



Local Government Act 2003

2003 CHAPTER 26

PART 8

MISCELLANEOUS AND GENERAL

CHAPTER 1

MISCELLANEOUS

Audit Commission

VALID FROM 18/11/2003

107 Auditors' public interest reports: time allowed for consideration

- (1) The Audit Commission Act 1998 (c. 18) is amended as follows.
- (2) In section 11(4) (body subject to audit must consider section 8 report or section 11(3) recommendation within four months of its being sent), for “four months” there is substituted “ one month ”.
- (3) In section 11(6) (auditor’s power to extend time limit), for “four months” there is substituted “ one month ”.
- (4) In section 11A(8) (Mayor and Assembly must consider section 8 report or section 11(3) recommendation within four months of its being sent to the Greater London Authority), for “four months” substitute “ one month ”.
- (5) In section 11A(9) (auditor’s power to extend time limit), for “four months” there is substituted “ one month ”.

Status: Point in time view as at 18/09/2003. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Local Government Act 2003, Cross Heading: Audit Commission is up to date with all changes known to be in force on or before 21 July 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)

VALID FROM 18/11/2003

108 Auditors' public interest reports: publicity

After section 13 of the Audit Commission Act 1998 (c. 18) there is inserted—

“13A Additional publicity for non-immediate reports

- (1) This section applies where under section 10(1) an auditor has sent a report that is not an immediate report to a body or its chairman, except where the body is a health service body.
- (2) The auditor may—
 - (a) notify any person he thinks fit of the fact that he has made the report,
 - (b) publish the report in any way he thinks fit, and
 - (c) supply a copy of the report, or of any part of it, to any person he thinks fit.
- (3) From the time when the report is sent under section 10(1), but subject to subsection (4)—
 - (a) the auditor shall ensure that any member of the public may—
 - (i) inspect the report at all reasonable times without payment, and
 - (ii) make a copy of the report or of any part of it;
 - (b) any member of the public may require the auditor to supply him with a copy of the report, or of any part of it, on payment of a reasonable sum.
- (4) From the end of the period of one year beginning with the day when the report is sent under section 10(1), the obligations of the auditor under subsection (3)—
 - (a) cease to be his obligations, but
 - (b) become obligations of the Commission instead.”

VALID FROM 18/11/2003

109 Registered social landlords

(1) After section 41 of the Audit Commission Act 1998 there is inserted—

“41A Inspections of registered social landlords

- (1) The Commission may carry out an inspection of—
 - (a) the quality of services provided by a registered social landlord;
 - (b) a registered social landlord’s arrangements for securing continuous improvement in the efficiency, effectiveness and economy with which it provides services.

Status: Point in time view as at 18/09/2003. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Local Government Act 2003, Cross Heading: Audit Commission is up to date with all changes known to be in force on or before 21 July 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)

- (2) Where the Commission has carried out an inspection under subsection (1) it shall issue a report.
- (3) A report under subsection (2) shall mention any matter that, as a result of the inspection, the Commission considers should be drawn specifically to the attention of the Relevant Authority.
- (4) The Commission—
 - (a) shall send a copy of a report under subsection (2) to the registered social landlord concerned and to the Relevant Authority;
 - (b) may publish a report under subsection (2) and any information in respect of a report.
- (5) Section 11 of the Local Government Act 1999 (best value inspections under section 10: inspectors' powers and duties, and offences) shall apply for the purposes of an inspection of a registered social landlord under subsection (1) of this section as it applies for the purposes of an inspection of a best value authority under section 10 of that Act.
- (6) The Commission shall, when drawing up any programme of inspections under subsection (1), consult the Relevant Authority.

41B Fees for inspections under section 41A

- (1) The appropriate person may by order make provision of any of the following kinds in relation to the charging of fees by the Commission in respect of inspections under section 41A(1)—
 - (a) provision authorising the Commission to prescribe a scale or scales of fees in respect of inspections;
 - (b) provision governing the prescribing of scales;
 - (c) provision requiring a registered social landlord inspected under section 41A(1) to pay to the Commission any fee applicable to the inspection in accordance with a scale prescribed under provision of the kind mentioned in paragraph (a);
 - (d) such incidental, consequential or supplementary provision as the appropriate person thinks necessary or expedient.
- (2) In subsection (1) “the appropriate person” means—
 - (a) in relation to registered social landlords for which the Housing Corporation is the Relevant Authority, the Secretary of State, and
 - (b) in relation to registered social landlords for which the National Assembly for Wales is the Relevant Authority, the Assembly.
- (3) The Secretary of State shall, before making an order under subsection (1), consult—
 - (a) the Commission and the Housing Corporation, and
 - (b) persons appearing to the Secretary of State to represent registered social landlords affected by his proposals.
- (4) The National Assembly for Wales shall, before making an order under subsection (1), consult—
 - (a) the Commission, and

Status: Point in time view as at 18/09/2003. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Local Government Act 2003, Cross Heading: Audit Commission is up to date with all changes known to be in force on or before 21 July 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)

- (b) persons appearing to the Assembly to represent registered social landlords affected by its proposals.
- (5) The Commission shall, before prescribing a scale of fees that it is authorised to prescribe by an order under subsection (1) made by the Secretary of State, consult—
- (a) the Secretary of State and the Housing Corporation, and
- (b) persons appearing to the Commission to represent registered social landlords affected by its proposals.
- (6) The Commission shall, before prescribing a scale of fees that it is authorised to prescribe by an order under subsection (1) made by the National Assembly for Wales, consult—
- (a) the Assembly, and
- (b) persons appearing to the Commission to represent registered social landlords affected by its proposals.”
- (2) In section 52(1) of that Act (orders and regulations to be made by statutory instrument), after “the Secretary of State” there is inserted “ or the National Assembly for Wales ”.
- (3) In paragraph 8(2) of Schedule 1 to that Act (categories of function in respect of which Commission must over time balance income and expenditure), after paragraph (c) there is inserted—
- “(ca) its functions under section 41A relating to such landlords;”.
- (4) After paragraph 8 of that Schedule there is inserted—
- “8A Each of—
- (a) the Secretary of State, and
- (b) the National Assembly for Wales,
- may make grants to the Commission in respect of expenditure incurred or to be incurred by the Commission in connection with the carrying-out of its functions under section 41A.”

110 Financial year

- (1) In Schedule 1 to the Audit Commission Act 1998 (c. 18) (which makes provision about the Commission’s financial affairs), in paragraph 11(5) (which defines “financial year” for the purposes of the Schedule as the 12 months ending with 31st October in any year) for “31st October” there is substituted “ 31st March ”.
- (2) Subsection (1) shall apply in relation to financial years of the Commission beginning after the one in which this section comes into force.
- (3) In relation to the financial year of the Commission in which this section comes into force, Schedule 1 to the Audit Commission Act 1998 shall have effect as if the period referred to in paragraph 11(5) were a period beginning with the 1st November on which the year began and ending with the 31st March 17 months later.
- (4) In this section, “the Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales.

Status: Point in time view as at 18/09/2003. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Local Government Act 2003, Cross Heading: Audit Commission is up to date with all changes known to be in force on or before 21 July 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)

VALID FROM 18/11/2003

111 Delegation

After paragraph 11 of Schedule 1 to the Audit Commission Act 1998, there is inserted—

“Delegation

11A The Commission may delegate any of its functions to—

- (a) a committee or sub-committee established by the Commission (including a committee or sub-committee including persons who are not members of the Commission), or
- (b) an officer or servant of the Commission.”

Status:

Point in time view as at 18/09/2003. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

Local Government Act 2003, Cross Heading: Audit Commission is up to date with all changes known to be in force on or before 21 July 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.