in s. 36.

<sup>12</sup> Set out in the Cabinet Office's memorandum to the Delegated Powers and Regulatory Reform Committee in relation to amendments tabled on 21/22 March 2011.



Countryside Council for Wales, the Environment Agency or the Forestry Commissioners.

#### Section 14 – powers relating to other bodies

Welsh Ministers can abolish the bodies listed in section 14(1)<sup>13</sup> insofar as they relate to Wales and may modify arrangements relating to water quality inspectors and internal drainage boards.

#### Section 15 – powers of Welsh Ministers – consequential provisions etc

This allows for Orders under sections 13 and 14 to include consequential provisions.

#### ***Section 16 to 19 - Powers of Welsh Ministers - supplementary***

#### Section 16 – purpose and conditions for orders made by Welsh Ministers

This mirrors, in relation to Welsh Ministers, those requirements as to purpose imposed on UK Ministers.

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<sup>13</sup> The specified bodies are (a) an agricultural dwelling-house advisory committee, (b) an agricultural wages committee, (c) the Environmental Protection Advisory Committee established under section 12(6) of the Environment Act 1995 (Wales), (d) the regional and local fisheries advisory committee established under section 13(5) of that Act and (e) a regional advisory committee maintained under section 37(1)(b) of the Forestry Act 1967.

#### Section 17 – Consent of UK Ministers

The Secretary of State's consent is required to any order of the Welsh Ministers that transfers a function to, or confers a function on, the Environment Agency, Forestry Commissioners or any other cross-border operator, or which modifies their non-devolved functions in another way. Subsection (3) requires Ministerial consent to any order which transfers functions to, or modifies the functions of, that Minister.

#### Section 18 – Consultation

Section 18 imposes on Welsh Ministers, with appropriate modifications, similar obligations in relation to consultation as apply to UK Ministers.

#### Section 19 – Procedure for orders by Welsh Ministers etc

Section 19 (1) to (12) applies to the Welsh Assembly, with appropriate modifications, the affirmative resolution procedure and enhanced procedure required of the UK Parliament. Section 19(13) prevents a Secretary of State making an order under section 15(6)<sup>14</sup> unless the order has been approved by a resolution of each House of Parliament (but does not provide for any enhanced procedure).

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<sup>14</sup> This would be an order made by the UK Secretary of State modifying constitutional or funding arrangements of the Environment Agency, Forestry Commissioners or other cross-border operator in consequence of an order made by Welsh Ministers under sections 13 or 14.



## **Sections 20 to 22 – Restrictions on powers of Ministers and Welsh Ministers**

### **Section 20 – restriction of creation of functions**

Save where an order repeals and then re-enacts such a power, this section prevents an order made under sections 1 to 19 from creating a new power to make subordinate legislation, a new power of forcible entry, search or seizure or compelling the giving of evidence.

### Section 21 – restriction on transfer and delegation of functions

Section 21 precludes the transfer of a function to a body or office that does not want it unless that body already exercises public functions. Public functions are defined as functions conferred under enactment or royal charter. Some bodies exercising public functions are charities<sup>15</sup>, which led to an amendment that applies the consent requirement to charitable bodies even if they already exercise public functions.

Where a recipient body does not already exercise public functions, subsection (2) prevents the transfer of certain “excluded functions”. These are:

- that of a tribunal exercising judicial powers
- power to make subordinate legislation
- power of forcible entry, search or seizure
- power to compel the giving of evidence; or
- any other function that would interfere with or affect individual liberty.

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<sup>15</sup> e.g. the National Trust.

### Section 22 – restriction on creation of criminal offences

Section 22 prevents orders made in the preceding sections from creating criminal offences above specified limits. It is not obvious why orders made under this Act would need to create offences and the section would permit the repeal and re-enactment of offences above those limits.

## **Sections 23 to 25 – transfer of property, rights and liabilities**

### Section 23 – transfer schemes

Section 23 enables a Minister (or Welsh Ministers, where appropriate) to make a transfer scheme providing for the transfer of property, rights and liabilities in connection with an order under sections 1 to 5 (or 13 or 14). A Government amendment, section 23(4), requires a charity to consent to any such transfer scheme. Section 23(6) includes power to make TUPE-style<sup>16</sup> provision for employees.

### Sections 24 and 25 – transfer schemes: procedure and taxation

Transfer schemes may be included in the order to which they relate or must be laid before Parliament (or the Welsh Assembly, where appropriate) after being made. The consent of the Secretary of State is required for a scheme by

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<sup>16</sup> Provision the same or similar to that in the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246)



Welsh Ministers that transfers anything from/to the Environment Agency, Forestry Commissioners or a cross-border operator. The Treasury has power to vary the way certain tax provisions<sup>17</sup> apply to transfer schemes. (This power is subject merely to the negative resolution procedure.)

## **Part 2 – Other provisions relating to public bodies**

### ***Clauses 26 to 29 – Delegation and shared services***

#### Section 26 – delegation of functions by Environment Agency

The Environment Agency may, with consent from the Secretary of State and Welsh Ministers, delegate any of its non-devolved functions in Wales to a person exercising Welsh environmental functions. Subsection (3) enables the Secretary of State (with consent of Welsh Ministers) to make an order about such arrangements, including charging of fees, subject only to negative resolution procedure.

#### Section 27 – delegation of Welsh environmental functions

The Environment Agency, Forestry Commissioners and any other person exercising Welsh environmental functions may, with the consent of Welsh Ministers, make arrangements between themselves for the exercise of their

<sup>17</sup> Income tax, corporation tax, capital gains tax, stamp duty land tax or stamp duty reserve tax

Welsh environmental functions. Welsh Ministers may make orders<sup>18</sup> about such arrangements, including charging of fees. Section 27(5) requires the Secretary of State's consent where an order of the Welsh Ministers would involve or affect the Environment Agency, the Forestry Commissioners or a cross-border operator.

#### Sections 28 and 29 – shared services

This section applies to the Board of Trustees of the Royal Botanic Gardens at Kew, Environment Agency, Joint Nature Conservation Committee, internal drainage boards, Marine Management Organisation, Natural England and other persons exercising Welsh environmental functions and enables these to make arrangements with any other person for the provision of administrative, professional or technical services relating to the exercise of their public functions. Such arrangements are subject to the consent of the Secretary of State where the arrangements involve non-devolved functions and the consent of Welsh Ministers where they involve Welsh devolved functions. Section 29 enables the Forestry Commissioners to make arrangements with a person who exercises a Welsh environmental function to provide administrative, professional or technical services to that person for purposes relating to the exercise of public functions in or as regards Wales.

<sup>18</sup> Subject to the Assembly's negative resolution procedure



## **Sections 30 to 33 – specific bodies**

### Section 30 – Regional development agencies

Subsections (1) to (3) abolish regional development agencies (other than the London Development Agency) and make consequential repeals of relevant legislation, set out in Schedule 6. The Secretary of State may provide, by order, for activities begun by a regional development agency to be continued or completed by another person, including the exercise of compulsory purchase powers and rights of entry.

### Section 31 – Sianel Pedwar Cymru (“S4C”)

S4C is a predominately Welsh-language television broadcaster, based in Cardiff. The Bill, as introduced, listed S4C in Schedule 3 (*power to modify constitutional arrangements*), Schedule 4 (*power to modify funding arrangements*) and Schedule 7 (*bodies and offices subject to power to add to other schedules*). Concerns were expressed that modification to S4C’s constitutional arrangements might compromise its editorial or operational independence and that its resources could be reduced, particularly if funded from the BBC licence fee in future. Its inclusion in Schedule 7 led to fears that it might be merged with the BBC, or abolished, at a later date.

The government accepted amendments that removed S4C from Schedule 4 to the Bill. S4C welcomed this, but was unsuccessful in obtaining a further amendment that would prevent the Secretary of State from cutting the channel’s financial settlement. Rather, a new section 31

alters the Broadcasting Act 1990 so as to require the Secretary of State to provide in 2012 and each subsequent year such funding as he considers sufficient to cover S4C’s costs of providing public services and the broadcasting or distribution of such services. The government intends the BBC licence fee to be used by the Secretary of State in discharging his funding duty so the new provision allows him to make payments himself or enter into an agreement for another person to do so (e.g. the BBC). Surplus funds may be repaid to the source from which they came. S4C remains in Schedule 3, leaving it open to the government to review its constitutional arrangements.

### Section 32 – V&A, Science Museum, Kew and English Heritage

This section brings the powers of these bodies into line with those of similar bodies governed by the Museums and Galleries Act 1992. It amends the National Heritage Act 1983 so they may form trading subsidiaries for purposes incidental to their functions.

### Section 33 – Chief Coroner

Bill proposals to abolish the post of Chief Coroner, a position created by the Coroners and Justice Act 2009 and not yet filled, proved especially controversial. The coalition government decided to abolish the post on costs grounds but eventually backed down. Amendments to the Bill were agreed that removed the post from Schedule 1, but rights of appeal to the Chief Coroner under section 40 of the 2009 Act are repealed by section 33.



### **Section 34 - Superannuation**

#### Section 34 – scope of power to amend Schedule 1 to Superannuation Act

Employees at some quangos are eligible for civil service pensions although they are not civil servants. This section amends the 1972 Act to make it clear that when an employment or office is added by Ministerial order to Schedule 1 of the 1972 Act (so that its staff become eligible to membership of the Civil Service Pension Fund and linked schemes), the condition that the remuneration of those staff must be paid by funds provided by Parliament applies **only** at the time of that addition to Schedule 1. Thus, employees of bodies whose arrangements are altered by Ministers under this Act will retain their membership of the civil service scheme.

### **Part 3 - Final**

#### **Clauses 35 to 39: Final**

#### Clause 35 – orders: supplementary

Orders under this Act (other than those made under sections 26 to 29) have to be made by statutory instrument. They may amend or repeal Acts of Parliament that have not yet been made.<sup>19</sup> Importantly, no order made under this Act is to be regarded as a hybrid instrument. This disapplies the Hybrid Instruments procedure which gives persons particularly affected by a statutory instrument an opportunity to present arguments

<sup>19</sup> Clause 35(2).

against it to the Hybrids Instrument Committee (and then potentially to a Select Committee). The Explanatory Notes to the Bill stated that this proposal was designed to ensure that all orders made under the Act will be subject to the same level of Parliamentary scrutiny. It does not, however, provide for any alternative protection for affected people.

#### Section 39 – commencement

Most of the Act comes into force on 14 February 2012 although sections 10, 11 and 35 to 39 came into force on 14 December 2011. Section 30 and Schedule 6 (relating to regional development agencies) will come into force on a day or days to be appointed.

#### **Schedule 1 – Power to Abolish**

Administrative Justice and Tribunals Council  
 Advisory Committee on Hazardous Substances  
 Advisory Committee on Pesticides and Advisory Committee on Pesticides for Northern Ireland  
 Agricultural dwelling-house advisory committees for areas in England  
 Agricultural Wages Board for England and Wales  
 Agricultural wages committees for areas in England  
 Aircraft and Shipbuilding Industries Arbitration Tribunal  
 British Shipbuilders and any subsidiary of British Shipbuilders  
 BRB (Residuary) Limited  
 Child Maintenance and Enforcement Commission  
 Commission for Rural Communities



Committee on Agricultural Valuation  
Competition Service  
Courts boards  
Crown Court Rule Committee  
Disability Living Allowance Advisory Board  
Disabled Persons Transport Advisory Committee  
Environment Protection Advisory Committees  
Food from Britain  
Home Grown Timber Advisory Committee  
Inland Waterways Advisory Council  
Her Majesty's Inspectorate of Court Administration  
Library Advisory Council for England  
Magistrates' Courts Rules Committee  
National Consumer Council (Consumer Focus)  
National Endowment for Science, Technology and the Arts  
Plant Varieties and Seeds Tribunal  
Public Guardian Board  
Railway Heritage Committee  
Regional and local fisheries advisory committees  
Registrar of Public Lending Right  
Sports Ground Safety Authority  
Valuation Tribunal Service  
Victims' Advisory Panel

**Schedule 2 – Power to merge**

*Group 1*  
Central Arbitration Committee  
Certification Officer  
*Group 2*  
Gambling Commission  
National Lottery Commission  
*Group 3*  
Pensions Ombudsman  
Ombudsman for the Board of the Pension Protection Fund

*Group 4*  
Director of Public Prosecutions  
Director of Revenue and Customs Prosecutions  
*Group 5*  
Competition Commission  
Office of Fair Trading

**Schedule 3 – Power to modify constitutional arrangements**

Administrative Justice and Tribunals Council  
British Hallmarking Council  
Broads Authority  
Commission for Equality and Human Rights  
English Tourist Board  
Internal drainage boards for areas wholly or mainly in England  
Joint Nature Conservation Committee  
National Park authorities in England  
Passengers' Council (Passenger Focus)  
Sianel Pedwar Cymru (S4C)  
Theatres Trust

**Schedule 4 – Power to modify funding arrangements**

Administrative Justice and Tribunals Council  
Commission for Equality and Human Rights  
Inspectors appointed by the Secretary of State under section 86 of the Water Industry Act 1991  
Marine Management Organisation  
Natural England  
Office of Communications (Ofcom)



**Schedule 5 – power to modify or transfer functions**

Administrative Justice and Tribunals Council  
Advisory Council on Public Records  
British Hallmarking Council  
British Waterways Board  
Commission for Equality and Human Rights  
Dover Harbour Board  
Environment Agency  
Her Majesty's Stationery Office  
Horserace Betting Levy Board  
Human Fertilisation and Embryology Authority  
Human Tissue Authority  
Internal drainage boards for areas wholly or mainly in England  
Keeper of Public Records  
Office of Communications (Ofcom)  
Office of Fair Trading (OFT)  
Public Records Office

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