

Status: Point in time view as at 22/05/2011.

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SCHEDULES

SCHEDULE 1

Section 3

OFFICE FOR BUDGET RESPONSIBILITY

Membership

- 1 (1) The Office is to consist of—
- (a) a member to chair it, appointed by the Chancellor of the Exchequer with the consent of the Treasury Committee of the House of Commons,
 - (b) 2 other members appointed by the Chancellor of the Exchequer after consultation with the member appointed under paragraph (a) and with the consent of that Committee, and
 - (c) not fewer than 2 members nominated by the Office and appointed by the Chancellor of the Exchequer.
- (But see paragraph 3, which makes special provision about the appointment of the initial members of the Office.)
- (2) A person may be appointed under sub-paragraph (1)(a) or (b) only if the person has knowledge or experience likely to be relevant to the performance of the Office's duty under section 4.

Period of appointment and re-appointment

- 2 (1) An appointment under paragraph 1(1)(a) or (b) is to be for a period of 5 years (but see paragraph 3(5)).
- (2) An appointment under paragraph 1(1)(c) is to be for a period of no more than 5 years.
- (3) A person may not be appointed under paragraph 1 more than twice.

Appointment of initial members

- 3 (1) The consent of the Treasury Committee of the House of Commons is not required for the appointment under paragraph 1(1)(a) of a person who—
- (a) immediately before the person's appointment, was chairing the non-statutory Office for Budget Responsibility, and
 - (b) was appointed to do so by the Chancellor of the Exchequer with the consent of that Committee.
- (2) The period of the person's appointment under paragraph 1(1)(a) is to be taken to have begun with the appointment of that person to chair the non-statutory Office for Budget Responsibility.
- (3) The consent of the Treasury Committee of the House of Commons is not required for the appointment under paragraph 1(1)(b) of a person who—

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- (a) immediately before the person's appointment, was a member of the non-statutory Office for Budget Responsibility but not chairing it, and
 - (b) was appointed as such a member by the Chancellor of the Exchequer with the consent of that Committee.
- (4) The period of appointment under paragraph 1(1)(b) of each such person is to be taken to have begun with the appointment of that person as a member of the non-statutory Office for Budget Responsibility.
- (5) The first 2 appointments under paragraph 1(1)(b) may be for less than 5 years to secure that those appointments and the first appointment under paragraph 1(1)(a) each expire at different times.
- (6) The first 2 appointments under paragraph 1(1)(c) are to be made by the Chancellor of the Exchequer after consultation with the member appointed under paragraph 1(1)(a).

Remuneration

- 4 (1) The Office may, with the approval of the Treasury—
- (a) pay, or make provision for paying, to a member of the Office such remuneration as the Treasury may determine, and
 - (b) pay, or make provision for paying, to or in respect of a person who is or has been a member of the Office any such pension, allowances or gratuities as the Treasury may determine.
- (2) Where—
- (a) a person ceases to be a member of the Office otherwise than at the end of the period for which the person was appointed, and
 - (b) it appears to the Office and the Treasury that there are circumstances which make it right for the person to receive compensation,
- the Office may make a payment to the person of such amount as the Treasury may determine.

Other terms of appointment

- 5 The Chancellor of the Exchequer may determine other terms of an appointment under paragraph 1.

Termination of appointments

- 6 (1) A member of the Office may resign by giving written notice to the Chancellor of the Exchequer.
- (2) The Chancellor of the Exchequer may terminate the appointment of a member of the Office by giving the member written notice if—
- (a) the member has been absent from meetings of the Office without the Office's permission for a period of more than 3 months,
 - (b) the member has become bankrupt or has made an arrangement with creditors,
 - (c) the member's estate has been sequestrated in Scotland or the member has entered into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or

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has, under Scots law, made a composition or arrangement with, or granted a trust deed for, the member's creditors,

- (d) the member is unfit to continue the appointment because of misconduct,
- (e) the member has failed to comply with the terms of the appointment, or
- (f) the member is otherwise unable, unfit or unwilling to carry out the member's functions.

- (3) But the appointment of a member appointed under paragraph 1(1)(a) or (b) is not to be terminated without the consent of the Treasury Committee of the House of Commons.

Status of Office

- 7 (1) The functions of the Office are to be exercised on behalf of the Crown.
- (2) For the purposes of any civil proceedings arising out of those functions—
 - (a) the Crown Proceedings Act 1947 applies to the Office as if it were a government department, and
 - (b) the Crown Suits (Scotland) Act 1857 applies to it as if it were a public department.
- (3) The Office's property is to be regarded as held on behalf of the Crown.

Employees

- 8 (1) The Office may employ staff.
- (2) Staff are to be employed on such terms as to remuneration and other matters as the Office may, with the approval of the Minister for the Civil Service, determine.
- (3) Service as a member of staff of the Office is employment in the civil service of the State.
- (4) The Office must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of the increase in the sums payable out of money provided by Parliament that is attributable to the provision of pensions, allowances or gratuities under section 1 of the Superannuation Act 1972 payable to or in respect of persons who are or have been members of staff of the Office.

Committees

- 9 (1) The members appointed under paragraph 1(1)(a) and (b) constitute a committee of the Office to be known as the Budget Responsibility Committee.
- (2) The members appointed under paragraph 1(1)(c) constitute a committee of the Office to be known as the Non-executive Committee.
- 10 (1) The Office may establish other committees.
- (2) A committee established by the Office may establish sub-committees.
- (3) A committee or sub-committee established under this paragraph may consist of or include persons who are neither members of the Office nor members of its staff.

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- (4) Appointment as a member of such a committee or sub-committee of a person who is neither a member of the Office nor a member of its staff is to be on such terms as to remuneration and other matters as the Office may, with the approval of the Treasury, determine.

Procedure

- 11 (1) The Office may determine—
- (a) its own procedure, and
 - (b) the procedure of any committee or sub-committee established under paragraph 10.
- (2) A committee established by paragraph 9 may determine its own procedure.

Delegation of functions

- 12 (1) The Office may delegate functions to—
- (a) any of its members,
 - (b) any member of its staff, or
 - (c) any of its committees.
- (2) A committee established under paragraph 10 may delegate functions (including functions delegated to it) to a sub-committee.
- (3) The Budget Responsibility Committee is to perform the duties imposed by section 4(3) and (4).
- (4) Sub-paragraph (1) does not apply to those duties.
- (5) The delegation of a function under sub-paragraph (1) or (2) does not prevent the Office or the committee (as the case may be) from carrying out the function itself.

Review by Non-executive Committee

- 13 The Non-executive Committee must keep under review the way in which the Office's duty under section 4 is performed.

Documentary evidence

- 14 (1) The application of the Office's seal is to be authenticated by the signature of—
- (a) a member of the Office, or
 - (b) any person authorised (whether generally or specifically) for the purpose by a member of the Office.
- (2) A document purporting to be duly executed under the Office's seal or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is proved.
- (3) This paragraph does not extend to Scotland.

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Annual report

- 15 (1) The Office must prepare a report of the performance of its functions in each financial year.
- (2) The report must include, in particular, an assessment by the Non-executive Committee of the extent to which the Office's duty under section 4 has been performed in accordance with section 5(1) and (2).
- (3) The report relating to a financial year must be prepared as soon as possible after the end of the financial year.
- (4) The report must be sent to the Treasury.
- (5) The Treasury must lay the report before Parliament.
- (6) The Office must publish the report.
- (7) "Financial year" means—
- (a) the period which begins with the day on which this Schedule comes into force and ends with the following 31 March;
 - (b) each successive period of 12 months.

External review

- 16 (1) The Non-executive Committee must, at least once in every relevant 5-year period, appoint a person or body to review and report on such of the Office's reports as the Committee determines.
- (2) In sub-paragraph (1) "the Office's reports" means the reports which—
- (a) have been made in pursuance of the Office's duty under section 4, and
 - (b) have been published since the relevant date.
- (3) The "relevant date" is—
- (a) in the case of the first review carried out under this paragraph, 1 October 2010;
 - (b) in the case of subsequent reviews, the date of the last review carried out under this paragraph.
- (4) A person or body may be appointed under this paragraph only if the person or body has knowledge or experience likely to be relevant to the performance of the Office's duty under section 4.
- (5) The Office may, with the approval of the Treasury, make payments to the person or body in respect of the performance of the person's or body's functions under this paragraph.
- (6) The Office must—
- (a) publish each report prepared under this paragraph,
 - (b) lay it before Parliament, and
 - (c) send a copy of it to the Treasury.
- (7) In this paragraph "relevant 5-year period" means—
- (a) the period of 5 years beginning with 1 October 2010;
 - (b) each successive period of 5 years.

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Finance

- 17 (1) The Treasury may make to the Office such payments out of money provided by Parliament as the Treasury considers appropriate for the purpose of enabling the Office to meet its expenses.
- (2) Payments are to be made at such times, and subject to any such conditions, as the Treasury considers appropriate.

Accounts and audit

- 18 (1) The Office must—
- (a) keep proper accounts and proper records in relation to its accounts, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Treasury as to—
- (a) the information to be contained in it and the manner in which it is to be presented,
 - (b) the methods and principles according to which the statement is to be prepared, and
 - (c) the additional information (if any) which is to be provided for the information of Parliament.
- (3) The Office must send a copy of each statement of accounts to—
- (a) the Treasury, and
 - (b) the Comptroller and Auditor General,
- before the end of the month of June next following the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement of accounts, and
 - (b) send a copy of each report and certified statement to the Treasury.
- (5) The Treasury must lay before Parliament a copy of each such report and certified statement.
- (6) “Financial year” has the same meaning as in paragraph 15.
- 19 The Office must keep under review whether its internal financial controls secure the proper conduct of its financial affairs.

Powers

- 20 The Office may do anything calculated to facilitate, or conducive or incidental to, the carrying out of any of its functions.

Validity

- 21 The validity of anything done by the Office (or a committee or sub-committee of the Office) is not affected by—
- (a) a vacancy, or
 - (b) a defective appointment.

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Public records

- 22 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, insert at the appropriate place—

“Office for Budget Responsibility.”

Parliamentary Commissioner

- 23 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation), insert at the appropriate place— “ Office for Budget Responsibility. ”

Disqualification

- 24 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), insert at the appropriate place— “ The Office for Budget Responsibility. ”

- 25 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), insert at the appropriate place— “ The Office for Budget Responsibility. ”

Race relations

- 26 (1) In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and persons subject to general statutory duty), under the heading “*Regulatory, audit and inspection*” insert at the appropriate place— “ The Office for Budget Responsibility. ”
- (2) The amendment made by sub-paragraph (1) ceases to have effect when the repeal of that Act by Schedule 27 to the Equality Act 2010 has effect for all purposes.

Freedom of information

- 27 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which Act applies), insert at the appropriate place— “ The Office for Budget Responsibility. ”

Equality

- 28 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general), under the heading “*Industry, business, finance etc.*” insert at the appropriate place— “ The Office for Budget Responsibility. ”

References to Treasury Committee

- 29 (1) Any reference in this Schedule to the Treasury Committee of the House of Commons—
- (a) if the name of that Committee is changed, is to be treated as a reference to that Committee by its new name, and
 - (b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, is

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to be treated as a reference to the Committee by which those functions are exercisable.

(2) Any question arising under sub-paragraph (1) is to be determined by the Speaker of the House of Commons.

VALID FROM 01/11/2011	
SCHEDULE 2	Section 20
NATIONAL AUDIT OFFICE	
.....	

VALID FROM 01/01/2012	
SCHEDULE 3	Section 22
RELATIONSHIP BETWEEN NAO AND COMPTROLLER AND AUDITOR GENERAL	
.....	

VALID FROM 01/01/2012	
SCHEDULE 4	Section 26
TRANSITIONAL PROVISION RELATING TO PART 2	
.....	

VALID FROM 01/04/2012	
SCHEDULE 5	Section 26
CONSEQUENTIAL AMENDMENTS RELATING TO PART 2	
.....	

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SCHEDULE 6

Section 27

POWERS OF NATIONAL ASSEMBLY FOR WALES: AUDITOR GENERAL FOR WALES

Introductory

1 In this Schedule “GOWA 2006” means the Government of Wales Act 2006.

Assembly Measures

2 Schedule 5 to GOWA 2006 (Assembly Measures) is amended as follows.

3 In Part 1 (matters), under Field 14 (public administration) insert—

“*Matter 14.1* The following provision relating to the Auditor General—

- (a) the following aspects of the Auditor General's terms of appointment—
 - (i) the period of the appointment;
 - (ii) salary, allowances and superannuation benefits;
 - (iii) pensions and gratuities payable after a person has ceased to be Auditor General;
- (b) the number of times a person may be appointed as Auditor General;
- (c) restrictions on the other offices and positions which may be held by the Auditor General;
- (d) activities of a person who has been (but no longer is) Auditor General;
- (e) provision requiring the Auditor General—
 - (i) to aim to do things efficiently and cost-effectively;
 - (ii) to have regard, as the Auditor General considers appropriate, to the standards and principles that an expert professional provider of accounting or auditing services would be expected to follow;
- (f) the authorisation of persons to exercise functions of the Auditor General on the Auditor General's behalf (including during a vacancy in the office);
- (g) the oversight or supervision of the Auditor General or of the exercise of the Auditor General's functions;
- (h) the provision or use of resources for the purposes of the Auditor General's functions including (in particular)—
 - (i) the employment and use of staff;
 - (ii) the procurement and use of services;
 - (iii) the holding of documents or information;
 - (iv) the keeping of records;
- (i) the charging of fees or other amounts in relation to functions of—
 - (i) the Auditor General, or
 - (ii) auditors appointed by the Auditor General under an enactment;
- (j) the restatement of any law relating to the Auditor General.”

4 (1) Part 2 (exceptions to matters and general restrictions) is amended as follows.

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- (2) In paragraph 3 (restrictions on modifying enactments other than GOWA 2006)—
- (a) the existing provision is renumbered as sub-paragraph (1), and
 - (b) after that sub-paragraph insert—
 - “(2) Sub-paragraph (1), so far as it applies in relation to sections 145, 145A and 146A(1) of the Government of Wales Act 1998, does not apply to a provision to which sub-paragraph (3) applies.
 - (3) This sub-paragraph applies to a provision of an Assembly Measure which—
 - (a) is a provision relating to matter 14.1,
 - (b) provides for the enforcement of a provision relating to matter 14.1 or is otherwise appropriate for making such a provision effective, or
 - (c) is otherwise incidental to, or consequential on, such a provision.”
- (3) In paragraph 6 (restrictions on amending GOWA 2006), after sub-paragraph (3) insert—
- “(4) Sub-paragraph (1) does not apply in relation to any provision to which paragraph 3(3) applies.
 - (5) But, subject to sub-paragraph (6), a provision to which paragraph 3(3) applies cannot modify, or confer power by subordinate legislation to modify, paragraph 3 of Schedule 8.
 - (6) Sub-paragraph (5) does not prevent the conferral of functions on a committee of the Assembly that—
 - (a) does not consist of or include any of the following persons—
 - (i) the First Minister or any person designated to exercise functions of the First Minister,
 - (ii) a Welsh Minister appointed under section 48,
 - (iii) the Counsel General or any person designated to exercise the functions of the Counsel General, or
 - (iv) a Deputy Welsh Minister, and
 - (b) is not chaired by an Assembly member who is a member of a political group with an executive role.”

Acts of the Assembly

- 5 Schedule 7 to GOWA 2006 (Acts of the Assembly) is amended as follows.
- 6 In Part 1 (subjects), in paragraph 14 (public administration), after “Public Services Ombudsman for Wales.” insert “ Auditor General for Wales. ”
- 7 (1) Part 2 (general restrictions) is amended as follows.
- (2) In paragraph 2 (restrictions on modifying enactments other than GOWA 2006), after sub-paragraph (2) insert—
- “(3) Sub-paragraph (1), so far as it applies in relation to sections 145, 145A and 146A(1) of the Government of Wales Act 1998, does not apply to a provision to which sub-paragraph (4) applies.

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- (4) This sub-paragraph applies to a provision of an Act of the Assembly which—
- (a) is a provision relating to the oversight or supervision of the Auditor General or of the exercise of the Auditor General's functions,
 - (b) provides for the enforcement of a provision falling within paragraph (a) or is otherwise appropriate for making such a provision effective, or
 - (c) is otherwise incidental to, or consequential on, such a provision.”
- (3) In paragraph 5 (restrictions on amending GOWA 2006)—
- (a) in sub-paragraph (2), at the end insert—
 - “(c) any provision of Schedule 8, other than paragraphs 1(1) to (3), 2(2) to (4) and 3.”, and
 - (b) after sub-paragraph (3) insert—
 - “(4) Sub-paragraph (1) does not apply in relation to a provision to which paragraph 2(4) applies.
 - (5) But, subject to sub-paragraph (6), a provision to which paragraph 2(4) applies cannot modify, or confer power by subordinate legislation to modify, paragraph 3 of Schedule 8.
 - (6) Sub-paragraph (5) does not prevent the conferral of functions on a committee of the Assembly that—
 - (a) does not consist of or include any of the following persons—
 - (i) the First Minister or any person designated to exercise functions of the First Minister,
 - (ii) a Welsh Minister appointed under section 48,
 - (iii) the Counsel General or any person designated to exercise the functions of the Counsel General, or
 - (iv) a Deputy Welsh Minister, and
 - (b) is not chaired by an Assembly member who is a member of a political group with an executive role.”

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