

*Status: Point in time view as at 31/03/2012.*

**Changes to legislation:** Audit Commission Act 1998 (repealed), SCHEDULE 2A is up to date with all changes known to be in force on or before 15 June 2024.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)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2A

Section 47B

#### INTERACTION WITH OTHER AUTHORITIES

##### Textual Amendments

- F1** Sch. 2A inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 11](#); S.I. 2008/172, art. 2(1)(a)

### PART 1

#### INTERPRETATION

##### *Inspection authorities*

- 1 (1) In this Schedule (subject to sub-paragraph (2)), “inspection authority” means—
- (a) Her Majesty's Chief Inspector of Prisons;
  - (b) Her Majesty's Chief Inspector of Constabulary;
  - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service;
  - (d) [<sup>F2</sup>Her Majesty’s Chief Inspector of Probation for England and Wales];
  - (e) Her Majesty's Chief Inspector of Court Administration;
  - (f) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
  - <sup>F3</sup> ...
  - <sup>F4</sup>(g) .....
  - (h) the Care Quality Commission; [<sup>F5</sup>or  
| the Regulator of Social Housing.]
  - <sup>F6</sup>(i)
- (2) In paragraphs 5 to 10 of this Schedule, “inspection authority” also includes—
- (a) Her Majesty's Inspectors of Constabulary,
  - (b) [<sup>F7</sup>Her Majesty’s Inspectorate of Probation for England and Wales], and
  - (c) Her Majesty's Inspectorate of Court Administration,
- but notice under paragraph 5(1) in respect of an inspection by those inspectors or inspectorates may be given to their Chief Inspector.

##### Textual Amendments

- F2** Words in Sch. 2A para. 1(1)(d) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, [Sch. 1 para. 27\(2\)\(c\)](#)
- F3** Word in Sch. 2A para. 1(1)(f) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 2 para. 24\(5\)\(a\)](#)

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- F4** Sch. 2A para. 1(1)(g) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\)](#), [Sch. 5 para. 69\(b\)](#), [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), [Sch. 1 paras. 35\(x\)36](#)
- F5** Word in Sch. 2A para. 1(1)(h) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 2 para. 24\(5\)\(b\)](#)
- F6** Sch. 2A para. 1(1)(i) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 2 para. 24\(5\)\(c\)](#)
- F7** Words in Sch. 2A para. 1(2)(b) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, [Sch. 1 para. 26\(2\)\(d\)](#)

**Modifications etc. (not altering text)**

- C1** Sch. 2A para. 1(1) modified (temp.) (1.10.2008) by [The Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order 2008 \(S.I. 2008/2250\)](#), arts. 1(1), [3\(7\)](#)

*Public authorities*

- 2 (1) In this Schedule “public authority”—
- (a) includes any person any of whose functions are of a public nature; but
  - (b) does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (2) Subject to paragraph 9(3), references in this Schedule to a public authority do not include a public authority outside the United Kingdom.
- (3) In relation to a particular act, a person is not a public authority by virtue of sub-paragraph (1) if the nature of the act is private.

*Inspections and functions*

- 3 In this Schedule—
- “Audit Commission inspection” means an inspection under—
- (a) <sup>F8</sup> ...
  - (b) section 10 of the Local Government Act 1999 (c. 27) (inspection of best value authorities);
- “inspection functions” means functions relating to Audit Commission inspections;
- “national studies functions” means functions relating to studies under any of the following provisions of this Act—
- (a) section 33(1) or (4) (studies for improving economy, efficiency and effectiveness in services);
  - (b) section 34(1) (studies as to impact of statutory provisions etc on economy, efficiency and effectiveness in services);
  - (c) section 36(1) (studies for improving economy, efficiency and effectiveness in management or operation of educational bodies);
  - (d) section 38 (benefit administration studies for Secretary of State);
  - (e) <sup>F9</sup> ...
- “relevant functions” means—
- (a) inspection functions;
  - (b) national studies functions; and
  - (c) reporting functions;

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“reporting functions” means functions relating to the production of reports by the Commission under—

- (a) section 139A of the Social Security Administration Act 1992;
- (b) section 47A of this Act;

“section 139A inspector” means a person authorised under section 139A of the Social Security Administration Act 1992 (c. 5) (persons authorised to report on the administration of housing benefit and council tax benefit), other than the Commission.

#### Textual Amendments

- F8** Words in [Sch. 2A para. 3](#) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 27\(a\)](#), [Sch. 16](#); S.I. 2010/862, arts. 2, 3 (with [Sch.](#))
- F9** Words in [Sch. 2A para. 3](#) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 27\(b\)](#), [Sch. 16](#); S.I. 2010/862, arts. 2, 3 (with [Sch.](#))

## PART 2

### EXERCISE OF FUNCTIONS

#### *Inspection programmes and inspection frameworks*

- 4 (1) The Commission must from time to time, or at such times as the Secretary of State may specify by order, prepare—
- (a) a document setting out what Audit Commission inspections it proposes to carry out (an “inspection programme”);
  - (b) a document setting out the way in which it proposes to carry out its functions of inspecting and reporting so far as they relate to Audit Commission inspections (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework, the Commission must consult—
- (a) the Secretary of State,
  - (b) the inspection authorities, and
  - (c) any other person or body specified by an order made by the Secretary of State,
- and it must send to each of the persons or bodies referred to in paragraph (a), (b) or (c) a copy of each programme or framework once it is prepared.
- (3) Sub-paragraph (2) does not require the Commission to consult, or to send copies of documents to, a person or body mentioned in paragraph (b) or (c) of that sub-paragraph in cases or circumstances in relation to which the Commission and that person or body have agreed to waive the requirement.
- (4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks must take.

#### *Inspections by other inspectors of organisations within the Commission's remit*

- 5 (1) If—

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- (a) a specified inspector is proposing to carry out an inspection that would involve inspecting a specified organisation, and
- (b) the Commission considers that the proposed inspection would impose an unreasonable burden on the specified organisation, or would do so if carried out in a particular way,

the Commission must, subject to sub-paragraph (6), give a notice to the specified inspector requiring the inspector not to carry out the proposed inspection, or not to carry it out in that way.

- (2) In this paragraph “specified inspector” means—
  - (a) an inspection authority;
  - (b) a section 139A inspector; or
  - (c) any other person or body specified by order made by the Secretary of State.
- (3) In this paragraph “specified organisation” means a person or body specified by order made by the Secretary of State.
- (4) A person or body may be specified under sub-paragraph (3) in relation to particular functions.
- (5) In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge by that person or body of any of the functions in relation to which it is specified.
- (6) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (7) Where a notice is given under this paragraph, the proposed inspection must not be carried out, or (as the case may be) must not be carried out in the way mentioned in the notice; but this is subject to sub-paragraph (8).
- (8) The Secretary of State, if satisfied that the proposed inspection—
  - (a) would not impose an unreasonable burden on the specified organisation in question, or
  - (b) would not do so if carried out in a particular way,
 may give consent to the inspection being carried out, or being carried out in that way.
- (9) The Secretary of State may by order make provision supplementing this paragraph, including in particular provision—
  - (a) about the form of notices;
  - (b) prescribing the period within which notices are to be given;
  - (c) prescribing circumstances in which notices are, or are not, to be made public;
  - (d) for revising or withdrawing notices;
  - (e) for setting aside notices not validly given.

#### *Co-operation*

- 6 The Commission must co-operate with—
  - (a) the inspection authorities,
  - (b) section 139A inspectors, and
  - (c) any other public authority specified by order made by the Secretary of State,

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where it is appropriate to do so for the efficient and effective discharge of any of its relevant functions.

*Joint action*

- 7 The Commission may act jointly with—
- (a) an inspection authority, and
  - (b) a section 139A inspector,
- where it is appropriate to do so for the efficient and effective discharge of any of its relevant functions.

*Delegation of functions*

- 8 (1) The Commission may delegate any of its relevant functions (to such extent as it may determine) to—
- (a) an inspection authority;
  - (b) any other public authority specified by an order made by the Secretary of State.
- (2) If the carrying out of an Audit Commission inspection, or any study referred to in the definition of “national studies functions” in paragraph 3, is delegated under sub-paragraph (1) it is nevertheless to be regarded for the purposes of any enactment as carried out by the Commission.

*Advice or assistance for other public authorities*

- 9 (1) The Commission may, if it thinks it appropriate to do so, provide advice or assistance to another public authority for the purpose of the exercise by that authority of its functions.
- (2) Advice or assistance under this paragraph may be provided on such terms, including terms as to payment, as the Commission thinks fit.
- (3) In sub-paragraph (1), the reference to another public authority includes a public authority outside the United Kingdom.

*Inspections carried out under arrangements*

- 10 (1) The Commission may make arrangements with an inspection authority to carry out, on behalf of that authority, inspections in England of any institution or matter which the Commission is not required or authorised to carry out by virtue of any other enactment.
- (2) Inspections under this paragraph may be carried out on such terms, including terms as to payment, as the Commission thinks fit.]

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