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WELSH STATUTORY INSTRUMENTS

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**2005 No. 757 (W.62)**

**PUBLIC AUDIT, WALES**

**The Public Audit (Wales) Act 2004  
(Consequential Amendments) (Wales) Order 2005**

*Made* - - - - - *15 March 2005*

*Coming into force* - - - - - *1 April 2005*

The National Assembly for Wales, in exercise of the powers conferred by the enactments specified in the Schedule to this instrument, hereby makes the following Order:

**Citation, commencement and application**

1.—(1) This Order may be cited as the Public Audit (Wales) Act 2004 (Consequential Amendments) (Wales) Order 2005 and comes into force on 1 April 2005.

(2) This Order applies in relation to Wales only.

**Subordinate legislation amended**

2.—(1) The Local Authorities (Companies) Order 1995(1) is amended as follows.

(2) In article 9, omit the words from “the Audit Commission’s consent” to the end, and substitute “the consent of—

- (a) “where the company is under the control of one or more local authorities, all of which are local government bodies in Wales within the meaning of section 12 of the Public Audit (Wales) Act 2004, the Auditor General for Wales;
- (b) in any other case, the Audit Commission,  
to the appointment of that person.”

3.—(1) The Construction Contracts (England and Wales) Exclusion Order 1998(2) is amended as follows.

(2) In article 4(2)(c)(v), at the end, insert the words “or the Auditor General for Wales”.

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(1) S.I.1995/849.  
(2) S.I. 1998/648.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

15 March 2005

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

THE SCHEDULE

Preamble

**Enactments conferring powers now vested in the National Assembly for Wales  
by the Transfer of Functions (National Assembly for Wales) Order 1999(4)**

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Local Government and Housing Act 1989(5)	Section 70(1) and (5) (as amended, in the case of subsection (5), by the Public Audit (Wales) Act 2004(6), section 66 and Schedule 2, paragraphs 10 and 12(1) and (4)).
Housing Grants, Construction and Regeneration Act 1996(7)	Sections 106(1)(b) and 146(1).

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends, in relation to Wales, two statutory instruments in order to bring them into accord with the provisions of the Public Audit (Wales) Act 2004 (“the Act”).

The Act confers a number of new functions on the Auditor General for Wales. The most significant effect of the new functions is that the Auditor General will, when the Act is fully in force, exercise most of the functions currently exercised in Wales by the Audit Commission for Local Authorities and the National Health Service in England and Wales (“the Audit Commission”).

The amendments made by this Order are consequential upon that change.

Article 2 amends the Local Authorities (Companies) Order 1995, so as to ensure that local authorities in Wales obtain the consent of the Auditor General for Wales, rather than of the Audit Commission, to the appointment of a person to audit the accounts of companies under their control within the meaning of section 68 Local Government and Housing Act 1989.

Article 3 amends the Construction Contracts (England and Wales) Exclusion Order 1998, in relation to Wales, so as to provide that bodies whose accounts are subject to audit by the Auditor General for Wales fulfil one of the conditions for eligibility to enter into a contract under the private finance initiative.

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(4)  
(5) 1989 c. 42.  
(6) 2004 c. 23.  
(7) 1996 c. 53.