



Public Audit (Wales) Act 2013

2013 anaw 3

PUBLIC AUDIT (WALES) ACT 2013

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SCHEDULE 1 — Incorporation of Wales Audit Office
PART 1 — MEMBERSHIP AND STATUS

Membership

- 1 (1) The WAO is to have 9 members.

Appointment of non-executive and employee members

- 2 (1) The members of the WAO (other than the Auditor...

Status

- 3 (1) Neither the WAO nor any of its members is...
- PART 2 — NON-EXECUTIVE MEMBERS

Appointment of non-executive members

- 4 (1) Non-executive members are to be appointed by the National...

Appointment of chair of the WAO

- 5 (1) The chair of the WAO is to be appointed...

Period of appointment and re-appointment

- 6 (1) An appointment under this Part of this Schedule is...

Remuneration arrangements

- 7 (1) The National Assembly may make remuneration arrangements in relation...

Other terms of appointment

- 8 (1) The National Assembly may determine other terms for an...

Consultation

- 9 (1) No arrangements under paragraph 7 or determination under paragraph...

Termination of appointments

- 10 (1) The person who chairs the WAO may resign from...
- 11 (1) The National Assembly may terminate the appointment of a...
- 12 (1) The National Assembly may terminate the appointment of a...

PART 3 — AUDITOR GENERAL

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Additional remuneration of the Auditor General

- 13 (1) The WAO may make provision for additional payments to...
PART 4 — EMPLOYEE MEMBERS

Appointment

- 14 The employee members are to comprise— (a) a person appointed...

The appointed member

- 15 (1) The Auditor General must recommend a person to the...

The elected members

- 16 (1) The WAO must conduct a ballot of its staff...

Terms of appointment

- 17 (1) The terms of the employee members' appointment are to...

Other terms of appointment

- 18 (1) The non-executive members may determine other terms for an...

Termination of appointments

- 19 The appointment of an employee member terminates—
20 (1) An employee member may resign by giving written notice...
21 The non-executive members may terminate the appointment of an
employee...
PART 5 — EMPLOYEES

Appointment

- 22 (1) The WAO may employ staff. (2) A person cannot...

Status

- 23 A member of the staff of the WAO is not...
24 But a member of the staff of the WAO is...

Remuneration arrangements

- 25 (1) The WAO must pay employees such remuneration as may...
PART 6 — DISQUALIFICATION AS MEMBER OF, OR EMPLOYEE OF,
THE WAO
26 (1) A person cannot be appointed as a member or...
PART 7 — PROCEDURAL RULES

General

- 27 The WAO must make rules for the purpose of regulating...

Quorum for WAO meetings

- 28 (1) The rules must provide for a quorum for any...

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Committees

- 29 (1) The rules may include— (a) provision for the setting...

Ballots

- 30 The rules must include provision about the conduct of ballots...
PART 8 — OTHER MATTERS

Validity

- 31 The validity of anything done by the WAO (including anything...

Delegation of functions

- 32 (1) The WAO may delegate any of its functions to—...

WAO accounts

- 33 (1) The Auditor General is to be the accounting officer...

Audit etc of the WAO

- 34 (1) It is for the National Assembly to appoint a...
35 (1) A statement of accounts prepared under paragraph 33 must...

Documentary evidence

- 36 (1) The application of the WAO's seal is to be...

SCHEDULE 2 — Relationship between the Auditor General and the WAO PART 1 — CODE OF PRACTICE

Preparation and approval etc

- 1 (1) The WAO and the Auditor General must jointly prepare...

Content

- 2 (1) The code must include— (a) provision about how the...
PART 2 — REPORTS AND DOCUMENTS

Reports

- 3 (1) The Auditor General and the chair of the WAO...

Documents and information

- 4 (1) Any document or information which a person is required...
PART 3 — TEMPORARY EXERCISE OF THE FUNCTIONS OF
AUDITOR GENERAL BY ANOTHER PERSON
5 The WAO, with the agreement of the National Assembly, may...
6 A temporary designation may occur only in the following circumstances
—...
7 The functions of the Auditor General referred to in paragraph...
8 A person who is designated to exercise the functions of...
9 A person who is designated to exercise those functions will...
10 But that person will be designated to exercise functions on...

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- 11 The terms as to remuneration— (a) may provide for allowances,...
- 12 But the terms as to remuneration may not provide for...
- 13 The WAO must pay the person such remuneration as may...
- 14 The duration of a temporary designation in relation to a...

SCHEDULE 3 — Transitional, supplementary and saving provisions

PART 1 — THE AUDITOR GENERAL

Previous Auditor General to continue to be Auditor General

- 1 (1) This paragraph applies to the person who is the...

Savings for auditors appointed under section 13 of the Public Audit (Wales) Act 2004

- 2 (1) This paragraph applies where, immediately before the coming into...

Savings in respect of restrictions on disclosure of information

- 3 (1) Where information has been obtained by—

PART 2 — THE WAO

WAO's procedural rules before rules are made under paragraph 27 of Schedule 1

- 4 (1) This paragraph applies until the first rules under paragraph...

PART 3 — TRANSFER OF FUNCTIONS ETC

Transfer of staff

- 5 (1) On the appointed day the members of the staff...

Variation of employment contracts

- 6 (1) This paragraph applies where there is a purported variation...

Collective agreements

- 7 (1) This paragraph applies where a collective agreement made by...

Trade union recognition

- 8 (1) Where before the transfer mentioned in paragraph 5(1) an...

Dismissal in relation to transfer

- 9 (1) Sub-paragraphs (2) and (3) apply— (a) to an employee...

Transfer of other property, rights and liabilities

- 10 (1) On the transfer day, the property, rights and liabilities...
- 11 (1) A certificate issued by the Welsh Ministers that property...

Criminal liability of the Auditor General

- 12 (1) To the extent that any criminal liability incurred by...

Indemnification

- 13 (1) The liabilities covered by section 29 include—

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SCHEDULE 4 — Minor and consequential amendments

Superannuation Act 1972

- 1 In Schedule 1 to the Superannuation Act 1972 (offices to...

Finance Act 1989

- 2 In section 182 of the Finance Act 1989 (disclosure of...

Social Security Administration Act 1992

- 3 In subsection (8) of section 123 of the Social Security...

Education Act 1997

- 4 In section 41A of the Education Act 1997 (inspections involving...

Government of Wales Act 1998

- 5 The Government of Wales Act 1998 is amended as follows....
- 6 (1) Section 145C is amended as follows.
- 7 (1) Section 145D (advice and assistance for registered social landlords)...
- 8 In subsection (2) of section 146 (transfer of functions of...

Local Government Act 1999

- 9 The Local Government Act 1999 is amended as follows.
- 10 In subsection (7) of section 11 (inspectors' powers and duties),...
- 11 Omit section 12A (fees: inspections under section 10A).
- 12 Omit section 13A (reports of inspections under section 10A).
- 13 In subsection (7) of section 23 (accounts), omit “or the...
- 14 In subsection (2) of section 25 (coordination of inspections, etc),...
- 15 In section 26 (guidance), omit subsection (3A).
- 16 For paragraph (b) of section 33(3) (finance), substitute—

Freedom of Information Act 2000

- 17 The Freedom of Information Act 2000 is amended as follows....
- 18 (1) Subsection (5) of section 36 (exempt information: prejudice to...
- 19 In Part 6 of Schedule 1 (public authorities to which...

Public Audit (Wales) Act 2004

- 20 The Public Audit (Wales) Act 2004 is amended as follows....
- 21 Omit section 14 (appointment of auditors) and 15 (persons to...
- 22 Omit section 16 (code of audit practice).
- 23 (1) Section 17 (general duties of auditors) is amended as...
- 24 Omit section 18 (auditors' rights to documents and information) and...
- 25 (1) Section 20 (fees for audit) is amended as follows....
- 26 Omit section 21 (fees prescribed by Assembly).
- 27 (1) Section 22 (immediate and other reports in the public...
- 28 In section 23 (general report), for each reference to “an...
- 29 In section 24 (consideration of reports in the public interest),...
- 30 (1) Section 25 (procedure for consideration of reports and recommendations)...

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- 31 In section 26 (publicity for meetings under section 25), for...
- 32 (1) Section 27 (additional publicity for immediate reports) is amended...
- 33 (1) Section 28 (additional publicity for non-immediate reports) is amended...
- 34 (1) Section 29 (inspection of statements of accounts and auditors'...
- 35 (1) Section 30 (inspection of documents and questions at audit)...
- 36 In section 31 (right to make objection at audit), for...
- 37 (1) Section 32 (declaration that item of account is unlawful)...
- 38 (1) Section 33 (advisory notices) is amended as follows.
- 39 (1) Section 34 (effect of an advisory notice) is amended...
- 40 In subsection (3) of section 35 (advisory notices: legal actions),...
- 41 (1) Section 36 (power of auditor to make a claim)...
- 42 (1) Section 37 (extraordinary audit) is amended as follows.
- 43 In subsection (2) of section 38 (audit of accounts of...
- 44 (1) Section 39 (accounts and audit regulations) is amended as...
- 45 (1) Section 40 (documents relating to police and crime commissioners)...
- 46 (1) Section 41 (studies for improving economy etc in services)...
- 47 (1) Section 42 (studies on impact of statutory provisions etc)...
- 48 In subsection (1) of section 44 (studies at request of...
- 49 (1) Section 45 (benefit administration studies for Secretary of State)...
- 50 In subsection (2) of section 46 (performance standards: relevant bodies),...
- 51 In subsection (5) of section 47 (publication of information as...
- 52 (1) Section 51 (social security references and reports to Secretary...
- 53 (1) Section 52 (rights of Auditor General for Wales to...
- 54 (1) Section 53 (rights of Auditor General for Wales to...
- 55 (1) Section 54 (restriction on disclosure of information) is amended...
- 56 (1) Section 54ZA (consent under section 54(2ZC)) is amended as...
- 57 In subsection (1) of section 56 (publication of information by...
- 58 In section 58 (orders and regulations), for each reference to...
- 59 In section 59 (interpretation of Part 2), omit subsections (2)...
- 60 In section 61 (audit of Welsh NHS bodies), in paragraph...
- 61 (1) Section 62 (co-operation with Assembly, Audit Commission or CHAI)...
- 62 In subsection (1) of section 64A (power to conduct data...
- 63 (1) Section 64B (mandatory provision of data) is amended as...
- 64 In subsection (1) of section 64C (voluntary provision of data),...
- 65 (1) Section 64D (disclosure of results of data matching etc)...
- 66 In subsection (4) of section 64E (publication), omit "an auditor...
- 67 (1) Section 64F (fees for data matching) is amended as...
- 68 In subsection (4) of section 64G (code of data matching...
- 69 (1) Section 67A (assistance by Auditor General to inspectorates) is...

Government of Wales Act 2006

- 70 The Government of Wales Act 2006 is amended as follows...
- 71 In section 37 (power to call), in subsection (1), after...
- 72 In subsection (1)(c) of section 120 (destination of receipts), for...
- 73 In subsection (3)(c) of section 124 (payments out of Welsh...
- 74 In subsection (4) of section 129 (approvals to draw), for...
- 75 In subsection (1) of section 143 (Audit Committee reports), omit...
- 76 (1) Subsection (2) of section 144 (publication of accounts and...
- 77 (1) Section 145 (Auditor General) is amended as follows.

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- 78 (1) Schedule 7 (Acts of the Assembly) is amended as...
- 79 (1) Schedule 8 (Auditor General for Wales) is amended as...

Companies Act 2006

- 80 The Companies Act 2006 is amended as follows.
- 81 In subsection (6) of section 1229 (supervision of Auditors General...
- 82 In section 1230 (duties of Auditors General in relation to...

Local Government (Wales) Measure 2009

- 83 The Local Government (Wales) Measure 2009 is amended as follows....
- 84 (1) Section 21 (special inspections) is amended as follows.
- 85 In section 25 (statement of practice), omit paragraph (b) of...
- 86 In section 26 (inspectors' powers and duties), in subsection (11),...
- 87 (1) Section 27 (fees) is amended as follows.
- 88 After section 27 (fees) insert— Welsh Ministers' power to prescribe...

Local Democracy, Economic Development and Construction Act 2009

- 89 The Local Democracy, Economic Development and Construction Act 2009 is...
- 90 In section 46 (codes of practice), in subsection (4) for...
- 91 (1) Section 50 is amended as follows.

Equality Act 2010

- 92 In Part 2 of Schedule 19 to the Equality Act...

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