

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 50

BEST VALUE AUDIT AND INSPECTIONS

1 The Local Government Act 1999 (c. 27) is amended as follows.

Commencement Information

- II** Sch. 1 para. 1 wholly in force at 1.4.2005; para. 1 not in force at Royal Assent see s. 73; para. 1 in force for certain purposes at 31.1.2005 by S.I. 2005/71, art. 2, Sch.; para. 1 otherwise in force at 1.4.2005 by S.I. 2005/558, art. 2, Sch. 1

2 In section 1 (best value authorities) after subsection (5) insert—

“(6) For the purposes of this Part each of these is a best value authority in Wales—

- (a) a local authority in Wales;
- (b) a National Park authority for a National Park in Wales;
- (c) a police authority for a police area in Wales;
- (d) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies.

(7) In subsection (6) “local authority in Wales” means a county council, county borough council or community council in Wales.”

3 After section 2 insert—

“2A Power to extend or disapply: best value authorities in Wales

(1) The National Assembly for Wales may by order provide that any of the bodies mentioned in subsection (2) is a best value authority in Wales for the purposes of this Part.

(2) The bodies are—

- (a) a levying body within the meaning of section 74(1) of the Local Government Finance Act 1988;
- (b) a body to which section 75 of that Act applies (special levies).

(3) An order under subsection (1) providing for a body to be a best value authority in Wales may provide for section 7 to have effect in relation to that body with specified modifications.

(4) The National Assembly for Wales may by order provide that a best value authority in Wales specified, or of a description specified, in the order is not to be subject, in relation to such functions as may be specified, to a duty—

- (a) which is specified in the order, and
- (b) to which the authority would otherwise be subject under this Part.”

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4 F1

Textual Amendments
F1 Sch. 1 para. 4 repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, Sch. 18 Pt. 8; S.I. 2008/917, art. 2(1)(v)

5 (1) Section 7 (audit) is amended as follows.

(2) F2

(3) After subsection (3) insert—

“(3A) If an authority’s auditor is appointed by the Auditor General for Wales, sections 18 and 19 of the Public Audit (Wales) Act 2004 (auditor’s rights to documents and information) shall have effect in relation to the auditor’s functions under this Part as those sections have effect in relation to his functions under Chapter 1 of Part 2 of that Act.”

(4) F2

(5) In subsection (4) after “section 10,” insert—

“(ea) if the auditor is appointed by the Auditor General for Wales, recommending whether the Auditor General for Wales should carry out a best value inspection of the authority under section 10A,”.

(6) F2

(7) In subsection (5) after “Audit Commission,” insert—

“(ba) if the auditor is appointed by the Auditor General for Wales, to the Auditor General for Wales,”.

(8) In subsection (7)—

- (a) for “reference in subsection (1)” substitute “ references in subsections (1), (3) and (3A) ”;
- (b) for “is” substitute “ are ”;
- (c) for “a reference” substitute “ references ”.

(9) F2

(10) In subsection (8) after “Audit Commission Act 1998,” insert—

“(aa) if he was appointed by the Auditor General for Wales, is no longer eligible for appointment under section 14 of the Public Audit (Wales) Act 2004,”.

(11) In subsection (8) for the words after paragraph (b) substitute “ the references in subsections (1), (3) and (3A) to the authority’s auditor are, in respect of that financial year, references to the auditor or auditors appointed in accordance with subsection (8A). ”

(12) After subsection (8) insert—

“(8A) The auditor or auditors shall be appointed—
(a) by the Auditor General for Wales, if the authority is a best value authority in Wales;

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(b) by the Audit Commission, in any other case.

(8B) Section 14 of the Public Audit (Wales) Act 2004 shall apply to an appointment under subsection (8A)(a) as if it were an appointment of a person to audit the authority's accounts under section 13 of that Act."

(13) ^{F2}.....

Textual Amendments

F2 Sch. 1 para. 5(2)(4)(6)(9)(13) repealed (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, Sch. 18 Pt. 8; S.I. 2008/917, art. 2(1)(v)

6 Omit section 8(1) (auditor to have regard to code of practice under section 8).

7 After section 8 insert—

“8A Code of practice and fees: Auditor General for Wales

- (1) The Auditor General for Wales may prepare, and keep under review, a code of practice prescribing the way in which auditors appointed by him are to carry out their functions under section 7.
- (2) Section 16(2) to (9) of the Public Audit (Wales) Act 2004 (code of audit practice) shall have effect in relation to a code of practice under this section.
- (3) The Auditor General for Wales shall prescribe a scale or scales of fees in respect of the audit of performance plans which are required to be audited in accordance with this Part by auditors appointed by him.
- (4) Sections 20(4) to (6) and 21(1) to (4) of the Public Audit (Wales) Act 2004 (fees for audit) shall have effect in relation to fees under subsection (3).
- (5) Before prescribing a scale of fees under subsection (3) the Auditor General for Wales shall consult—
 - (a) the Assembly, and
 - (b) persons appearing to the Auditor General for Wales to represent best value authorities in Wales.

8B Auditor's duty in relation to codes

- (1) An auditor appointed by the Audit Commission who is carrying out an audit of an authority's performance plan under section 7 shall have regard to any provisions of a code of practice under section 8 which—
 - (a) are applicable to the audit, and
 - (b) are in force.
- (2) An auditor appointed by the Auditor General for Wales who is carrying out an audit of an authority's performance plan under section 7 shall have regard to any provisions of a code of practice under section 8A which—
 - (a) are applicable to the audit, and
 - (b) are in force.

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- (3) Subsection (4) applies at any time before there are provisions of a code of practice under section 8A to which an auditor appointed by the Auditor General for Wales is required under subsection (2) to have regard in carrying out an audit of an authority's performance plan under section 7.
- (4) The auditor shall have regard to any provisions of a code of practice under section 8 which—
- (a) are applicable to an audit of a performance plan published by an authority of a corresponding description to the authority, and
 - (b) are in force.”

Commencement Information

I2 [Sch. 1 para. 7](#) wholly in force at 1.4.2005; [para. 7](#) not in force at Royal Assent see [s. 73](#); [para. 7](#) in force for certain purposes at 31.1.2005 by [S.I. 2005/71](#), [art. 2](#), [Sch.](#); [para. 7](#) otherwise in force at 1.4.2005 by [S.I. 2005/558](#), [art. 2](#), [Sch. 1](#)

8 In section 10 (inspections by Audit Commission) after subsection (4) insert—

“(5) The preceding provisions of this section do not apply in relation to a best value authority in Wales.”

9 After section 10 insert—

“10A Inspections: Auditor General for Wales

- (1) The Auditor General for Wales may carry out an inspection of the compliance with the requirements of this Part by a best value authority in Wales.
- (2) If the Secretary of State directs the Auditor General for Wales to carry out an inspection of the compliance with the requirements of this Part by a specified best value authority in Wales in relation to specified functions, the Auditor General for Wales shall comply with the direction.
- (3) Before giving a direction under subsection (2) the Secretary of State shall consult the Auditor General for Wales.
- (4) In carrying out an inspection, and in deciding whether to do so, the Auditor General for Wales shall have regard to—
 - (a) any relevant recommendation under section 7(4)(ea), and
 - (b) any guidance issued by the Secretary of State.”

10 In section 11 (inspectors' powers and duties) for subsection (7) substitute—

- “(7) In this section “inspector” means—
- (a) an officer, servant or agent of the Audit Commission carrying out an inspection under section 10;
 - (b) the Auditor General for Wales, a member of his staff or a person providing services to him who is carrying out an inspection under section 10A.”

11 In section 12 (fees in respect of inspections under section 10), in subsection (4)(b) after “authorities” insert “ which may be inspected under section 10 ”.

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12 After section 12 insert—

“12A Fees: inspections under section 10A

- (1) The Auditor General for Wales shall prescribe a scale or scales of fees in respect of inspections carried out under section 10A.
- (2) An authority inspected under section 10A shall, subject to subsection (3), pay to the Auditor General for Wales the fee applicable to the inspection in accordance with the appropriate scale.
- (3) If it appears to the Auditor General for Wales that the work involved in a particular inspection was substantially more or less than that envisaged by the appropriate scale, the Auditor General for Wales may charge a fee which is larger or smaller than that referred to in subsection (2).
- (4) Before prescribing a scale of fees under this section the Auditor General for Wales shall consult—
 - (a) the Secretary of State, and
 - (b) persons appearing to the Auditor General for Wales to represent best value authorities in Wales.”

13 After section 13 insert—

“13A Reports of inspections under section 10A

- (1) Where the Auditor General for Wales has carried out an inspection of an authority under section 10A he shall issue a report.
- (2) A report—
 - (a) shall mention any matter in respect of which the Auditor General for Wales believes as a result of an inspection that the authority is failing to comply with the requirements of this Part, and
 - (b) may, if it mentions a matter under paragraph (a), recommend that the Secretary of State give a direction under section 15.
- (3) The Auditor General for Wales—
 - (a) shall send a copy of a report to the authority concerned, and
 - (b) may publish a report and any information in respect of a report.
- (4) If a report recommends that the Secretary of State give a direction under section 15, the Auditor General for Wales shall as soon as reasonably practicable—
 - (a) arrange for the recommendation to be published, and
 - (b) send a copy of the report to the Secretary of State.
- (5) If a report states that the Auditor General for Wales believes as a result of an inspection that an authority is failing to comply with the requirements of this Part, the next performance plan prepared by the authority under section 6 must record—
 - (a) that fact, and
 - (b) any action taken by the authority as a result of the report.”

14 (1) Section 23 (regulations about accounts) is amended as follows.

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- (2) In subsection (4) before paragraph (a) insert—
 “(za) if the regulations make provision in relation to best value authorities in Wales, the Auditor General for Wales,”.
- (3) In subsection (4)(a), at the beginning insert “ if the regulations make provision in relation to other best value authorities, ”.
- 15 In section 25 (coordination of inspections etc.), in subsection (2) after paragraph (a) insert—
 “(aa) the Auditor General for Wales;”.
- 16 In section 26 (guidance issued by Secretary of State), after subsection (3) insert—
 “(3A) Before issuing guidance under section 10A the Secretary of State shall, in addition to the consultation required by subsection (2)(c) above, consult the Auditor General for Wales.”
- 17 In section 33(3) (grants by National Assembly for Wales) after “make grants to” insert “ (a) ” and after “this Act” insert “;
 (b) the Auditor General for Wales in respect of expenditure incurred or to be incurred by him under this Act”.

SCHEDULE 2

Section 66

MINOR AND CONSEQUENTIAL AMENDMENTS

Commencement Information

I3 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Local Government Act 1972 (c. 70)

Commencement Information

I4 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 1 (1) Section 137 of the Local Government Act 1972 (local authority expenditure for certain purposes not otherwise authorised) is amended as follows.
- (2) In subsection (7), omit the words from “and section 14” to the end.
- (3) After that subsection insert—
 “(7A) In relation to England, section 14 of the Audit Commission Act 1998 (rights of inspection) applies in relation to a separate account included in a local authority’s accounts by virtue of subsection (7) above as it applies in relation to a statement of accounts prepared by the authority pursuant to regulations under section 27 of that Act.
 (7B) In relation to Wales, section 29 of the Public Audit (Wales) Act 2004 (rights of inspection) applies in relation to a separate account included in a local

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authority’s accounts by virtue of subsection (7) above as it applies in relation to a statement of accounts prepared by the authority pursuant to regulations under section 39 of that Act.”

Commencement Information

I5 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

National Health Service Act 1977 (c. 49)

Commencement Information

I6 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

2 ^{F3}

Textual Amendments

F3 Sch. 2 para. 2 repealed (1.2.2007) by Health Act 2006 (c. 28), ss. 80, 83, Sch. 9; S.I. 2007/204, art. 4(c) (with art. 5)

Commencement Information

I7 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Local Government, Planning and Land Act 1980 (c. 65)

Commencement Information

I8 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

3 In section 2(7) of the Local Government, Planning and Land Act 1980 (ways in which information may be published), in paragraph (b) after “Audit Commission Act 1998” insert “ or section 39 of the Public Audit (Wales) Act 2004 ”.

Commencement Information

I9 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Further Education Act 1985 (c. 47)

Commencement Information

I10 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

4 In section 3(4) of the Further Education Act 1985 (accounting provisions: local education authorities) after “Audit Commission Act 1998” insert “ or section 39 of the Public Audit (Wales) Act 2004 ”.

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Commencement Information

I11 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Housing Associations Act 1985 (c. 69)

Commencement Information

I12 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 5 (1) Section 75 of the Housing Associations Act 1985 (general functions of Relevant Authority) is amended as follows.
- (2) In subsection (1), omit paragraph (f).
- (3) ^{F4}

Textual Amendments

F4 Sch. 2 para. 5(3) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 7, Sch. 4 (with art. 6, Sch. 3)

Commencement Information

I13 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Local Government Act 1986 (c. 10)

Commencement Information

I14 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 6 In section 5 of the Local Government Act 1986 (separate account of local authority's expenditure on publicity), in subsection (4) after "Audit Commission Act 1998" insert " , section 39(1)(e) of the Public Audit (Wales) Act 2004 ".

Commencement Information

I15 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Airports Act 1986 (c. 31)

Commencement Information

I16 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 7 (1) The Airports Act 1986 is amended as follows.

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- (2) In section 22(5) (audit of accounts of public airport companies) for the words from “the Audit Commission” to the end substitute—
- “(a) the Auditor General for Wales, in a case where the company’s controlling authority are—
 - (i) a county council or county borough council in Wales, or
 - (ii) a composite authority of which both or all the constituent councils are county councils or county borough councils in Wales;
 - (b) the Audit Commission for Local Authorities and the National Health Service in England and Wales, in any other case.”.
- (3) In section 24(3) (inspection of accounts of councils providing services for public airport companies), in paragraph (a) omit “and Wales” and after that paragraph insert—
- “(aa) in Wales, section 29 of the Public Audit (Wales) Act 2004 (rights of inspection) shall apply in relation to any such separate account as it applies in relation to any statement of accounts prepared by the council pursuant to regulations under section 39 of that Act;”.

Commencement Information

I17 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Local Government Finance Act 1988 (c. 41)

Commencement Information

I18 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 8 In Schedule 8 to the Local Government Finance Act 1988 (non-domestic rating: pooling), in paragraph 5—
- (a) in sub-paragraph (6)(c) for the words from “to be certified” to the end substitute “to be certified—
 - (i) if it is an authority in England, under arrangements made by the Audit Commission for Local Authorities and the National Health Service in England and Wales (“the Commission”), and
 - (ii) if it is an authority in Wales, under arrangements made by the Auditor General for Wales.”, and
 - (b) in sub-paragraph (6A), after “The Commission” insert “ or the Auditor General for Wales, as the case may be, ”.

Commencement Information

I19 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

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Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

Education Reform Act 1988 (c. 40)

Commencement Information

I20 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 9 (1) Section 124B of the Education Reform Act 1988 (accounts of higher education corporations) is amended as follows.
- (2) In subsection (5) for “The corporation” substitute “ A corporation in England ”.
- (3) After that subsection insert—
- “(5A) A corporation in Wales shall consult, and take into account any advice given by, the Auditor General for Wales before appointing any auditor under subsection (4) above in respect of their first financial year.”
- (4) In subsection (6) for “that subsection” substitute “ subsection (4) above ”.

Commencement Information

I21 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Local Government and Housing Act 1989 (c. 42)

Commencement Information

I22 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 10 The Local Government and Housing Act 1989 is amended as follows.

Commencement Information

I23 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 11 In section 65(2) (certification of information supplied to Secretary of State) in paragraph (b) after “arrangements made” insert “ (i) if the authority is in England, ” and at the end insert—
- “(ii) if the authority is in Wales, by the Auditor General for Wales.”

Commencement Information

I24 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 12 (1) Section 70 (requirements for companies under control or subject to influence of local authorities) is amended as follows.
- (2) In subsection (2) after “Audit Commission Act 1998” insert “ and Part 2 of the Public Audit (Wales) Act 2004 ”.

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(3) In subsection (4) after “Audit Commission Act 1998” insert “ and Part 2 of the Public Audit (Wales) Act 2004 ”.

(4) In subsection (5) after “England and Wales,” insert “ or of the Auditor General for Wales, ”.

Commencement Information

I25 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Town and Country Planning Act 1990 (c. 8)

Commencement Information

I26 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

13 In section 2 of the Town and Country Planning Act 1990 (joint planning boards) for subsection (6A) substitute—

“(6A) Section 241 of the Local Government Act 1972 shall be taken to authorise the application to a joint planning board, by such an order as is mentioned in subsection (6) above, of any provisions mentioned in subsection (6B) below (as well as any provisions of the Local Government Act 1972), subject to any necessary modifications.

(6B) The provisions referred to in subsection (6A) above are—

- (a) the Audit Commission Act 1998, except sections 11, 12, 44 to 47 and 51;
- (b) Part 2 of the Public Audit (Wales) Act 2004, except sections 25, 26, 46 to 49 and 56.”

Commencement Information

I27 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

National Health Service and Community Care Act 1990 (c. 19)

Commencement Information

I28 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

14 ^{F5}

Textual Amendments

F5 Sch. 2 para. 14 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

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Commencement Information

I29 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Social Security Administration Act 1992 (c. 5)

Commencement Information

I30 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 15 (1) Section 139D of the Social Security Administration Act 1992 (directions concerning prevention and detection of fraud) is amended as follows.
- (2) In subsection (1), after paragraph (b) insert—
- “(ba) a copy of a report has been sent to an authority under section 22(5) or (6) of the Public Audit (Wales) Act 2004 and to the Secretary of State under section 51(3) of that Act;”.
- (3) In subsection (1)(d) after “Audit Commission Act 1998” insert “, section 45(5) of the Public Audit (Wales) Act 2004 ”.

Commencement Information

I31 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Health Service Commissioners Act 1993 (c. 46)

Commencement Information

I32 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 16 In Schedule 1A to the Health Service Commissioners Act 1993, omit paragraph 13(5) (co-operation of Auditor General for Wales and Comptroller and Auditor General in connection with examinations in respect of the Health Service Commissioner for Wales).

Commencement Information

I33 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Education Act 1997 (c. 44)

Commencement Information

I34 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 17 The Education Act 1997 is amended as follows.

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Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

Commencement Information

I35 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

18 F6

Textual Amendments

F6 Sch. 2 para. 18 repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 184, 188, Sch. 18 Pt. 5; S.I. 2007/935, art. 5(ii)

Commencement Information

I36 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

19 After that section insert—

“41A Inspections involving collaboration of Auditor General for Wales

- (1) If requested to do so by the Chief Inspector, the Auditor General for Wales may assist with any inspection under section 38 of a local education authority in Wales; and subsections (2) to (5) below have effect where the Auditor General for Wales assists with any such inspection.
- (2) Section 40 shall apply to the Auditor General for Wales and to any authorised person as it applies to the inspector.
- (3) Any information obtained by virtue of section 40 by a person falling within one of the categories mentioned in subsection (4) may be disclosed for the purposes of the inspection, or the preparation or making of the report under section 39(1), to a person falling within the other category.
- (4) Those categories are—
 - (a) the Auditor General for Wales and any authorised person; and
 - (b) the inspector and any person assisting him.
- (5) Any report prepared under section 39(1) shall be prepared by the inspector acting in conjunction with the Auditor General for Wales.
- (6) The Auditor General for Wales shall not provide assistance under this section unless, before he does so, the Chief Inspector has agreed to pay the Auditor General for Wales an amount equal to the full costs incurred by the Auditor General for Wales in providing the assistance.
- (7) In this section “authorised person” means a person authorised by the Auditor General for Wales for the purposes of this section.”

Commencement Information

I37 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

Local Government (Contracts) Act 1997 (c. 65)

Commencement Information

I38 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

20 In section 8(1) of the Local Government (Contracts) Act 1997 (meaning of “audit review”)—

- (a) in paragraph (a) after “Audit Commission Act 1998” insert “ or section 32 of the Public Audit (Wales) Act 2004 ”;
- (b) in paragraph (b) for “that Act” substitute “ the Audit Commission Act 1998 ”.

Commencement Information

I39 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Audit Commission Act 1998 (c. 18)

Commencement Information

I40 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

21 The Audit Commission Act 1998 is amended as follows.

Commencement Information

I41 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

22 In section 29 (agreed audit of accounts), in subsection (1)(b) after “body subject to audit” insert “ , a local government body in Wales or a Welsh NHS body ”.

Commencement Information

I42 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 23 (1) Section 33 (studies for improving economy etc in services) is amended as follows.
- (2) In subsection (1)(a)—
 - (a) after “best value authorities” insert “ which are bodies subject to audit ”;
 - (b) after “bodies subject to audit” insert “ and by local government bodies in Wales ”.
 - (3) In subsection (1)(b) after “bodies subject to audit” insert “ and local government bodies in Wales ”.
 - (4) In subsection (4) after “bodies subject to audit” insert “ and by local government bodies in Wales ”.

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- (5) In subsection (6)(a) for “best value authorities or other bodies subject to audit” substitute “ best value authorities which are bodies subject to audit, other bodies subject to audit and local government bodies in Wales ”.
- (6) In subsection (6) omit the word “and” immediately preceding paragraph (c) and after that paragraph insert—
- “(ca) in the case of a study relating to a local government body in Wales, also consult the Auditor General for Wales and take into account any relevant work done or being done by the Auditor General for Wales.”
- (7) After subsection (6) insert—
- “(6A) The Commission may undertake or promote studies under this section relating to a local government body in Wales only if the Commission considers it necessary or desirable to do so for the purposes of any of these—
- (a) a study into the exercise throughout England and Wales of particular functions of all local government bodies or a description of local government body;
 - (b) a study into the provision throughout England and Wales of particular services provided by all local government bodies or a description of local government body;
 - (c) a study into the financial or other management throughout England and Wales of all local government bodies or a description of local government body.”

Commencement Information

I43 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 24 (1) Section 34 (reports on impact of statutory provisions etc) is amended as follows.
- (2) In subsection (1)—
- (a) after “local authority services” insert “ by bodies subject to audit and local government bodies in Wales ”;
 - (b) after “health service bodies” insert “ and by local government bodies in Wales ”;
 - (c) for “such bodies” substitute “ bodies subject to audit and local government bodies in Wales ”.
- (3) In subsection (6) omit the word “and” immediately preceding paragraph (d) and after that paragraph insert—
- “(da) in the case of a study relating to a local government body in Wales, also consult the Auditor General for Wales and take account of any relevant work done or being done by the Auditor General for Wales.”
- (4) After subsection (6) insert—
- “(6A) The Commission may undertake or promote studies under this section relating to a local government body in Wales only if the Commission considers it necessary or desirable to do so for the purposes of any of these—
- (a) a study into the impact of anything mentioned in paragraph (a) or (b) of subsection (1) on economy, efficiency and effectiveness in the

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- provision of local authority services throughout England and Wales by all local government bodies or a description of local government body;
- (b) a study into the impact of anything mentioned in paragraph (a) or (b) of subsection (1) on economy, efficiency and effectiveness in the provision of other services throughout England and Wales by all local government bodies or a description of local government body;
 - (c) a study into the impact of anything mentioned in paragraph (a) or (b) of subsection (1) on the financial management throughout England and Wales of all local government bodies or a description of local government body.”

Commencement Information

I44 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 25 (1) Section 36 (studies at request of educational bodies) is amended as follows.
- (2) In the Table in subsection (1)—
- (a) in the entry relating to a higher education funding council, for “A higher education funding council” substitute “ The Higher Education Funding Council for England ”;
 - (b) in the entry relating to the governing body of an institution within the higher education sector—
 - (i) after “institution” insert “ in England ”;
 - (ii) for “higher education funding council” substitute “ Higher Education Funding Council for England ”;
 - (c) in the entry relating to a funding agency under Part 1 of the Education Act 1994, after “Education Act 1994” insert “ in England ”;
 - (d) in the entry relating to the governing body of an institution receiving financial support under Part 1 of the Education Act 1994, after “institution” insert “ in England ”;
 - (e) omit the entry relating to the National Council for Education and Training for Wales;
 - (f) in the entry relating to the governing body of an institution within the further education sector—
 - (i) after “institution” insert “ in England ”;
 - (ii) for “the Learning and Skills Council for England or the National Council for Education and Training for Wales” substitute “ or the Learning and Skills Council for England ”.
- (3) In subsection (2) for “a higher education funding council” substitute “ the Higher Education Funding Council for England ”.
- (4) In subsection (3) after “further education corporation” insert “ in England ”.

Commencement Information

I45 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

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Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

26 In section 38 (benefit administration studies for Secretary of State) after subsection (1) insert—

“(1A) The Secretary of State may not exercise the power conferred by subsection (1) in relation to a county council, county borough council or community council in Wales.”

Commencement Information

I46 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

27 F7

Textual Amendments

F7 Sch. 2 paras. 27-30, 37 repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 321(1), 325, Sch. 16; S.I. 2010/862, art. 3 (with savings in Sch.)

Commencement Information

I47 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

28 F8

Textual Amendments

F8 Sch. 2 paras. 27-30, 37 repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 321(1), 325, Sch. 16; S.I. 2010/862, art. 3 (with savings in Sch.)

Commencement Information

I48 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

29 F9

Textual Amendments

F9 Sch. 2 paras. 27-30, 37 repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 321(1), 325, Sch. 16; S.I. 2010/862, art. 3 (with savings in Sch.)

Commencement Information

I49 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

30 F10

Textual Amendments

F10 Sch. 2 paras. 27-30, 37 repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 321(1), 325, Sch. 16; S.I. 2010/862, art. 3 (with savings in Sch.)

Commencement Information

I50 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

31 F11

Textual Amendments

F11 Sch. 2 para. 31 repealed (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, Sch. 18 Pt. 11; S.I. 2008/172, art. 2(1)(u)

Commencement Information

I51 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

32 In section 47 (application of performance standards provisions to parish and community councils and charter trustees)—

- (a) for the heading substitute “ Application to parish councils and charter trustees ”;
- (b) in subsection (1)(a) omit the words “and community” and “and Wales”.

Commencement Information

I52 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

33 In section 49(1) (restriction on disclosure of information) after paragraph (d) insert—

- “(da) for the purposes of any function of the Auditor General for Wales under the Public Audit (Wales) Act 2004 or (in relation to a health service body) under the Government of Wales Act 1998;”.

Commencement Information

I53 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

34 After section 51 insert—

“51A Co-operation with the Auditor General for Wales

The Commission must co-operate with the Auditor General for Wales where it seems to it appropriate to do so for the efficient and effective discharge of—

- (a) its functions under sections 33 and 34, or
- (b) its functions in relation to bodies mentioned in paragraph 1(g) of Schedule 2.

51B Provision of information to Auditor General for Wales

The Commission must, on request, provide the Auditor General for Wales with any information he may reasonably require for the purpose of making comparisons, in the discharge of his functions under sections 41 and 42 of the Public Audit (Wales) Act 2004, between local government bodies in Wales and other local government bodies.”

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

Commencement Information

I54 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

35 In section 52(1) (orders and regulations) omit “or the National Assembly for Wales”.

Commencement Information

I55 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

36 In section 53(1) (interpretation) at the appropriate places insert—

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

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

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

Commencement Information

I56 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

37 ^{F12}

Textual Amendments

F12 Sch. 2 paras. 27-30, 37 repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 321(1), 325, Sch. 16; S.I. 2010/862, art. 3 (with savings in Sch.)

Commencement Information

I57 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

38 (1) Schedule 2 (accounts subject to audit) is amended as follows.

(2) In paragraph 1(g) after “1977” insert “, other than a Welsh NHS body”.

(3) After paragraph 1A insert—

“1B Section 2 does not apply to the accounts of a local government body in Wales.”

Commencement Information

I58 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

School Standards and Framework Act 1998 (c. 31)

Commencement Information

I59 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

39 The School Standards and Framework Act 1998 is amended as follows.

Commencement Information

I60 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

40 ^{F13}

Textual Amendments

F13 Sch. 2 para. 40 repealed (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 266, 269, Sch. 16 Pt. 9; S.I. 2009/3317, art. 2, Sch.

Commencement Information

I61 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

41 After that section insert—

“53A Certification of statements by Auditor General for Wales

- (1) A local education authority in Wales shall, if directed to do so by the National Assembly for Wales, require the Auditor General for Wales to make arrangements in accordance with section 96B(1)(d) of the Government of Wales Act 1998 for certifying—
 - (a) such statement or statements prepared by the authority under section 52 above, or
 - (b) such part or parts of any such statement or statements, as may be specified in the directions; and for the purposes of section 96B(1)(d) of that Act any statement under section 52 above shall be regarded as a return by the authority.
- (2) The arrangements made by the Auditor General for Wales in pursuance of subsection (1) shall include arrangements for sending to the National Assembly for Wales—
 - (a) a copy of the statement or statements so certified, or
 - (b) a copy of the part or parts so certified, as the case may be.
- (3) Directions given under subsection (1) may relate to any local education authority or to local education authorities generally or to any class or description of such authority.”

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

Commencement Information

I62 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Government of Wales Act 1998 (c. 38)

Commencement Information

I63 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

42 The Government of Wales Act 1998 is amended as follows.

Commencement Information

I64 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

43 ^{F14}

Textual Amendments

F14 Sch. 2 para. 43 repealed by Government of Wales Act 2006 (c. 32), ss. 163, 161(4)(d), 163, Sch. 12 (with Sch. 11 para. 22), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)

Commencement Information

I65 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

44 Omit section 100(6) (co-operation of Auditor General for Wales and Comptroller and Auditor General with respect to examinations into Assembly's use of resources etc.).

Commencement Information

I66 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

45 ^{F15}

Textual Amendments

F15 Sch. 2 para. 45 repealed by Government of Wales Act 2006 (c. 32), ss. 163, 161(4)(d), 163, Sch. 12 (with Sch. 11 para. 22), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)

Commencement Information

I67 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

46 In section 144 (accounts, audit and reports), in subsection (2) for "subject to audit by auditors appointed by the Audit Commission" substitute " and audit of NHS bodies)".

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

Commencement Information

I68 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

47 (1) Section 145 (examination into use of resources) is amended as follows.

(2) Omit subsection (5).

(3) At the end of that section insert—

“(7) This section is without prejudice to the power conferred on the Auditor General for Wales by section 96(3)(b).”

Commencement Information

I69 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

48 In Schedule 6, omit paragraph 8(5) (co-operation of Auditor General for Wales and Comptroller and Auditor General in connection with examinations in respect of Her Majesty’s Chief Inspector of Education and Training in Wales).

Commencement Information

I70 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

49 In Schedule 7, omit paragraph 8(5) (co-operation of Auditor General for Wales and Comptroller and Auditor General in connection with examinations in respect of the Forestry Commissioners).

Commencement Information

I71 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

50 In Schedule 9, omit paragraph 12(5) (co-operation of Auditor General for Wales and Comptroller and Auditor General in connection with examinations in respect of the Welsh Administration Ombudsman).

Commencement Information

I72 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

51 In Schedule 17, in Part 2 (bodies partially subject to audit etc provisions), after paragraph 14 insert—

“14A A body of trustees appointed in pursuance of section 29(1) of the National Health Service Reorganisation Act 1973 and section 95(1) of the National Health Service Act 1977 for a trust all or most of whose hospitals, establishments and facilities are situated in Wales.”

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

Commencement Information

I73 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Local Government Act 2000 (c. 22)

Commencement Information

I74 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

52 The Local Government Act 2000 is amended as follows.

Commencement Information

I75 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

53 (1) Section 49 (principles governing conduct of members of relevant authorities) is amended as follows.

(2) [^{F16}In subsection (4) after paragraph (a) insert—
“(aa) the Auditor General for Wales,”]

(3) In subsection (5)(b) for “Audit Commission” substitute “ Auditor General for Wales ”.

Textual Amendments

F16 Sch. 2 para. 53(2) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 25 Pt. 5; S.I. 2012/1463, art. 5(d) (with arts. 67) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

Commencement Information

I76 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

54 [^{F17}In section 63 (restrictions on disclosure of information), in subsection (1) after paragraph (e) insert—

“(f) the disclosure is made to the Auditor General for Wales for the purposes of any functions of the Auditor General for Wales or an auditor under Part 2 of the Public Audit (Wales) Act 2004”.]

Textual Amendments

F17 Sch. 2 para. 54 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 25 Pt. 5; S.I. 2012/1463, art. 5(d) (with arts. 67) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

Commencement Information

I77 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

55 (1) Section 82 (code of conduct for local government employees) is amended as follows.

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

- (2) [^{F18}In subsection (5) after paragraph (a) insert—
“(aa) the Auditor General for Wales.”.]
- (3) In subsection (6)(b) for “Audit Commission” substitute “ Auditor General for Wales ”.

Textual Amendments

F18 Sch. 2 para. 55(2) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 25 Pt. 5; S.I. 2012/1463, art. 5(d) (with arts. 67) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

Commencement Information

I78 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Health (Wales) Act 2003 (c. 4)

Commencement Information

I79 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 56 In Schedule 2 to the Health (Wales) Act 2003, omit paragraph 25(4)(co-operation of Auditor General for Wales and Comptroller and Auditor General with respect to examinations in respect of the Wales Centre for Health).

Commencement Information

I80 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

Commencement Information

I81 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 57 The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.

Commencement Information

I82 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

- 58 In section 60 (provision of material to Comptroller and Auditor General etc), after subsection (1) insert—
“(1A) The CHAI must also, on request, provide the Auditor General for Wales with all material which is relevant to a review under section 51 and to one or more Welsh NHS bodies.”

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

Commencement Information

I83 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

59 After section 69 insert—

“69A Provision of information by Auditor General for Wales

The Auditor General for Wales must, on request, provide the CHAI with any information it may reasonably require for the purpose of making comparisons, in the exercise of its functions under sections 51, 52 and 57, between English NHS bodies and Welsh NHS bodies.”

Commencement Information

I84 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

60 In section 70 (reviews and investigations by the Assembly relating to provision of health care), after subsection (3) insert—

“(3A) Before conducting a review under this section the Assembly must—

- (a) consult the Auditor General for Wales, and
- (b) take into account any relevant work done or being done by the Auditor General for Wales.”

Commencement Information

I85 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

61 After section 145 insert—

“145A Duties in connection with the Auditor General for Wales

(1) The CHAI must co-operate with the Auditor General for Wales where it seems to it appropriate to do so for the efficient and effective discharge of its functions.

(2) The CHAI must also—

- (a) consult the Auditor General for Wales, and
- (b) take into account any relevant work done or being done by the Auditor General for Wales,

before exercising its functions under section 51 in relation to a Welsh NHS body.

(3) Subsection (2) does not apply in the case of a review requested by the Secretary of State under section 51(2).”

Commencement Information

I86 Sch. 2 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

SCHEDULE 3

Section 68

TRANSFER SCHEMES

Preparation of transfer schemes

- 1 (1) The Secretary of State may, with the consent of the Assembly, by order—
- (a) make one or more schemes for the transfer to the Auditor General for Wales of defined property, rights and liabilities of the Comptroller and Auditor General, and
 - (b) make one or more schemes for the transfer to the Auditor General for Wales of defined property, rights and liabilities of the Audit Commission.
- (2) The property, rights and liabilities which may be the subject of a scheme include—
- (a) any that would otherwise be incapable of being transferred or assigned, and
 - (b) rights and liabilities under a contract of employment.
- (3) For the purpose of dividing any property, rights or liabilities in connection with a scheme, the scheme may—
- (a) create in favour of the transferor an interest in, or right over, any property transferred in accordance with the scheme;
 - (b) create in favour of the Auditor General for Wales an interest in, or right over, any property retained by the transferor;
 - (c) create new rights and liabilities as between the Auditor General for Wales and the transferor; or
 - (d) in connection with provision made under paragraph (a), (b) or (c), make incidental provision as to the interests, rights and liabilities of persons other than the transferor and the Auditor General for Wales with respect to the subject-matter of the scheme;
- and references in this Schedule (other than this sub-paragraph) or section 68 to the transfer of property, rights or liabilities (so far as relating to transfers provided for in a scheme) are accordingly to be construed as including references to the creation of any interests, rights or liabilities by virtue of paragraph (a), (b) or (c) or the making of provision by virtue of paragraph (d).
- (4) A scheme may define the property, rights and liabilities to be transferred by specifying or describing them (including describing them by reference to a specified part of the transferor's undertaking).
- (5) A scheme may include supplementary, incidental, transitional and consequential provision.
- (6) The provision that may be made by virtue of sub-paragraph (3)(c) includes—
- (a) provision for treating any person who is entitled by virtue of an order under this paragraph to possession of a document as having given another person an acknowledgement in writing of the right of that other person to the production of the document and to delivery of copies of it, and
 - (b) provision applying section 64 of the Law of Property Act 1925 (c. 20) (production and safe custody of documents) in relation to any case in relation to which provision within sub-paragraph (3)(a) has effect.

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

- (7) Sub-paragraph (8) applies in the case of a scheme which contains provision for the transfer of rights or liabilities under the contract of employment of an individual (“the employee”).
- (8) The provision that may be made in the scheme by virtue of sub-paragraph (5) includes provision with respect to—
- (a) the employee’s eligibility to become a member of any pension scheme by virtue of his employment with the transferee if the rights or liabilities relating to his contract of employment are transferred in accordance with the scheme, and
 - (b) rights of, or rights or liabilities in respect of, the employee under—
 - (i) any pension scheme of which he may become a member by virtue of his employment with the transferee, or
 - (ii) any pension scheme of which he is a member by virtue of his employment immediately before the transfer,(and for the purposes of this sub-paragraph “pension scheme” includes any scheme made under section 1 of the Superannuation Act 1972 (c. 11) (superannuation schemes as respects civil servants etc)).
- (9) The power to make an order under this paragraph is exercisable by statutory instrument, and any such instrument is subject to annulment in pursuance of a resolution of either House of Parliament.
- 2 Before making an order under paragraph 1, the Secretary of State must consult—
- (a) the Auditor General for Wales,
 - (b) in the case of an order containing a scheme within paragraph 1(1)(a), the Comptroller and Auditor General, and
 - (c) in the case of an order containing a scheme within paragraph 1(1)(b), the Audit Commission.

Transfer of employees

- 3 (1) This paragraph has effect in any case where the rights and liabilities relating to an individual’s contract of employment are transferred in accordance with a scheme.
- (2) The transfer does not break the continuity of the individual’s employment, and accordingly—
- (a) he is not to be regarded for the purposes of Part 11 of the Employment Rights Act 1996 (c. 18) (redundancy) as having been dismissed by virtue of the transfer,
 - (b) his period of employment with the transferor counts as a period of employment with the transferee for the purposes of that Act.
- (3) The terms and conditions of the individual’s employment with the transferee (taken as a whole) must not be less favourable to the individual than the terms and conditions on which he is employed immediately before the transfer.
- 4 (1) This paragraph has effect in any case where—
- (a) a scheme contains provision for the transfer of rights or liabilities under the contract of employment of any individual (“the employee”), but
 - (b) the employee informs the transferor or the Auditor General for Wales that he objects to becoming employed by the Auditor General for Wales.

Status: Point in time view as at 18/09/2012.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)

- (2) Section 68—
- (a) does not operate to transfer any rights, powers, duties or liabilities under or in connection with the contract of employment, but
 - (b) operates to terminate that contract on the day preceding the transfer date.
- (3) The employee is not, by virtue of that termination, to be treated for any purpose as having been dismissed.
- (4) In this paragraph “the transfer date”, in relation to a scheme, means the date on which (but for this paragraph) any rights, powers, duties or liabilities under the employee’s contract of employment would have been transferred in accordance with the scheme.

Continuity

- 5 (1) Anything done by or in relation to the transferor for the purposes of or in connection with anything transferred by section 68 which is in effect immediately before it is transferred is to be treated as if done by or in relation to the Auditor General for Wales.
- (2) There may be continued by or in relation to the Auditor General for Wales anything (including legal proceedings) relating to anything so transferred which is in the process of being done by or in relation to the transferor immediately before it is transferred.
- (3) A reference to the transferor in any document relating to anything so transferred is to be taken (so far as necessary for the purposes of or in consequence of the transfer) as a reference to the Auditor General for Wales.
- (4) A transfer under section 68 does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.

SCHEDULE 4

Section 72

REPEALS

Commencement Information

I87 Sch. 4 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government Act 1972 (c. 70)	In section 137(7), the words from “and section 14” to the end.
Housing Associations Act 1985 (c. 69)	Section 75(1)(f).
Airports Act 1986 (c. 31)	In section 24(3)(a), the words “and Wales”.
Health Service Commissioners Act 1993 (c. 46)	In Schedule 1A, paragraph 13(5).
Audit Commission Act 1998 (c. 18)	In section 33(6), the word “and” immediately preceding paragraph (c).

Status: Point in time view as at 18/09/2012.

Changes to legislation: *There are currently no known outstanding effects for the Public Audit (Wales) Act 2004. (See end of Document for details)*

	<p>In section 34(6), the word “and” immediately preceding paragraph (d).</p> <p>In section 36(1), in the Table, the entry relating to the National Council for Education and Training for Wales.</p> <p>Section 40(2A).</p> <p>In section 41B—</p> <ul style="list-style-type: none">(a) subsections (2), (4) and (6),(b) in subsection (5), the words “made by the Secretary of State”. <p>In section 47(1)(a), the words “and community” and “and Wales”.</p> <p>In section 52(1), the words “or the National Assembly for Wales”.</p>
Government of Wales Act 1998 (c. 38)	<p>In section 92—</p> <ul style="list-style-type: none">(a) subsection (1),(b) in subsection (2), the words “, having regard to any arrangements made or capable of being made under subsection (1),”,(c) subsection (3). <p>Section 93(3).</p> <p>Section 100(6).</p> <p>In section 144(9), the word “and” immediately preceding paragraph (b).</p> <p>Section 145(5).</p> <p>In Schedule 6, paragraph 8(5).</p> <p>In Schedule 7, paragraph 8(5).</p> <p>In Schedule 9, paragraph 12(5).</p> <p>In Schedule 16, paragraph 99(4).</p> <p>In Schedule 17, in paragraph 1, the words “(other than the Care Council for Wales)”.</p>
Local Government Act 1999 (c. 27)	<p>Section 8(1).</p> <p>Section 22(7).</p>
Care Standards Act 2000 (c. 14)	<p>In Schedule 1, in paragraph 27, subparagraph (d) and the word “and” immediately preceding it.</p>
Health (Wales) Act 2003 (c. 4)	<p>In Schedule 2, paragraph 25(4).</p>
Local Government Act 2003 (c. 26)	<p>Section 109(2).</p>

Status:

Point in time view as at 18/09/2012.

Changes to legislation:

There are currently no known outstanding effects for the Public Audit (Wales) Act 2004.