



The *Public Bodies Bill [HL]* : Commons and remaining stages

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The *Public Bodies Bill [HL]* had its second reading in the Commons on 12 July 2011, having passed through all its Lords stages. [Research Paper 11/50 *Public Bodies Bill \[HL\]*](#) sets out the background to the Bill and the amendments passed during the Lords stages. The Bill had 8 sittings in Public Bill Committee, ending on 13 October 2011. The latest version of the Bill is [Bill 234 of 2010-12](#). This Note refers to the version of the Bill which was debated by the Committee, of 2010-12 which is [Bill 188](#). A version of the Bill which highlights the changes made in Committee is available on the [Bill page](#). [Commons amendments](#) are also available electronically.

The main Government amendments were:

- To insert a new clause and schedule to abolish Regional Development Agencies through primary legislation, and remove them from Schedule 1 (bodies for abolition);
- To insert the Registrar of Public Lending Right into Schedule 1;
- To reinsert the Youth Justice Board into Schedule 1. The Lords had moved the Board from the Bill;
- To remove the Administrative Justice and Tribunals Council and the Civil Justice Council from Schedule 2 (bodies subject to merger);
- To insert a new clause protecting the funding of S4C;
- To add the Chief Coroner to Schedule 5 (enabling functions to be transferred);
- To speed up commencement, so that orders could be brought forward after royal assent, where consultations had already begun.

The Bill had its report stage and third reading on 25 October 2011. The Government introduced new clauses enabling more back office sharing of functions and enabling charitable incorporated organisations to be given functions under the legislation. Since

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the Commons made amendments to a Lords bill, the bill needed to be considered by the Lords. The Commons amendments were debated in the Lords on 23 November 2011.

The Government decided to retain the office of Chief Coroner and the Youth Justice Board, but defeated an amendment to allow more time to consider the future of the Administrative Justice and Tribunals Council. Instead, the body is to be abolished. The Bill now returns to the Commons.

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1 Background

The *Public Bodies Bill [HL]* had its second reading in the Commons on 12 July 2011, having passed through all its Lords stages. [Research Paper 11/50 Public Bodies Bill \[HL\]](#) sets out the background to the Bill and the amendments passed during the Lords stages. The Bill had 8 sittings in Public Bill Committee, ending on 13 October 2011. Since this Bill originated in the Lords, there were no evidence sessions in committee.

The *Public Bodies [HL] Bill* is the main legislative vehicle for implementing the Government's review of public bodies, published in October 2010. The Bill is largely enabling legislation and allows Ministers, by order, to abolish or make certain changes to the public bodies listed in the various schedules to the legislation. The Bill also gives Welsh Ministers power to make orders regarding various public bodies in Wales.

The Bill, as introduced to the Commons, allows ministers to use a so-called "enhanced" affirmative procedure to make orders under the legislation. The enhanced affirmative procedure gives Parliament and its committees a chance to make representations to the minister about any draft order laid under the legislation; and the minister may re-lay an amended order if necessary. The Bill gives powers to Welsh ministers to make orders to make changes to certain public bodies in Wales. Provision is also made for transfer of assets and liabilities of public bodies subject to orders.

The Bill was greatly revised during its passage through the House of Lords. It was introduced in the Lords on 28 October 2010 where it spent nine days in committee and three in report before third reading took place on 9 May 2010. Amendments were passed so that the Bill now includes a statutory duty to consult before orders are made. The simple affirmative procedure was replaced with the enhanced procedure described above. A sunset Clause was added to the schedules of the Bill so that the entries elapse after five years. Clauses relating to the Forestry Commission were removed from the Bill. Government defeats removed two public bodies from the list of those subject to 'abolition' orders. In addition, a long list of public bodies which could have been moved to the other schedules from where they could be abolished or merged or otherwise changed was removed from the Bill entirely.

The Bill follows a Government commitment to reduce the size and cost of the "quango" state, and to increase accountability through its reforms. Shortly after the 2010 election the Government announced that it would review all public bodies against three tests:

- does it undertake a precise technical operation?
- is it necessary for impartial decisions to be made about the distribution of taxpayers' money? and
- does it fulfil a need for facts to be transparently determined, independent of political interference?

The results of the review were announced in October 2010: 192 public bodies were to be abolished with another 118 merged into 57 bodies. The *Public Bodies Bill* does not include all the changes set out in the outcome of the review. Not all public bodies are statutory, so many do not need legislation to make the required changes. Others will be dealt with in departmental specific legislation.

2 Second reading 12 July 2011

Francis Maude, Minister for the Cabinet Office, introduced the Bill during his speech. He summarised the results of the review in 2010:

At the end of that review, I announced our proposals to the House on 14 October last year. They were that 481 of the bodies should be substantially reformed, including 192 abolished entirely and a further 118 merged. Since that announcement we have concluded consideration of a number of other bodies, and I can tell the House that the current total is that 495 bodies will be reformed, including 200 abolished and 120 others merged into 59 successor bodies. We have moved quickly to implement that programme, and I am pleased to tell the House that 45 bodies had been abolished by the end of April this year. Overall, we expect to make administrative savings—I stress that they are administrative—of £2.6 billion from public bodies over the spending review period. That money will be better spent on protecting public sector jobs and on front-line services.¹

The savings were challenged later by Opposition spokespeople. Tessa Jowell drew attention to written evidence given to the Public Administration Select Committee from the Cabinet Office which referred to £1.6 billion of cumulative administrative savings.²

Mr Maude announced that:

- the abolition of the Regional Development Agencies would be taken forward in primary legislation through this Bill (they had previously been listed in Schedule 1 and would have been abolished by order);
- the Government would seek to overturn the decisions of the House of Lords on the Office of the Chief Coroner and the Youth Justice Board and reinsert them in Schedule 1 (bodies subject to abolition).

Many of the speakers in the debate concentrated on specific public bodies, such as the Chief Coroner, Youth Justice Board, Regional Development Agencies, Agricultural Wages Board, S4C.

The Chair of the Public Administration Select Committee (PASC) Bernard Jenkin, noted that the tests set out in the Bill in Clause 7 differed from those used in the 2010 review and challenged the argument that the incorporation of public bodies within ministerial departments automatically improved accountability.³

A number of Conservative backbenchers spoke in favour of the principle of reducing the number of quangos. Dominic Raab asked why the commitment to a triennial review of remaining public bodies made in the 2010 review was not on the face of the Bill.⁴ In contrast, the Labour spokesperson, Jon Trickett, complained that bodies such as the Equalities and Human Rights Commission had already suffered severe budget cuts but there had been no change in the duties placed upon the body by Parliament.⁵ For the Government, Nick Hurd summed up the debate and the Bill was passed by 307 votes to 231.

¹ HC Deb 12 July 2011 c217

² Ibid c225

³ Ibid c240

⁴ Ibid c253

⁵ Ibid c262

3 Public Bill Committee stage

The programme motion allowed for 9 sittings in Committee with an end date of 13 October.

The Committee's membership was as follows:

Ashworth, Jonathan (*Leicester South*) (Lab)
Blackman-Woods, Roberta (*City of Durham*) (Lab)
Bray, Angie (*Ealing Central and Acton*) (Con)
Crabb, Stephen (*Preseli Pembrokeshire*) (Con)
Davies, Glyn (*Montgomeryshire*) (Con)
Elphicke, Charlie (*Dover*) (Con)
Gyimah, Mr Sam (*East Surrey*) (Con)
Harrington, Richard (*Watford*) (Con)
Heath, Mr David (*Parliamentary Secretary, Office of the Leader of the House of Commons*) (LD)
Hurd, Mr Nick (*Parliamentary Secretary, Cabinet Office*) (Con)
Jones, Susan Elan (*Clwyd South*) (Lab)
Mosley, Stephen (*City of Chester*) (Con)
Nandy, Lisa (*Wigan*) (Lab)
Raab, Mr Dominic (*Esher and Walton*) (Con)
Trickett, Jon (*Hemsworth*) (Lab)
Vaz, Valerie (*Walsall South*) (Lab)
Williams, Hywel (*Arfon*) (PC)
Williams, Mr Mark (*Ceredigion*) (LD)
Wright, David (*Telford*) (Lab)

An [impact assessment for the Bill](#) was published on 1 September 2010 .A series of written submissions were made to the Public Bill Committee and published on the [committee website](#). The committee did not hear oral evidence.

On [8 September](#), the Labour spokesperson, Jon Trickett, argued for a further stage of oral evidence taking on the Bill, during the half hour debate on the programme motion. He was supported by other Members, but the programme motion was carried by 10 votes to 9. The Liberal Democrat, Mark Williams voted with Labour in this division.

3.1 Subjects under debate

Clause 1 (abolition of bodies) formed the subject of the first and second sitting. Jon Trickett moved an amendment to clarify the possible types of “eligible person” to whom functions could be transferred. He spoke to amendments which would require regulations specifying more detail on eligible persons. He wanted to include registered charities and community interest societies within the list of eligible persons in the Clause.

In response, the Cabinet Office Minister, Nick Hurd, emphasised that this was enabling legislation and that draft orders would need to be scrutinised and approved by both Houses. Consultation would precede the draft order. He defended the broad interpretation of unincorporated body of persons as encompassing a broad range of organisations, including community associations and unregistered charities, and thought the Opposition amendments were defective in this respect However, he offered to look again at the position of co operatives and community benefit societies before report stage. He also commented that the

principle of ministerial responsibility would remain.⁶ Mr Trickett pressed the amendments to a division which was lost by 8 votes to 11.

[Schedule 1](#), which specifies the bodies subject to the power to abolish in Clause 1, was discussed in the second, third and fourth sittings. The Committee debated a number of amendments relating to individual organisations named in the Schedule, before a debate on the principles of the Schedule. Individual bodies which were debated included:

- [Advisory Committee on Hazardous Substances](#);⁷
- [Agricultural Wages Board](#);⁸
- [Commission for Rural Communities](#);⁹
- [Disability Living Allowance Advisory Board](#);¹⁰
- [Sports Ground Safety Authority](#)(Football Licensing Authority);¹¹
- [National Consumer Council/Consumer Focus and Citizens Advice Bureaux](#);¹²
- [Regional Fisheries Advisory Committees](#);¹³
- [S4C](#).¹⁴ An Opposition amendment was defeated on division by 10 votes to 9. The Liberal Democrat Mark Williams, voted against the Government.¹⁵
- [Commission for Equality and Human Rights](#).¹⁶ An Opposition amendment was defeated by 11 votes to 8.¹⁷
- [Natural England](#);¹⁸
- [Dover Harbour Board](#);¹⁹ An Conservative backbench amendment, supported by the Opposition and the Liberal Democrat Mark Williams, was defeated by 11 votes to 8.²⁰
- [Human Fertilisation and Embryology Authority and Human Tissue Authority](#);²¹
- [Internal Drainage Boards](#);²²
- [National Consumer Council functions in Wales](#);²³

⁶ PBC Deb 8 September 2011 c30-33

⁷ Ibid c38

⁸ Ibid c46

⁹ Ibid c73

¹⁰ Ibid c85

¹¹ Ibid c86

¹² Ibid c94

¹³ Ibid c99

¹⁴ PBC Deb 15 September 2011 c160

¹⁵ Ibid c215

¹⁶ Ibid c191

¹⁷ Ibid c215

¹⁸ PBC Deb 11 October 2011 c223

¹⁹ Ibid c256

²⁰ Ibid c258

²¹ Ibid c260

²² Ibid c269

Mr Trickett raised continuing concerns about the Bill in the fifth sitting, during a debate on Clause 2 (power to merge). He accepted that the drafting had been improved as a result of Lords amendments, but considered that the use of secondary legislation was inappropriate for the abolition of bodies created by primary legislation.²⁴ In response, the minister, Nick Hurd, said that sufficient constitutional safeguards now existed to deal with these concerns, citing the parliamentary time that would be taken up by primary legislation.²⁵ Clause 2 was added to the Bill without a division.²⁶ [Schedule 2](#) (bodies to be merged) was debated during the fifth sitting. [Schedule 3](#) (power to modify constitutional arrangements in various bodies) was debated during the sixth meeting, where Roberta Blackman-Woods aired some general concerns about the operation of Schedule 3.²⁷ [Schedule 4](#) (power to modify funding arrangements) was debated in the seventh sitting

[Clause 11](#), which sets out the enhanced affirmative procedure to be used for merging or abolishing public bodies was debated briefly on 11 October, at the eighth sitting.²⁸ Most of the discussion related to the savings from abolition or merger, rather than the procedure to be adopted for the orders under the Bill. TUPE and transfer schemes were debated when [Clause 24](#) was considered.²⁹ Mr Hurd stressed that the Bill would not disable TUPE and that the Clause reflected the principles of the Cabinet Office statement of practice (COSOP)³⁰ During the debate on commencement (now Clause 34) the minister indicated that the scrutiny of draft orders would begin immediately after royal assent.³¹

3.2 Government amendments

Regional Development Authorities

During the third sitting, Mr Hurd moved new Clause 1 and new Schedule 1 together with amendments to remove [Regional Development Agencies \(RDAs\)](#) from Schedule 1. The new Clause allows RDAs to be abolished on the face of the Bill rather than in orders under the Bill.³²

Mr Hurd explained the purpose of the amendments:

Under our plans, RDAs will not be abolished when the Bill receives Royal Assent, but when the relevant provisions are commenced by a separate order. If there is a requirement to transfer certain RDA activities or powers to successor bodies, the amendment requires that that be achieved by affirmative order unless it does not require amendment to primary legislation. Additionally, the amendment permits the Secretary of State to make a transfer scheme for RDA property, rights and liabilities, and where that is not done by order, it must be laid before Parliament. Government amendments 16 to 18, 20 and 22 make provision regarding the commencement of the new provisions relating to RDA abolition and amend the long title of the Bill, and new Schedule 1 deals with consequential repeals to references to RDAs in other Acts.

The truth is that the closure programme is now significantly advanced. It includes substantial work to scale back the expenditure of the RDAs in line with the spending

²³ PBC Deb 11 October 2011 c290

²⁴ PBC Deb 15 September 2011 c151-2

²⁵ PBC Deb 13 September 2011 c153

²⁶ PBC Deb 13 September 2011 c154

²⁷ PBC Deb 15 September 2011 c191

²⁸ PBC Deb 11 October 2011 c273

²⁹ Ibid c279

³⁰ Ibid c281

³¹ Ibid c284

³² PBC Deb 13 September 2011 c103

review settlement. That provided funds for legal commitments and closure costs only, representing some 18% of the amounts spent by the RDAs in the four years to March 2011. There are currently about 1,300 staff left in the RDAs, which has been reduced from approximately 3,000 at the start of the process. We expect the majority of RDA activity to have been wound down or transferred under existing legislative vehicles by the end of February 2012. Some RDA activities do not require the powers proposed in the Bill to make transfers to successor bodies. Those are the functions that have been delegated to the RDAs by the Government, where the transfer is being effected under existing legislative powers. Examples for the Committee include the transfer of European Regional Development Fund activities to the Department for Communities and Local Government and the transfer of Rural Development Programme for England activities to DEFRA, which both took place on 1 July; and the transfer of land and property related assets and liabilities to the Homes and Communities Agency, which will transfer on 19 September under the Housing and Regeneration Act 2008.

The reality is that if the Government proceeded with the proposed abolition of the RDAs through use of the power in Clause 1, the closure programme would effectively need to be halted while consultation in line with Clause 10 was conducted, regardless of the clear commitment of the coalition to abolish these bodies. I am sure that that would delight the Opposition, but it would frustrate the Government in their implementation of the coalition commitment. It would not be beneficial for the economy or the future of regional economic development and would risk compromising the budgetary savings we need to make.³³

He rejected new Clause 3, tabled by the Opposition, which would have required a report into the preparedness of Local Economic Partnerships (LEPs) to take over the functions of RDAs as unnecessary. The new Clause is Clause 28 in Bill 234, the latest version of the Bill. The London Development Agency is being abolished separately in the *Localism Bill*.

For the Opposition, Roberta Blackman Woods queried whether the new arrangements would be able to cope adequately with the variety of functions undertaken by RDAs.³⁴ Other Members also attacked the perceived lack of consultation over the future of RDAs.³⁵ Amendment 2 which removed RDAs from Schedule 1 was passed without a division. An amendment to insert a new Clause to require an impact assessment before the abolition of an RDA was the subject of a division on the last, eighth day, but there was no time to debate it. The new Clause was lost by 7 votes to 11.³⁶

Registrar of Public Lending Right

During the fourth sitting, Mr Hurd moved an amendment to insert the [Registrar of Public Lending Right](#) into Schedule 1. He said that the purpose of the amendment was to abolish the office and to enable the transfer of functions into an existing organisation, but this would not affect the right of authors to receive payment when books were borrowed from public libraries.³⁷ The amendment was added to the Bill without further comment and without a vote.

Youth Justice Board for England and Wales

In the same sitting, the junior minister, David Heath, moved amendment 4 to reinsert the [Youth Justice Board](#) into Schedule 1. During the passage of the Bill in the Lords the Government had lost a division to remove the Board from the Schedule. The minister argued

³³ PBC Deb 13 September 2011 c104

³⁴ Ibid c116

³⁵ Ibid c126

³⁶ PBC Deb 11 October 2011 c289

³⁷ PBC Deb 13 September 2011 c132

that the Board had helped to establish a coherent youth justice and the next task was to ensure that an integrated service was properly delivered within Government.³⁸ For the Opposition, Mr Trickett expressed concerns that the driver for the change was a desire to reduce expenditure, noting that in the Lords it had been Crossbench concern which had promoted the removal of the Board.³⁹ The amendment was passed by 7 votes to 11.⁴⁰

Administrative Justice and Tribunal Council

During the fifth sitting, Mr Heath introduced amendments to Schedule 2 to remove the [Administrative Justice and Tribunals Council](#) and the [Civil Justice Council](#) from the bodies subject to merger. These bodies had been inserted into Schedule 2 by amendments in the Lords. Mr Heath indicated Government thinking as follows:

Before we debate the group, it might be helpful to the Committee to make it absolutely clear what the Government's intentions are. We intend to abolish the Administrative Justice and Tribunals Council outright because its functions are either no longer required or are more properly performed by Government. The other side of the coin in the context of the schedule, which is about mergers, is to restate that the Government seek to remove the Civil Justice Council from the Bill because I do not believe that there is a genuine desire in this House or in the other place to reform it using the powers in the Bill. It was added solely as a stratagem to make the Government rethink their proposal to abolish the AJTC and I know that its removal, which we propose through the amendments, has the support of the senior judiciary.⁴¹

Mr Trickett agreed that the Lords had not intended to affect the work of the Civil Justice Council, but to protect the future of the AJTC.⁴² The amendment was agreed without a vote, and Schedule 2 added to the Bill.⁴³

S4C

Mr Heath introduced Government New Clause 2 in the sixth sitting, which he said would make the funding arrangements and the protection of those arrangements explicit in primary legislation.⁴⁴ This Clause appears as [Clause 28](#) in the latest version of the Bill. The new Clause requires the Secretary of State to ensure that the Welsh Authority was paid a sufficient amount to cover the public service work of the Authority within the meaning of section 207 of the *Communications Act 2003*. Mr Heath also promised further amendments at report stage which would deal with the details of the governance arrangements, once the negotiations between BBC, S4C and Channel 4 had been completed.⁴⁵ He also confirmed that the National Assembly Government would have part to play in the subsequent consultation. He rejected calls to remove S4C entirely from Schedule 3.⁴⁶

Power to modify funding arrangements (Clause 4)

Mr Hurd moved a Government amendment in the sixth sitting to require the consent of the Treasury before an order could be made under this Clause. He pointed out that the amendment was not a new policy departure and was consistent with the requirements in

³⁸ PBC Deb 13 September 2011 c135

³⁹ Ibid c139

⁴⁰ Ibid c148

⁴¹ Ibid c155

⁴² PBC Deb 15 September 2011 c157

⁴³ Ibid c158

⁴⁴ Ibid c189

⁴⁵ Ibid c190

⁴⁶ Ibid c195

“Managing Public Money”. The Opposition were content with the amendment and it was added without a division.⁴⁷

Chief Coroner etc

In the seventh sitting Mr Heath moved amendments to add the [office of chief coroner](#) to Schedule 5, enabling the transfer of most of the office’s functions to the Lord Chancellor or the Lord Chief Justice.⁴⁸ Mr Heath said that delays and rigidities in the inquest process needed to be addressed. He acknowledged that there was a financial element to the Government’s decision, and offered reassurance on the continuing independence of coroners. Nearly all chief coroner functions would be transferred except for section 40 of the 2009 Act relating to appeals, as the cost of establishing such a system was seen as unjustifiable. Further details are available in [Standard Note 5721 The Office of the Chief Coroner](#).

In response to Opposition questioning, Mr Heath stressed that the Government had listened to concerns and amended their proposals, and have amended the proposals so that the office of Chief Coroner is retained in statute, rather than being abolished outright through reinsertion into Schedule 1.⁴⁹

HMSO

Mr Heath moved amendments to add HMSO to Schedule 5. HMSO was one of four bodies that came together between 2003 and 2006 to form the National Archives. He explained that a small number of HMSO’s functions are conferred by statute and it was envisaged that these would be transferred to the Public Record Office by order under powers in Clause 5. There would be no impact on staff and no financial implications. The Opposition were content.⁵⁰

Consultation

Mr Heath explained that the Government had listened to concerns of peers, the House of Lords Constitution Committee and the Lords Delegated Powers and Regulatory Reform Committee and introduced new consultation requirements into Clause 10. He moved amendments to ensure that where a body was defunct, and no members could therefore be consulted, the minister would be able to lay a draft order without the consultation.⁵¹ On the assurance that the provisions would not apply should there be temporary vacancies in a body, the Opposition did not object and the amendments were added.

Stamp duty land tax

Mr Hurd moved an amendment to Clause 26 to allow HM Treasury to vary the effect of stamp duty land tax in relation to property transferred through a transfer scheme made under that Clause. The amendment was uncontroversial.⁵²

Trading powers of Victoria and Albert Museum, Science Museum etc

In the eighth sitting, Mr Hurd moved a New Clause 4 to remove an inconsistency between the trading powers of museums covered by the *Museums and Galleries Act 1992* and those

⁴⁷ PBC Deb 15 September 2011 c218

⁴⁸ PBC Deb 11 October 2011 c222

⁴⁹ PBC Deb 11 October 2011 c227

⁵⁰ PBC Deb 11 October 2011 c267

⁵¹ PBC Deb 11 October 2011 c272

⁵² PBC Deb 11 October 2011 c283

covered by the *National Heritage Act 1983*. There was no objection from the Opposition and the New Clause was added. It is [Clause 29](#) in the latest version of the Bill.

Commencement

Mr Hurd moved an amendment to ensure that Clause 10 and 11 came into force on the same day as royal assent. This would speed up the timetable for draft orders to come before both Houses:

The amendment makes simple changes to the commencement provisions, to prevent an unnecessary delay in Parliament starting the important process of scrutinising draft orders. The amendment stipulates that Clauses 10 and 11 will come into force on the day on which the Bill is passed which, in practice, will require Ministers to have concluded consultation before laying an order and will allow them to lay draft orders immediately after Royal Assent.

The amendment will result in a number of important benefits for Parliament and for the Government. First, the reforms that the Government propose to make to public bodies will deliver significant administrative savings, which we have discussed this afternoon. It is therefore vital that those reforms that rely on legislative changes can be delivered as soon as possible. For some, the savings will depend on delivering reforms before the start of the next financial year and, to make that a realistic possibility, there must not be a delay in starting the scrutiny of orders. For example, the abolition of the Commission for Rural Communities will ultimately result in savings in the region of £1.25 million in 2010-11 and a further £2.4 million over the rest of the spending review period. Such figures would be put in jeopardy if the Government were not able to complete the order-making process by the end of the financial year.

Secondly, allowing the scrutiny of draft orders to start straight away will serve Parliament well by ensuring that orders can be spread out over the months following Royal Assent. Parliament's ability to scrutinise proposals properly could be compromised by a glut of draft orders all needing to be brought forward after Royal Assent to ensure that urgent savings are delivered on time. The Government absolutely want to avoid that scenario and we have said repeatedly that we will schedule orders so that Parliament will have ample opportunity to scrutinise the detail of proposals. That is an important aspect of how the Bill will work and the simple amendments would help the Government to maximise the ability of Parliament to scrutinise proposals properly.

Thirdly, it is important to know that Parliament will have already agreed to the principle of reform by approving the listing of each and every body in the schedules to the Bill. With that in mind, there can be no justification for postponing the opportunity for Parliament to scrutinise the detail of proposals set out in each draft order. It would be a delay based purely on a technical drafting issue, but one that would have real and detrimental consequences for the public by delaying the Government's ability to deliver much needed reforms and to realise urgent savings.

Fourthly, Parliament and the public will still be protected in the usual way by other aspects of the commencement provisions in the Clause. While Ministers will have the ability to lay draft orders and start scrutiny immediately, they will not have the power to make changes by using the core powers in Clauses 1 to 5 until two months have elapsed. In that way, organisations and the public are still afforded the usual two-month period to analyse and interpret the impact of the new legislation, as it would be at least two months before any changes are delivered.⁵³

⁵³ PBC Deb 11 October 2011 c284-5

Mr Trickett expressed some concern over the pace of change, given that the Bill had been drafted with a two month delay after Royal Assent. In response Mr Hurd said that the Government were trying to enable a department to get on with it, if the consultation requirement had already been fulfilled.⁵⁴ Mr Trickett suggested that the Opposition would reflect on their position between the end of committee stage and report and third reading.

After a procedural amendment removing the privilege amendment inserted in the Lords (which are moved to enable a public bill to begin in the Lords) the long title of the Bill was amended to take account of the abolition of the regional development agencies.

4 Commons report and third reading

This took place on 25 October 2011. A new programme motion was moved and agreed without a vote, but Jon Trickett said that the Opposition objected as offering insufficient scrutiny. Other Members also offered criticism of the lack of time.⁵⁵

The Government introduced some new clauses, which were accepted. Under the terms of the programme motion, debate on remaining clauses finished at 9pm when the House moved to third reading of the Bill.⁵⁶

4.1 Shared services

New clauses 1-4 and associated Government amendments were introduced by Mr Hurd as follows:

This group of Government amendments relates to four aspects of the Bill, and to matters which I hope the House will agree are sensible and uncontentious. New clauses 3 and 4 and amendments 25 to 29 will provide powers to enable certain bodies carrying out public functions—specifically the Environment Agency, Natural England and Royal Botanic Gardens, Kew, as well as the Joint Nature Conservation Committee, the Marine Management Organisation and internal drainage boards—to share back-office functions with other bodies. The powers also apply to other bodies carrying out Welsh environmental functions.

New clauses 1 and 2 and amendments 12 and 16 to 20 will provide powers to enable the Environment Agency to delegate non-devolved functions to Welsh environmental bodies. They also incorporate provisions currently in clause 16 relating to delegation of Welsh environmental functions. Amendments 5 and 8 to 11 will extend the definition of “eligible persons” in clause 1(3) to include co-operative and community benefit societies and charitable incorporated organisations. Finally, amendments 6, 7, 13 to 15 and 21 to 24 are minor and technical drafting amendments.⁵⁷

He offered some more explanation of some of the detail, in particular where the Welsh Ministers are given powers to modify constitutional arrangement of bodies.⁵⁸ In response, Nia Griffith, for the Opposition commented on the short notice of tabling of these amendments, preventing proper scrutiny. She was concerned about the importance of protecting staff if they were moved from one body to another.⁵⁹

⁵⁴ PBC Deb 11 October 2011 c286

⁵⁵ HC Deb 25 October 2011 c188

⁵⁶ HC Deb 25 October 2011 c181

⁵⁷ HC Deb 25 October 2011 c190

⁵⁸ HC Deb 25 October 2011 c192

⁵⁹ HC Deb 25 October 2011 c194

4.2 Cooperatives and associated bodies

Mr Hurd also introduced amendments 5 and 8 to 11 which will extend the definition in clause 1(3) of eligible persons to whom assets can be transferred to include co-operatives, community benefit societies and charitable incorporated organisation.

4.3 Dover Harbour Board

Mr Hurd indicated that the Government would not move its amendments 47 and 48 to insert the Dover Harbour Board into Schedule 5 (modifying and transferring functions). Mr Elphicke, MP for Dover, welcomed this decision as assisting with the campaign to create a community-owned port.⁶⁰

4.4 Other amendments and new clauses

No other amendment or new clause was passed at report stage, although a number were debated. The following bodies were the subject of debate:

- [Agricultural Wages Board](#). There was a division on amendment 32⁶¹
- [Youth Justice Board in relation to Wales](#). There was a division on amendment 33⁶²
- [Chief Coroner's Office](#). There was a division on amendment 2⁶³

4.5 Third reading

Francis Maude spoke of the way in which the Government had listened to concerns and amended the bill. He also spoke of the importance of the policy in the legislation, noting expected cumulative savings of at least £2.6 billion by 2014-15.⁶⁴ Jon Trickett said that the Opposition had not divided on the second reading of the bill, but that the proposed legislation gave ministers too many powers with insufficient parliamentary scrutiny.⁶⁵ Mark Williams raised continuing concerns about funding arrangements for S4C.⁶⁶ Valerie Vaz complained that there had not been time to debate the future of the Equality and Human Rights Commission, the Human Fertilisation and Embryology Authority and the Human Tissue Authority.⁶⁷

5 Consideration of Commons amendments by the Lords

Commons amendments were considered by the Lords on 23 November 2011. The previous day, the Lord Chancellor, Kenneth Clarke, had announced that the position of Chief Coroner would be retained.⁶⁸ In addition, the Government decided not to proceed with the Commons amendment which would have abolished the Youth Justice Board.⁶⁹ Lord McNally, for the Government, announced that it would consider the options for achieving reform of the Board outside the structure of the *Public Bodies Bill*.⁷⁰ However, an amendment moved by Lord Newton of Braintree to allow for further time for consultation on the future of the

⁶⁰ HC Deb 25 October 2011 c184 and c246

⁶¹ HC Deb 25 October 2011 c196. The division was at c238

⁶² HC Deb 25 October 2011 c223 The division was at c242

⁶³ HC Deb 25 October 2011 c246 The division was at c264

⁶⁴ HC Deb 25 October 2011 c274

⁶⁵ HC Deb 25 October 2011 c276

⁶⁶ HC Deb 25 October 2011 c277

⁶⁷ HC Deb 25 October 2011 c281

⁶⁸ "Ken Clarke ditches plan to scrap chief coroner 23 November 2011 *Guardian*

⁶⁹ HL Deb 23 November 2011 c1070

⁷⁰ HL Deb 23 November 2011 c1074

Administrative Justice and Tribunals Council (AJTC) was defeated by 236 votes to 233.⁷¹ Lord Newton pointed out that the Commons Public Administration Select Committee had recently taken evidence on the future of the AJTC. Baroness Findlay of Llandaff welcomed the reprieve for the office of Chief Coroner, but was concerned that the Government had indicated that the appeals process set out in the *Coroners and Justice Act 2009* would not be brought into force.⁷²

⁷¹ HL Deb 23 November 2011 c1088

⁷² HL Deb 23 November 2011 c1096