

**EXPLANATORY MEMORANDUM TO
THE PUBLIC BODIES ACT 2011 (TRANSITIONAL PROVISION) ORDER 2012**

2012 No. 1471

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 The instrument contains a transitional provision which is required as a result of the abolition of the regional development agencies.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None.

4. **Legislative Context**

- 4.1 The Public Bodies Act 2011 provides for the abolition of the regional development agencies. The instrument contains a transitional provision which is required as a result of their abolition.

5. **Territorial Extent and Application**

- 5.1 The instrument applies to England.

6. **European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

- 7.1 Section 30 of the Public Bodies Act 2011 provides for the abolition of the regional development agencies (other than the London Development Agency). They will be abolished by a commencement order which commences section 30(1) of the Public Bodies Act 2011 which provides that “The regional development agencies are abolished.” The agencies ceased most of their operations on 30 March 2012 and it is anticipated that they will be abolished on 1 July 2012. It will not be possible for the regional development agencies to produce their final statements of accounts and annual reports (covering the

period 1 April 2012 to 30 June 2012) before they are abolished and the instrument provides for the functions relating to these accounts and reports which arise under sections 14, 15 and 17 of the Regional Development Agencies Act 1998 to be discharged by the Secretary of State for Business, Innovation and Skills.

7.2 The instrument comes into force on 1 July 2012 rather than on a common commencement date because it is appropriate for the instrument to come into force on the date when the regional development agencies are no longer able to carry out their functions relating to their statements of accounts and annual reports.

7.3 The reason that the instrument does not cover the London Development Agency is that that Agency has been abolished by the Localism Act 2011.

7.4 The instrument is made under section 30(7) of the Public Bodies Act 2011 which is not yet in force. Section 30(7) will be brought into force on 1 July 2012 by a commencement order yet to be made. The instrument is made in reliance on section 13 of the Interpretation Act 1978 which relates to the anticipatory exercise of powers.

8. Consultation outcome

8.1 Not applicable.

9. Guidance

9.1 Not applicable.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is minimal.

10.3 An Impact Assessment has not been prepared for the instrument.

11. Regulating small business

11.1 The instrument does not apply to small business.

12. Monitoring & review

12.1 The instrument contains only a transitional provision and will cease to have any effect once the final statements of accounts and annual reports of the regional development agencies have been produced and laid before Parliament.

13. Contact

Michael Noakes at the Department for Business, Innovation and Skills – Telephone: 0207 215 2862 or email: michael.noakes@bis.gsi.gov.uk - can answer any queries regarding the instrument.