



Local Government (Wales) Measure 2009

2009 nawm 2

PART 1 **W**

LOCAL GOVERNMENT IMPROVEMENT

Other functions of the Auditor General for Wales

21 Special inspections **W**

- (1) The Auditor General for Wales may carry out an inspection of a Welsh improvement authority's compliance with the requirements of this Part if—
 - (a) the Auditor General is of the opinion that the authority may fail to comply with the requirements of this Part; or
 - (b) any relevant regulator informs the Auditor General that, in the regulator's opinion, the authority may fail to comply with the requirements of this Part.
- (2) But the Auditor General must, before deciding whether to carry out an inspection—
 - (a) consult the Welsh Ministers; and
 - (b) in a case where the Auditor General has stated in a report under section 19(1)(h) that the Auditor General is minded to carry out a special inspection, consider any statement made by the authority in response in accordance with section 20(3).
- (3) An inspection under subsection (1) may relate to some or all of an authority's functions.
- (4) If the Welsh Ministers [^{F1}request that the Auditor General] carry out an inspection of compliance with the requirements of this Part by a Welsh improvement authority, the Auditor General must comply with the [^{F2}request, unless it is not reasonable to do so].
- (5) A [^{F3}request] under subsection (4) may relate to some or all of an authority's functions.
- (6) Before [^{F4}making a request] under subsection (4), the Welsh Ministers must consult the Auditor General.
- (7) The Auditor General for Wales must notify a Welsh improvement authority if—

Changes to legislation: Local Government (Wales) Measure 2009, Section 21 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the Auditor General decides to carry out an inspection of the authority under subsection (1); or
 - (b) the Welsh Ministers have [^{F5}requested that the Auditor General] carry out an inspection of the authority under subsection (4).
- (8) The notification must specify the functions to which the inspection relates.
- (9) In carrying out an inspection, and, in the case of an inspection under subsection (1), deciding whether to do so, the Auditor General must have regard to any guidance issued by the Welsh Ministers.
- (10) For the purposes of this Part, an inspection under this section is referred to as a special inspection.
- (11) In this section a reference to an authority's functions includes a reference to arrangements made to facilitate or support the exercise of its functions.

Textual Amendments

- F1** Words in s. 21(4) substituted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 84\(2\)\(a\)](#) (with [Sch. 3 para. 3](#)); S.I. 2013/1466, art. 3(1)
- F2** Words in s. 21(4) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 84\(2\)\(b\)](#) (with [Sch. 3 para. 3](#)); S.I. 2013/1466, art. 3(1)
- F3** Word in s. 21(5) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 84\(3\)](#) (with [Sch. 3 para. 3](#)); S.I. 2013/1466, art. 3(1)
- F4** Words in s. 21(6) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 84\(4\)](#) (with [Sch. 3 para. 3](#)); S.I. 2013/1466, art. 3(1)
- F5** Words in s. 21(7)(b) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 84\(5\)](#) (with [Sch. 3 para. 3](#)); S.I. 2013/1466, art. 3(1)

Modifications etc. (not altering text)

- C1** S. 21 applied (with modifications) by 2004 c. 21, s. 24(4)(5) (as inserted (1.4.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), s. 53(2), [Sch. 1 para. 33](#); S.I. 2009/3272, art. 3(1), Sch. 2)

Commencement Information

- I1** S. 21 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), [Sch. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

- Measure repealed by [2021 asc 1 s. 170\(1\)](#)

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- Sch. para. 10 omitted by [2018 anaw 2 Sch. 1 para. 16](#)