



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 8

FLEXIBLE ADMINISTRATIVE ARRANGEMENTS

CHAPTER 1

AGREEMENTS WITH DESIGNATED BODIES

Supplementary

83 Particular powers

- (1) The fact that a function is conferred by or under this Act or an Act passed after the passing of this Act does not prevent it from being the subject of an agreement.
- (2) The Secretary of State or a designated body (“A”) may, under an agreement, authorise a designated body (“B”) to perform a function even though under the relevant enactments or subordinate legislation—
 - (a) the function is conferred on A by reference to specified circumstances or cases and the same type of function is conferred on B in different specified circumstances or cases,
 - (b) the function is exercisable by A and B jointly,
 - (c) B is required to be, or may be, consulted about the function (whether generally or in specified circumstances), or
 - (d) B is required to consent to the exercise of the function (whether generally or in specified circumstances).
- (3) An agreement may provide—
 - (a) for the performance of a function to be subject to the fulfilment of conditions;

Status: This is the original version (as it was originally enacted).

- (b) for payments to be made in respect of the performance of the function.
- (4) A designated body which is authorised under an agreement to perform a function—
 - (a) is to be treated as having power to do so;
 - (b) may, unless (or except to the extent that) the agreement provides for this paragraph not to apply—
 - (i) authorise a committee, sub-committee, member, officer or employee of the body to perform the function on its behalf;
 - (ii) form a body corporate and authorise that body to perform the function on its behalf.
- (5) However, where the designated body is a local authority—
 - (a) subsection (4)(a) is subject to section 84(5)(a), and
 - (b) section 84 applies in place of subsection (4)(b).
- (6) Subject to subsection (4)(b) and section 84, a designated body which is authorised under an agreement to perform a function may not authorise any other body or other person to perform that function.

84 Agreements with local authorities

- (1) This section applies where a local authority is authorised under an agreement to perform a function.
- (2) Subject to subsection (5), the function that the local authority is authorised to perform is to be treated as a function of the local authority for the purposes of—
 - (a) any power of a local authority to arrange for the discharge of the function by any person mentioned in subsection (3), and
 - (b) any power of a person mentioned in subsection (3) to arrange for the discharge of a function by any other person mentioned there.
- (3) The persons are any committee, sub-committee, member, officer or employee of the local authority.
- (4) “Committee” does not include a joint committee of two or more local authorities.
- (5) If the local authority is operating executive arrangements—
 - (a) the function is to be treated as a function of the local authority for the purposes of section 13 of the Local Government Act 2000 (c. 22), and
 - (b) if (or to the extent that) the function is the responsibility of the executive of the local authority—
 - (i) subsection (2) does not apply, and
 - (ii) sections 14 to 16 of the 2000 Act, and any regulations made under sections 17 and 18 of the 2000 Act, apply.
- (6) “Executive arrangements” and “executive” have the same meaning as in Part 2 of the 2000 Act.
- (7) An agreement may provide that the provisions of subsection (2) or those mentioned in subsection (5)(b)(ii) do not apply (or do not apply to a specified extent).

85 Supplementary provisions with respect to agreements

- (1) An agreement, and any approval given by the Secretary of State under section 79, must be in writing.
- (2) The Secretary of State must arrange for a copy of an agreement to be published in a way that the Secretary of State thinks is suitable for bringing it to the attention of persons likely to be affected by it.
- (3) No power of a Minister of the Crown under any enactment to give directions to a statutory body extends to giving a direction—
 - (a) requiring it to enter into an agreement;
 - (b) prohibiting it from entering into an agreement;
 - (c) requiring it to include, or prohibiting it from including, particular terms;
 - (d) requiring it to negotiate, or prohibiting it from negotiating, a variation or termination of an agreement.
- (4) Schedule 15 to the Deregulation and Contracting Out Act 1994 (c. 40) (restrictions on disclosure of information) applies in relation to an authorisation by a designated body under this Chapter as it applies in relation to an authorisation under section 69 of that Act by an office-holder.

86 Interpretation

- (1) In sections 81 to 85 “agreement” means an agreement under section 78 or 79.
- (2) In this Chapter “DEFRA function” means a function which at the material time falls to be performed by or through the Department for Environment, Food and Rural Affairs.
- (3) A certificate issued by the Secretary of State that a function falls to be performed as mentioned in subsection (2) is conclusive evidence of that fact.
- (4) In this Chapter—
 - “designated body” has the meaning given by section 80;
 - “local authority” means—
 - (a) a local authority as defined in section 1(a) of the Local Government Act 2000 (c. 22), and
 - (b) the Greater London Authority;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
 - “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).