



Audit Commission Act 1998 (repealed)

1998 CHAPTER 18

PART III

STUDIES, PERFORMANCE STANDARDS AND OTHER FUNCTIONS

Performance standards of local authorities etc.

44 Publication of information as to standards of performance.

- (1) The Commission shall give such directions as it thinks fit for requiring relevant bodies to publish such information relating to their activities in any financial year as will, in the Commission's opinion, facilitate the making of appropriate comparisons (by reference to the criteria of cost, economy, efficiency and effectiveness) between—
 - (a) the standards of performance achieved by different relevant bodies in that financial year; and
 - (b) the standards of performance achieved by such bodies in different financial years.
- (2) Where a relevant body is required by a direction under this section to publish information in relation to any financial year, it shall—
 - (a) make such arrangements for collecting and recording the information as secure that the information is available for publication and, so far as practicable, that everything published in pursuance of the direction is accurate and complete;
 - (b) within the period of nine months [^{F1}or, in the case of a relevant body in England, seven months] beginning with the end of that financial year, publish the information in accordance with the direction and by one of the methods permitted by section 45; and
 - (c) keep a document containing any information published in pursuance of the direction available for inspection by local government electors for its area.
- (3) The Secretary of State may by order vary the period for the time being specified in paragraph (b) of subsection (2) so as to fix the latest time for the publication of

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information in accordance with that paragraph at any such time, within the period of nine months after the end of the financial year in question, as may be specified in the order.

- (4) A local government elector for the area of a relevant body may—
- (a) at all reasonable times and without payment, inspect and make copies of the whole or any part of a document kept available for inspection under subsection (2)(c) by the body; and
 - (b) require copies of the whole or part of any such document to be delivered to him on payment of a reasonable sum for each copy.
- (5) A person who has custody of a document kept available for inspection under subsection (2)(c) and—
- (a) obstructs a person in the exercise of his rights under subsection (4), or
 - (b) refuses to comply with a requirement under subsection (4)(b),
- is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In this section and sections 45 and 46 “relevant body” means any body subject to audit other than one within subsection (7).
- (7) Subject to section 47, the following are not relevant bodies for the purposes of this section and sections 45 and 46—
- (a) parish and community councils and any parish meeting of a parish not having a separate parish council;
 - (b) charter trustees constituted under section 246 of the 1972 Act;
 - (c) health service bodies;
 - (d) port health authorities;
 - (e) licensing planning committees;
 - (f) internal drainage boards;
 - (g) probation committees; and
 - (h) Passenger Transport Executives.

Textual Amendments

F1 Words in s. 44(2)(b) inserted (15.9.2000) by S.I. 2000/2253, art. 2

Modifications etc. (not altering text)

C1 Pt. III continued (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 69(6), 73; S.I. 2005/558, art. 2, Sch. 1

45 Permitted methods of publishing information under section 44.

- (1) The permitted methods of publication referred to in section 44(2)(b) are as follows.
- (2) The relevant body may publish the information in a newspaper printed for sale and circulating in its area.
- (3) If the relevant body ensures that the distribution condition is satisfied with respect to the information, it may publish the information in a newspaper or periodical

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publication which is produced and distributed by another person (other than a local authority company) and which is free of charge to the recipient.

- (4) For the purposes of subsection (3), a relevant body ensures that the distribution condition is satisfied with respect to information if—
- (a) the body takes all reasonable steps to secure that a copy of a publication containing the information is distributed to each dwelling in its area; and
 - (b) in a case where the body considers that the information is of concern to persons carrying on business in its area, the body takes such steps as it considers reasonable and practicable to secure that a copy of a publication containing the information is distributed to business premises in its area.
- (5) For the purposes of subsection (3) a local authority company is any company under the control of a local authority; and section 68(1) of the ^{M1}Local Government and Housing Act 1989 (company under control of local authority) has effect for the purposes of this subsection as it has effect for the purposes of Part V of that Act.

Marginal Citations

M1 1989 c. 42.

46 Directions under section 44.

- (1) A direction under section 44 requiring the publication of information shall—
- (a) identify the financial year or years in relation to which the information is to be published;
 - (b) specify or describe the activities to which the information is to relate; and
 - (c) make provision as to the matters to be contained in the information and as to the form in which it is to be published.
- (2) A direction under section 44—
- (a) may be given so as to apply either to all relevant bodies or to all such bodies as are of a description specified in the direction; and
 - (b) may be varied or revoked by any subsequent direction under that section.
- (3) Before giving a direction under section 44 which imposes a new requirement on a relevant body as to the publication of any information the Commission shall consult such associations of relevant bodies and such other persons as it thinks fit.
- (4) A direction under section 44 imposing a new requirement on a relevant body as to the publication of any information shall not be given any later than the 31st December in the financial year which precedes that in relation to which the information is to be published.
- (5) Where the Commission gives a direction under section 44, it shall—
- (a) publish the direction in such manner as it considers appropriate for bringing it to the attention of members of the public; and
 - (b) send a copy of the direction to every relevant body on whom duties are imposed by virtue of the direction.
- (6) References in this section to the imposition of a new requirement on a relevant body as to the publication of information are references to—

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- (a) the imposition of any requirement by the first direction under section 44 to apply to that body; or
- (b) any subsequent extension of, or addition to, either—
 - (i) the matters to be contained in the information which that body is required to publish in relation to any financial year in pursuance of directions under section 44; or
 - (ii) the activities to which any such information is to relate.

47 [F2Application to parish councils and charter trustees.]

- (1) The Secretary of State may by order provide for sections 44 to 46 to have effect as if—
 - (a) parish ^{F3}... councils in England ^{F3}..., and
 - (b) charter trustees constituted under section 246 of the 1972 Act,
 were relevant bodies for the purposes of those sections.
- (2) The power to make an order under this section includes power—
 - (a) to make such incidental, consequential, transitional or supplementary provision as the Secretary of State thinks necessary or expedient; and
 - (b) to make different provision for different cases, including different provision for different localities and for different bodies.

Textual Amendments

- F2** S. 47 Heading substituted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 2 para. 32\(a\)](#); S.I. 2005/558, art. 2, Sch. 1
- F3** Words in s. 47(1)(a) repealed (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 2 para. 32\(b\), Sch. 4](#); S.I. 2005/558, art. 2, Sch. 1

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