



Audit Commission Act 1998 (repealed)

1998 CHAPTER 18

PART IV

GENERAL

Supplementary

52 Orders and regulations.

- (1) Any power conferred on the Secretary of State ^{F1}... by this Act to make orders or regulations is exercisable by statutory instrument.
- [^{F2}(1A) No order shall be made under section 32H unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.]
- (2) No order shall be made under paragraph 9(2) of Schedule 1 unless a draft of the order has been approved by a resolution of the House of Commons.
- (3) In any other case, an order or regulations contained in a statutory instrument made by the Secretary of State under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in s. 52(1) repealed (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 2 para. 35, Sch. 4; S.I. 2005/558, art. 2, Sch. 1 \(with Sch. 2 para. 2\)](#)
- F2** S. 52(1A) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 7 para. 3; S.I. 2008/755, art. 16\(a\)](#)

53 Interpretation.

- (1) In this Act—
“the 1972 Act” means the ^{M1}Local Government Act 1972;

Status: Point in time view as at 31/03/2012.

Changes to legislation: There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Cross Heading: Supplementary. (See end of Document for details)

F3

“auditor”, in relation to the accounts of any body, means (except in section 31(1)) the person or any of the persons appointed by the Commission to act as auditor in relation to those accounts and, to the extent provided by section 3(11), includes a person assisting an auditor under arrangements approved under section 3(9);

[F4“best value authority” means a best value authority for the purposes of Part I of the Local Government Act 1999;]

“body subject to audit” means a body whose accounts are required to be audited in accordance with this Act;

F5

[F6“firm” means any entity, whether or not a legal person, which is not an individual and includes a body corporate, a corporation sole and a partnership or other unincorporated association;]

[F7“functional body” means a functional body within the meaning of the Greater London Authority Act 1999 (see section 424(1) of that Act);]

“the health service” has the same meaning as in [F8the National Health Service Act 2006] ;

[F9“health service body” means an [F10NHS body (within the meaning of Schedule 15 to the National Health Service Act 2006)] , other than a Special Health Authority [F11or NHS Direct National Health Service Trust];]

[F12“local government body” means a body mentioned in paragraph 1 of Schedule 2, other than one mentioned in paragraph (g) of that paragraph;]

[F12“local government body in Wales” has the meaning given in section 12(1) of the Public Audit (Wales) Act 2004;]

“statutory provision” means any provision contained in or having effect under any enactment.

[F12“Welsh NHS body” has the meaning given in section 60 of the Public Audit (Wales) Act 2004;]

(2) Subject to paragraph 11(5) of Schedule 1, section 270 of the 1972 Act (general interpretation) applies for the interpretation of this Act.

(3) A reference in this Act to the accounts of a body—

(a) in relation to the Common Council is a reference to the accounts mentioned in paragraph 2(a) and (b) of Schedule 2; F13 . . .

(b)

(4) A reference in this Act to a local government elector for any area—

(a) in relation to the Broads Authority, is a reference to a local government elector for the area of any participating authority (as defined by section 25 of the M2Norfolk and Suffolk Broads Act 1988); and

(b) in relation to a National Park authority which is the local planning authority for a National Park, is a reference to a local government elector for any area the whole or any part of which is comprised in that Park.

[F14(5) Any functions conferred or imposed on the Greater London Authority under or by virtue of this Act shall be functions which are exercisable by the Mayor of London acting on behalf of the Authority.

F14(6) Subsection (5) does not apply in relation to any function expressly conferred on the London Assembly.]

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Textual Amendments

- F3** Definitions of “alloted sum” and “recognised fund-holding practice” in s. 53(1) repealed (1.10.1999) by 1999 c. 8, s. 65, **Sch. 5**; S.I. 1999/2540, art. 1(2), **Sch. 1**
- F4** Definition of “best value authority” inserted (27.9.1999 subject to art. 3(2)(b) of S.I. 1999/2169 and otherwise 1.10.1999) by 1999 c. 27, s. 22(6); S.I. 1999/2169, art. 3(2), **Sch. 2**; S.I. 1999/2815, **art. 2**
- F5** Words in s. 53(1) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 9 para. 1(2)(k), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)
- F6** Words in s. 53(1) inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 173(5)** (with art. 10)
- F7** Definition of “functional body” in s.53(1) inserted (8.5.2000 for specified purposes and otherwise 3.7.2000) by 1999 c. 27, s. 133(2), **Sch. 8 para. 12(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **arts. 3, 4**
- F8** Words in s. 53(1) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 189** (with Sch. 3 Pt. 1)
- F9** Words in s. 53(1) substituted (1.10.2006 except so far as relating to Welsh NHS bodies) by Health Act 2006 (c. 28), s. 83(7), **Sch. 8 para. 41**; S.I. 2006/2603, art. 5(b) (with art. 6)
- F10** S. 53(1) amendment to earlier affecting provision 2006 c. 28 Sch. 8 para. 41 (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 296** (with Sch. 3 Pt. 1)
- F11** Words in s. 53(1) inserted (26.3.2008) by The Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2008 (S.I. 2008/817), arts. 1, **4(2)** (with art. 10)
- F12** Words in s. 53(1) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), s. 73, **Sch. 2 para. 36**; S.I. 2005/558, art. 2, Sch. 1 (with Sch. 2 para. 2)
- F13** S. 53(3)(b) and word “and” immediately preceding it repealed (1.10.1999) by 1999 c. 8 s. 65, Sch. 5; S.I. 1999/2540, art. 1(2)(a), **Sch. 1**
- F14** S. 53(5)(6) inserted (8.5.2000 for purposes as mentioned in art. 3 of the commencing S.I. and 3.7.2000 otherwise) by 1999 c. 27, s. 133(2), **Sch. 8 para. 12(1)(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **arts. 3, 4**

Marginal Citations

- M1** 1972 c. 70.
M2 1988 c. 4.

54 Consequential amendments, transitionals and repeals.

- (1) Schedule 3 (consequential amendments) has effect.
- (2) Schedule 4 (transitional provisions, savings etc.) has effect.
- (3) The enactments mentioned in Schedule 5 are repealed or revoked to the extent specified in the third column of that Schedule.

55 Short title, commencement and extent.

- (1) This Act may be cited as the Audit Commission Act 1998.
- (2) This Act comes into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only.

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Changes to legislation:

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