
STATUTORY INSTRUMENTS

2015 No. 192

The Local Audit (Appointing Person) Regulations 2015

PART 4

Opted in authorities during compulsory appointing period

Right to become an opted in authority during a compulsory appointing period

10.—(1) During a compulsory appointing period, a newly established principal authority may become an opted in authority in accordance with this regulation.

(2) A newly established principal authority may become an opted in authority by giving notice to the relevant appointing person of its decision to become an opted in authority; and such notice must specify the authority's postal address.

(3) An authority which gives a notice under paragraph (2) becomes an opted in authority on the date the notice is received by the appointing person.

(4) The authority is an opted in authority for the remainder of the compulsory appointing period which is in existence on the date mentioned in paragraph (3).

Right to request to become an opted in authority during a compulsory appointing period

11.—(1) During a compulsory appointing period, any principal authority which could have accepted a relevant appointing person's invitation under regulation 8 but did not, may make a request to the relevant appointing person to become an opted in authority, in accordance with this regulation.

(2) The authority must give notice to the relevant appointing person of its request to become an opted in authority; and such notice must specify the authority's postal address.

(3) The relevant appointing person must—

- (a) consider the authority's request to opt in,
- (b) agree to the request unless the appointing person has reasonable grounds for refusing it;
- (c) give notice to the authority, within four weeks beginning with the date that the request to become an opted in authority was received, giving the decision in relation to the request, and
- (d) provide reasons if the request is refused.

(4) The authority becomes an opted in authority on the date on which the relevant appointing person gives notice to the authority agreeing to its request to become an opted in authority.

(5) The authority is an opted in authority for the remainder of the compulsory appointing period which is in existence on the date mentioned in paragraph (4).

(6) A relevant appointing person may recover its reasonable costs for making arrangements to appoint a local auditor to an authority which becomes an opted in authority under this regulation, from that authority.

Opted in authority ceasing to be principal authority: duty to notify

12.—(1) An opted in authority which ceases to be a principal authority must, as soon as practicable after the day it ceases to be such an authority, give notice of that fact to the relevant appointing person.

(2) An opted in authority which ceases to fall within the class of authority for which the appointing person is the relevant appointing person, must, as soon as practicable after the day it ceases to be such an authority, give notice of that fact to the relevant appointing person.

(3) Paragraph (4) applies where an authority fails to give the notice required by paragraphs (1) or (2).

(4) The relevant appointing person may recover from the authority any reasonable costs incurred in relation to that authority by—

- (a) the appointing person, or
- (b) a local auditor appointed to the authority by the appointing person,

until the date when the authority in fact gives such notice..