



Audit Commission Act 1998 (repealed)

1998 CHAPTER 18

PART II

ACCOUNTS AND AUDIT OF PUBLIC BODIES

Auditors' reports and recommendations

11 Consideration of reports or recommendations.

(1) A body to which this section applies shall consider in accordance with this section and section 12 [^{F1}(and, in the case of a report or recommendations sent to the Greater London Authority, section 11A)]—

- (a) any report under section 8, and
- (b) any written recommendation within subsection (3),

sent to the body or (if a parish meeting) its chairman in connection with the audit of its accounts.

(2) This section applies to every body subject to audit except—

- (a) charter trustees constituted under section 246 of the 1972 Act;
- (b) health service bodies;
- (c) port health authorities;
- (d) licensing planning committees;
- (e) internal drainage boards;
- [^{F2}(f) local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000]
- [^{F3}(fa) probation trusts;]
- (g) Passenger Transport Executives.

[^{F4}(2A) Where a written recommendation within subsection (3) is sent to a functional body or the London Pensions Fund Authority, a copy shall be sent at the same time to the Mayor of London.]

Status: Point in time view as at 01/03/2008. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Section 11. (See end of Document for details)

- (3) A written recommendation is within this subsection if it is made to the body concerned by an auditor and is stated in the document containing it to be one which in the auditor's opinion should be considered under this section.
- [^{F5}(3A) In relation to the Greater London Authority, subsections (4) to (7) shall not apply (but section 11A has effect in place of them).]
- (4) The body concerned shall consider the report or recommendation at a meeting held before the end of [^{F6}one month] beginning with the day on which the report or recommendation was sent to the body or its chairman (as the case may be).
- (5) At that meeting the body shall decide—
- (a) whether the report requires the body to take any action or whether the recommendation is to be accepted; and
 - (b) what, if any, action to take in response to the report or recommendation.
- (6) If an auditor is satisfied that it is reasonable to allow more time for the body to comply with its duties under subsections (4) and (5) in relation to a report or recommendation, the auditor may, in relation to that report or recommendation, extend the period of [^{F7}one month] mentioned in subsection (4).
- (7) A period may be extended under subsection (6) whether or not it has already been extended under that subsection once or more than once.
- [^{F8}(7A) In the case of each of the following bodies, namely—
- (a) Transport for London,
 - (b) the London Development Agency,
 - (c) the London Pensions Fund Authority,
- Part VA of the 1972 Act (access to meetings etc) shall have effect in relation to the meeting as if that body were a principal council, but subject to the provisions of sections 10(5) and (6) and 12(3).]
- (8) Nothing in section 101 of the 1972 Act (delegation of functions) applies to a duty imposed on a body by this section.
- [^{F9}(8A) In the case of the London Development Agency or Transport for London, neither—
- (a) paragraph 7 of Schedule 2 to the ^{M1}Regional Development Agencies Act 1998 (delegation by London Development Agency etc), nor
 - (b) paragraph 7 of Schedule 10 to the Greater London Authority Act 1999 (delegation by Transport for London),
- shall apply to a duty imposed on either of those bodies by this section.]
- (9) This section is without prejudice to any duties (so far as they relate to the subject-matter of a report or recommendation sent to a body to which this section applies) which are imposed by or under this Act, sections 114 to 116 of the ^{M2}Local Government Finance Act 1988 (functions and reports of finance officers), section 5 of the ^{M3}Local Government and Housing Act 1989 (functions of monitoring officers) or any other enactment.

Textual Amendments

- F1** Words in s. 11(1) inserted (8.5.2000 for specified purposes and otherwise 3.7.2000) by 1999 c. 29, s. 133(2), **Sch. 8 para. 3(2)** (with **Sch. 12 para. 9(1)**); S.I. 1999/3434, **arts. 3, 4**

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- F2** S. 11(2)(f) substituted (1.4.2001) by 2000 c. 43, s. 4, **Sch. 1 para. 17(3)(a)**; S.I. 2001/919, **art. 2(e)** (with **art. 3**)
- F3** S. 11(2)(fa) inserted (1.3.2008) by Offender Management Act 2007 (c. 21), s. 41(1), **Sch. 1 para. 13(4)(a)**; S.I. 2008/504, **art. 2(a)**
- F4** S. 11(2A) inserted (8.5.2000 for specified purposes and otherwise 3.7.2000) by 1999 c. 29, s. 133(2), **Sch. 8 para. 3(3)** (with **Sch. 12 para. 9(1)**); S.I. 1999/3434, **arts. 3, 4**
- F5** S. 11(3A) inserted (8.5.2000 for specified purposes and otherwise 3.7.2000) by 1999 c. 29, s. 133(2), **Sch. 8 para. 3(4)**(with **Sch. 12 para. 9(1)**); S.I. 1999/3434, **arts. 3, 4**
- F6** Words in s. 11(4) substituted (18.11.2003) by **Local Government Act 2003** (c. 26), **ss. 107(2)**, 128(3) (a); S.I. 2003/2938, **art. 2(a)** (with **art. 8**, **Sch.**)
- F7** Words in s. 11(6) substituted (18.11.2003) by **Local Government Act 2003** (c. 26), **ss. 107(3)**, 128(3) (a); S.I. 2003/2938, **art. 2(a)** (with **art. 8**, **Sch.**)
- F8** S. 11(7A) inserted (8.5.2000 for specified purposes and otherwise 3.7.2000) by 1999 c. 29, s. 133(2), **Sch. 8 para. 3(5)**(with **Sch. 12 para. 9(1)**); S.I. 1999/3434, **arts. 3, 4**
- F9** S. 11(8A) inserted (8.5.2000 for specified purposes and otherwise 3.7.2000) by 1999 c. 29, s. 133(2), **Sch. 8 para. 3(6)** (with **Sch. 12 para. 9(1)**); S.I. 1999/3434, **arts. 3, 4**

Marginal Citations

- M1** 1998 c. 45.
M2 1988 c. 41.
M3 1989 c. 42.

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Changes to legislation:

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