

EXPLANATORY NOTES

LOCAL AUDIT AND ACCOUNTABILITY ACT 2014

INTRODUCTION

SUMMARY AND BACKGROUND

Summary

Background

OVERVIEW OF THE STRUCTURE OF THE ACT

TERRITORIAL EXTENT AND APPLICATION

COMMENTARY

PART 1 - ABOLITION OF EXISTING AUDIT REGIME

Section 1: Abolition of Audit Regime and Schedule 1: Abolition of Audit Commission: supplementary provision

PART 2 – BASIC REQUIREMENTS AND CONCEPTS

Section 2 and Schedule 2: Relevant authorities

Section 3: General requirements for accounts

Section 4: General requirements for audit

Section 5: Modification of Act in relation to smaller authorities

Section 6: Meaning of “smaller authority”

PART 3 – APPOINTMENT ETC OF LOCAL AUDITORS

Section 7: Appointment of local auditor

Schedule 3, Paragraph 1: Provisions applying to certain local authorities

Paragraph 4: Provisions applying to other authorities

Section 8: Procedure for appointment

Section 9: Requirement to have auditor panel

Schedule 4, Paragraph 1: Options for auditor panels

These notes refer to the Local Audit and Accountability Act 2014 (c.2)

Paragraph 2: Constitution of auditor panels

Paragraph 3: Constitution of auditor panels: health service bodies

Paragraph 5: Application of local authority enactments to auditor panels

Paragraph 8: Meaning of “connected entity”

Section 10: Functions of auditor panel

Section 11: Relationship with relevant authority

Section 12: Failure to appoint local auditor

Section 13: Failure of clinical commissioning group to appoint local auditor

Section 14: Limitation of auditor’s liability

Section 15: Further provisions about liability limitation agreements

Section 16: Resignation and removal of auditor

Section 17: Appointment of auditor by specified person

PART 4– ELIGIBILITY AND REGULATION OF LOCAL AUDITORS

Section 18 and Schedule 5: Eligibility and regulation of local auditors

Paragraphs 1-4: Modifications to the Companies Act 2006

Paragraph 5: Independence requirement

Paragraph 6: Effect of lack of independence

Paragraph 9: Appropriate qualifications

Paragraph 10: Provision of documents to the Secretary of State

Paragraph 11: Enforcement: general

Paragraph 14: The register of auditors

Paragraph 16: The Secretary of State’s power to require second audit

Paragraph 21: Delegation of the Secretary of State’s functions

Paragraph 28: Recognised supervisory bodies

PART 5 – CONDUCT OF LOCAL AUDIT

Section 19 and Schedule 6: Codes of audit practice and guidance

Paragraph 1: Duty to prepare code

Paragraph 2: Procedure for code

Paragraph 3: Duty to keep code under review

These notes refer to the Local Audit and Accountability Act 2014 (c.2)

Paragraph 4: Alteration of code

Paragraph 5: Replacement of code

Paragraph 6: Publication of code

Paragraph 7: Assistance from relevant authority

Paragraph 8: Savings for codes of practice under the Audit Commission Act 1998

Paragraph 9: Guidance

Paragraph 10: Application to auditors of NHS foundation trusts

Paragraph 11: Meaning of 40-day period

Section 20: General duties of auditors

Section 21: General duties of auditors of accounts of health service bodies

Sections 22 and 23: Auditors' right to documents and information; and offences relating to section 22

Section 24 and Schedule 7: Reports and recommendations

Paragraphs 1 to 3: Public interest reports, written recommendations and supply of public interest reports

Paragraph 4: Publicity for public interest reports

Paragraph 5: Consideration of report or recommendation

Paragraph 6: Consideration of report or recommendation: Greater London Authority

Paragraph 7: Bar on delegation of functions relating to meetings

Paragraph 8: Publicity for meetings

Paragraph 9: Access to meetings and documents

Paragraph 10: Publicity for decisions under paragraph 5 or 6

Section 25: Inspection of statements of accounts etc

Section 26: Inspection of documents etc

Section 27: Right to make objections at audit

Section 28: Declaration that item of account is unlawful

Section 29 and Schedule 8: Advisory notices

Paragraph 1: Power to issue advisory notice

Paragraph 2: Service and withdrawal of notice

Paragraph 3: Effect of an advisory notice

These notes refer to the Local Audit and Accountability Act 2014 (c.2)

Paragraph 4: Further provisions about advisory notices

Section 30: Unlawful expenditure or activity of health service bodies

Section 31: Power of auditor to apply for judicial review

Section 32: Accounts and audit regulations

PART 6 – DATA MATCHING

Section 33 and Schedule 9: Data matching

Paragraph 1: Power to conduct data matching exercises

Paragraph 2: Mandatory provision of data

Paragraph 3: Voluntary provision of data

Paragraph 4: Disclosure of results of data matching etc

Paragraph 5: Publication

Paragraph 6: Fees for data matching

Paragraph 7: Code of Data matching practice

Paragraph 8: Powers to amend this Schedule

PART 7 – MISCELLANEOUS AND SUPPLEMENTARY

Section 34 and Schedule 10: Amendments consequential on transfer of role of inspector

Section 35: Examinations by the Comptroller and Auditor General

Section 36 and Schedule 11: Disclosure of information

Section 37: Social security references and reports

Section 38: Duty of smaller authorities to publish information

Section 39: Code of practice on local authority publicity

Section 40: Access to local government meetings and documents

Section 41: Council tax referendums

Section 42: Parish meetings: parish polls

Section 45 and Schedule 12: Related amendments

NHS charities

Section 47 and Schedule 13: NHS trusts and trustees for NHS trusts

COMMENCEMENT

HANSARD REFERENCES