
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1 **E+W**

Section 1

ABOLITION OF AUDIT COMMISSION: SUPPLEMENTARY PROVISION

PART 1 **E+W**

ARRANGEMENTS IN CONNECTION WITH ABOLITION OF AUDIT COMMISSION

Transfer of property, rights and liabilities

- 1 (1) The Secretary of State may make one or more schemes for the transfer of property, rights and liabilities of the Audit Commission to a person or persons specified in the scheme.
- (2) The things that may be transferred under a transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (3) A transfer scheme may make consequential, supplementary, incidental or transitional provision and may in particular—
- (a) create rights, or impose liabilities, in relation to property or rights transferred;
 - (b) make provision about the continuing effect of things done by the transferor in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the transferor, in respect of anything transferred;
 - (d) make provision for references to the transferor in an instrument or other document in respect of anything transferred to be treated as references to the transferee;
 - (e) make provision for the shared ownership or use of property;
 - (f) if the TUPE regulations do not apply in relation to the transfer, make provision which is the same or similar.
- (4) A transfer scheme may, in such cases as may be specified in the scheme, provide for a person's period of employment before the person was employed by the Audit Commission (as well as the person's period of employment by the Audit Commission) to be treated as a period of employment with the transferee for the purposes of the scheme or, if they apply in relation to the transfer, the TUPE regulations.
- (5) A transfer scheme may provide—
- (a) for modification by agreement;

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- (b) for modifications to have effect from the date when the original scheme came into effect.
- (6) In this paragraph—
- (a) “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246), and
 - (b) references to rights and liabilities include rights and liabilities under a contract of employment.

Commencement Information

- II** Sch. 1 para. 1 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(a)** (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2; (17.12.2018) by S.I. 2018/1369, art. 2; (16.12.2020) by S.I. 2020/1565, art. 2)

Reduction in membership pending abolition

- 2 Until the coming into force of section 1, in section 1(2) of the Audit Commission Act 1998 (Audit Commission to consist of not less than 10 nor more than 15 members) there is omitted the words “less than 10 nor”.

Commencement Information

- I2** Sch. 1 para. 2 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(a)** (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2; (17.12.2018) by S.I. 2018/1369, art. 2; (16.12.2020) by S.I. 2020/1565, art. 2)

Final accounts

- 3 (1) As soon as is reasonably practicable after the abolition date, the Secretary of State must prepare—
- (a) a statement of account for the Audit Commission for the last financial year to end before the abolition date, and
 - (b) a statement of account for the Audit Commission for the period (if any) beginning immediately after the end of that financial year and ending immediately before the abolition date.
- (2) A statement of account under this paragraph must be prepared in accordance with the last direction given by the Secretary of State to the Audit Commission under paragraph 11(1) of Schedule 1 to the Audit Commission Act 1998.
- (3) The Secretary of State must, as soon as is reasonably practicable after preparing a statement of account under this paragraph, send a copy of it to the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement of account, and
 - (b) make arrangements for a copy of the statement and the report to be laid before Parliament.
- (5) Sub-paragraph (1)(a) does not apply if the Audit Commission has already sent a copy of the statement of account for that year to the Comptroller and Auditor General.

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- (6) In that case, the repeal by this Act of paragraph 11 of Schedule 1 to the Audit Commission Act 1998 does not remove the obligation of the Comptroller and Auditor General to take the steps specified in that paragraph in relation to the statement of account if the Comptroller has not already done so.
- (7) In this paragraph “financial year” means the period of 12 months ending with 31st March in any year.

Commencement Information

- I3** Sch. 1 para. 3 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(a\)](#) (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2; (17.12.2018) by [S.I. 2018/1369](#), art. 2; (16.12.2020) by [S.I. 2020/1565](#), art. 2)

Final annual report

- 4 (1) As soon as is reasonably practicable after the abolition date, the Secretary of State must publish a report on the discharge of the functions of the Audit Commission.
- (2) The report must relate to the period—
- (a) beginning immediately after the period covered by the last annual report published by the Audit Commission, and
 - (b) ending immediately before the abolition date.
- (3) The Secretary of State must lay an annual report published under this paragraph before Parliament.
- (4) The repeal by this Act of paragraph 14(2) of Schedule 1 to the Audit Commission Act 1998 does not remove the obligation of the Secretary of State to lay copies of an annual report received from the Audit Commission before each House of Parliament if the Secretary of State has not already done so.

Commencement Information

- I4** Sch. 1 para. 4 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(a\)](#) (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2; (17.12.2018) by [S.I. 2018/1369](#), art. 2; (16.12.2020) by [S.I. 2020/1565](#), art. 2)

Payments in respect of pension liabilities

- 5 The Secretary of State may make payments to any person to enable that person to meet—
- (a) liabilities arising as the result of provision made under paragraph 5(2) of Schedule 1 to the Audit Commission Act 1998 for the payment of sums by way of pension, allowances or gratuities, or
 - (b) liabilities under the pension scheme established under paragraph 7(4)(c) of that Schedule.

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Commencement Information

- I5** Sch. 1 para. 5 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(a)** (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2; (17.12.2018) by S.I. 2018/1369, art. 2; (16.12.2020) by S.I. 2020/1565, art. 2)

Meaning of “the abolition date”

- 6 In this Schedule “the abolition date” means the date on which section 1(1) (abolition of Audit Commission) comes into force.

Commencement Information

- I6** Sch. 1 para. 6 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(a)** (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2; (17.12.2018) by S.I. 2018/1369, art. 2; (16.12.2020) by S.I. 2020/1565, art. 2)

PART 2 **E+W**

REPEAL OF AUDIT COMMISSION ACT 1998: CONSEQUENTIAL REPEALS AND REVOCATIONS

Commencement Information

- I7** Sch. 1 Pt. 2 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(a)** (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2; (17.12.2018) by S.I. 2018/1369, art. 2; (16.12.2020) by S.I. 2020/1565, art. 2)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
School Standards and Framework Act 1998 (c. 31)	In Schedule 30, paragraph 225.
Local Government Act 1999 (c. 27)	Section 22(3) to (6).
Greater London Authority Act 1999 (c. 29)	Section 133. Schedule 8.
Local Government Act 2000 (c. 22)	Section 91(1). In Schedule 5, paragraph 30.
Countryside and Rights of Way Act 2000 (c. 37)	In Schedule 13, paragraph 8.
Local Government Act 2003 (c. 26)	Sections 107 and 108. Sections 110 and 111. In Schedule 7, paragraph 65.
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	In Schedule 9, paragraph 12.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Fire and Rescue Services Act 2004 In Schedule 1, paragraph 88.
(c. 21)

Public Audit (Wales) Act 2004 (c. 23) In Schedule 2, paragraphs 21 to 26 and 32 to 38.

Freedom of Information (Removal
and Relaxation of Statutory
Prohibitions on Disclosure of
Information) Order 2004 (SI
2004/3363) Article 8.

Public Services Ombudsman (Wales) In Schedule 6, paragraph 59.
Act 2005 (c. 10)

Serious Organised Crime and Police In Schedule 4, paragraph 111.
Act 2005 (c. 15)

Education Act 2005 (c. 18) In Schedule 14, paragraph 18.

Regulatory Reform (National Health Article 4.
Service Charitable and Non-
Charitable Trust Accounts and Audit)
Order 2005 (SI 2005/1074)

Health Act 2006 (c. 28) In Schedule 8, paragraphs 39 to 42.

Education and Inspections Act 2006 In Schedule 14, paragraphs 26 to 28, 30 and 31.
(c. 40)

National Health Service In Schedule 1, paragraphs 186 to 189.
(Consequential Provisions) Act 2006
(c. 43)

Serious Crime Act 2007 (c. 27) Part 1 of Schedule 7.

Local Government and Public Sections 145 and 146.
Involvement in Health Act 2007
(c. 28) Section 149.

Section 151(1).

Section 153.

Section 155(3).

Section 157.

Sections 159 to 165.

Section 201(5).

Schedule 9.

Schedule 11.

In Schedule 13, paragraph 52.

Health and Social Care Act 2008 In Schedule 5, paragraphs 64 to 69.
(c. 14)

Housing and Regeneration Act 2008 In Schedule 9, paragraphs 20 to 27.
(c. 17)

Local Transport Act 2008 (c. 26) In Schedule 4, paragraph 61.

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- Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2008 (SI 2008/817) Article 4.
- Offender Management Act 2007 In Schedule 1, paragraphs 26(2)(c) and (d) and 27(2) (Consequential Amendments) Order 2008 (SI 2008/912) (c).
- Companies Act 2006 (Consequential Amendments etc) Order 2008 (SI 2008/948) In Schedule 1, paragraph 23.
- London Waste and Recycling Board Article 21(1). Order 2008 (SI 2008/2038)
- Local Democracy, Economic Development and Construction Act 2009 (c. 20) In Schedule 6, paragraph 89.
- Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (SI 2009/1941) In Schedule 1, paragraph 173.
- Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (SI 2010/844) In Schedule 2, paragraph 24.
- Apprenticeship, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (SI 2010/1080) In Schedule 1, paragraph 98.
- Police Reform and Social Responsibility Act 2011 (c. 13) In Schedule 16, paragraphs 226 to 230.
- Localism Act 2011 (c. 20) In Schedule 20, paragraph 3.
- Education Act 2011 (c. 21) In Schedule 5, paragraph 13.
- Local Government Finance Act 2012 (c. 17) In Schedule 3, paragraph 31.
- Crime and Courts Act 2013 (c. 22) In Schedule 9, paragraph 62.
- Health and Social Care Act 2012 (Consequential Amendments) Order 2013 (SI 2013/594) Article 4.
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SCHEDULE 2 **E+W**

Section 2

RELEVANT AUTHORITIES

- 1 A county council in England.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I8** Sch. 2 para. 1 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I9 Sch. 2 para. 1 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

2 A district council.

Commencement Information

- I10** Sch. 2 para. 2 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I11 Sch. 2 para. 2 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

3 A London borough council.

Commencement Information

- I12** Sch. 2 para. 3 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I13 Sch. 2 para. 3 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

4 A parish council.

Commencement Information

- I14** Sch. 2 para. 4 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I15 Sch. 2 para. 4 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

5 A joint authority established under Part 4 of the Local Government Act 1985.

Commencement Information

- I16** Sch. 2 para. 5 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I17 Sch. 2 para. 5 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

6 A Passenger Transport Executive.

Commencement Information

- I18** Sch. 2 para. 6 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I19 Sch. 2 para. 6 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

7 The Greater London Authority.

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Commencement Information

- I20** Sch. 2 para. 7 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I21 Sch. 2 para. 7 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

8 A functional body.

Commencement Information

- I22** Sch. 2 para. 8 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I23 Sch. 2 para. 8 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

9 The London Pensions Fund Authority.

Commencement Information

- I24** Sch. 2 para. 9 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I25 Sch. 2 para. 9 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

10 The London Waste and Recycling Board.

Commencement Information

- I26** Sch. 2 para. 10 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I27 Sch. 2 para. 10 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

11 The Common Council.

NOTE: This Act applies to the Common Council only to the extent that it exercises functions in relation to—

- (a) the collection fund of the Common Council,
- (b) the City Fund, or
- (c) a pension fund maintained and administered by the Common Council under regulations under section 1 of the Public Service Pensions Act 2013.

Commencement Information

- I28** Sch. 2 para. 11 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**
I29 Sch. 2 para. 11 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

12 A parish meeting.

Commencement Information

- I30** Sch. 2 para. 12 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**

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I31 Sch. 2 para. 12 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

13 The Council of the Isles of Scilly.

Commencement Information

I32 Sch. 2 para. 13 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**

I33 Sch. 2 para. 13 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

14 Charter trustees.

Commencement Information

I34 Sch. 2 para. 14 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**

I35 Sch. 2 para. 14 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

15 A port health authority for a port health district that is wholly in England.

Commencement Information

I36 Sch. 2 para. 15 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**

I37 Sch. 2 para. 15 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

16 The Broads Authority.

Commencement Information

I38 Sch. 2 para. 16 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**

I39 Sch. 2 para. 16 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

17 A National Park authority for a National Park in England.

Commencement Information

I40 Sch. 2 para. 17 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**

I41 Sch. 2 para. 17 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

18 A conservation board established by order of the Secretary of State under section 86 of the Countryside and Rights of Way Act 2000.

Commencement Information

I42 Sch. 2 para. 18 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**

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- I43** Sch. 2 para. 18 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, **art. 3(b)** (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

19 A police and crime commissioner for a police area in England.

Modifications etc. (not altering text)

- C1** Sch. 2 para. 19 excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 22**

Commencement Information

- I44** Sch. 2 para. 19 in force at 9.4.2014 for specified purposes by S.I. 2014/940, **art. 2(a)**
I45 Sch. 2 para. 19 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, **art. 3(b)** (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

20 A chief constable for an area in England.

Commencement Information

- I46** Sch. 2 para. 20 in force at 9.4.2014 for specified purposes by S.I. 2014/940, **art. 2(a)**
I47 Sch. 2 para. 20 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, **art. 3(b)** (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

21 The Commissioner of Police of the Metropolis.

Commencement Information

- I48** Sch. 2 para. 21 in force at 9.4.2014 for specified purposes by S.I. 2014/940, **art. 2(a)**
I49 Sch. 2 para. 21 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, **art. 3(b)** (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

22 A fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.

Commencement Information

- I50** Sch. 2 para. 22 in force at 9.4.2014 for specified purposes by S.I. 2014/940, **art. 2(a)**
I51 Sch. 2 para. 22 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, **art. 3(b)** (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

[^{F1}22A A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.]

Textual Amendments

- F1** Sch. 2 para. 22A inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 97(2)**; S.I. 2017/399, reg. 2, Sch. para. 38

[^{F2}23 An integrated care board.]

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Textual Amendments

F2 Sch. 2 para. 23 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 215](#); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)

[^{F3}23A An NHS trust all or most of whose hospitals, establishments and facilities are situated in England.]

Textual Amendments

F3 Sch. 2 para. 23A inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 7 para. 27](#); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)

^{F4}24

Textual Amendments

F4 Sch. 2 para. 24 and note omitted (17.6.2021) by virtue of [NHS \(Charitable Trusts Etc\) Act 2016 \(c. 10\)](#), s. 5(1), [Sch. 1 para. 18\(i\)](#); [S.I. 2021/712](#), reg. 3(c)

^{F5}25

Textual Amendments

F5 Sch. 2 para. 25 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 13 para. 6\(37\)](#); [S.I. 2015/994](#), art. 6(g)

26 An internal drainage board for an internal drainage district that is wholly in England.

Commencement Information

I52 Sch. 2 para. 26 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), [art. 2\(a\)](#)

I53 Sch. 2 para. 26 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(b\)](#) (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

27 An economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009.

Commencement Information

I54 Sch. 2 para. 27 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), [art. 2\(a\)](#)

I55 Sch. 2 para. 27 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(b\)](#) (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

28 A combined authority.

Commencement Information

I56 Sch. 2 para. 28 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), [art. 2\(a\)](#)

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I57 Sch. 2 para. 28 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

[^{F6}28ZA A combined county authority.]

Textual Amendments

F6 Sch. 2 para. 28ZA inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2) (c), [Sch. 4 para. 202](#) (with s. 247)

[^{F7}28A A sub-national transport body.]

Textual Amendments

F7 Sch. 2 para. 28A inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), [Sch. 5 para. 37\(4\)](#)

- 29 Any person or body exercising functions in relation to an area wholly in England or partly in England and partly in Wales—
- (a) which was originally subject to audit provisions contained in an enactment passed before the Audit Commission Act 1998, and
 - (b) to which the audit provisions of that Act applied by virtue of paragraph 4(1) or 7 of Schedule 4 to that Act immediately before the repeal of section 2(1) of that Act by this Act.

Commencement Information

I58 Sch. 2 para. 29 in force at 9.4.2014 for specified purposes by [S.I. 2014/940](#), **art. 2(a)**

I59 Sch. 2 para. 29 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(b)** (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

SCHEDULE 3 E+W

Section 7

FURTHER PROVISIONS ABOUT APPOINTMENT OF LOCAL AUDITORS

Provisions applying to certain local authorities

- 1 (1) If a relevant authority is a local authority operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the authority under those arrangements.
- (2) If a relevant authority is a local authority within the meaning of section 101 of the Local Government Act 1972 (arrangements for discharge of functions), that section does not apply to the authority's function of appointing a local auditor to audit its accounts.
- (3) A local auditor appointed to audit the accounts of the Greater London Authority must be appointed by the Mayor of London and the London Assembly acting jointly on behalf of the Authority.

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- (4) A local auditor appointed to audit the accounts of a parish meeting must be appointed by the parish meeting itself (and not by its chairman on behalf of the parish meeting).

Commencement Information

I60 Sch. 3 para. 1 in force at 1.4.2015 by S.I. 2015/841, art. 3(f)

Provisions applying to chief constables

- 2 (1) This paragraph applies to the accounts for a financial year of a chief constable for an area.
- (2) The chief constable must not appoint a local auditor to audit the accounts.
- (3) The accounts must be audited by the local auditor appointed by the police and crime commissioner for the area to audit the commissioner's accounts for the financial year.
- (4) The police and crime commissioner must consult and take into account the advice of the commissioner's auditor panel on the selection and appointment of the local auditor.

Commencement Information

I61 Sch. 3 para. 2 in force at 1.4.2015 by S.I. 2015/841, art. 3(f)

Provisions applying to the Commissioner of Police of the Metropolis

- 3 (1) This paragraph applies to the accounts for a financial year of the Commissioner of Police of the Metropolis.
- (2) The Commissioner of Police of the Metropolis must not appoint a local auditor to audit the accounts.
- (3) The accounts must be audited by the local auditor appointed by the Mayor's Office for Policing and Crime to audit the Office's accounts for the financial year.
- (4) The Mayor's Office for Policing and Crime must consult and take into account the advice of the Office's auditor panel on the selection and appointment of the auditor.

Commencement Information

I62 Sch. 3 para. 3 in force at 1.4.2015 by S.I. 2015/841, art. 3(f)

Provisions applying to other authorities

- 4 (1) The Secretary of State may by regulations make provision about the appointment of a local auditor to audit the accounts of a relevant authority—
- (a) which is not an authority to which any of paragraphs 1 to 3 applies, and
- (b) which is specified, or of a description specified, in the regulations.
- (2) Regulations under sub-paragraph (1) may, in particular—

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- (a) make further provision about the operation of this Act or any provision made under it in relation to a relevant authority to which the regulations apply;
- (b) provide for any provision of or made under this Act not to apply, or to apply with modifications, in relation to a relevant authority to which the regulations apply.

Commencement Information

- I63** Sch. 3 para. 4 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(h)
I64 Sch. 3 para. 4 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(f\)](#)

SCHEDULE 4 E+W

Section 9

FURTHER PROVISIONS ABOUT AUDITOR PANELS

Modifications etc. (not altering text)

- C2** [Sch. 4](#) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), [Sch. 1 para. 37](#)

Options for auditor panels

- 1 (1) The auditor panel of a relevant authority (“R”) must be—
- (a) a panel appointed as an auditor panel by R,
 - (b) a panel appointed as an auditor panel by R and one or more other relevant authorities,
 - (c) a committee of R to which sub-paragraph (2) applies, or
 - (d) a panel to which sub-paragraph (3) applies.
- (2) This sub-paragraph applies to a committee of R (however described) which has not been appointed as an auditor panel if—
- (a) R determines that the committee should be R's auditor panel,
 - (b) the committee agrees to be R's auditor panel, and
 - (c) the committee complies with the other provisions applying to auditor panels made by or under this Schedule.
- (3) This sub-paragraph applies to a panel if—
- (a) the panel is (by virtue of any of paragraphs (a) to (c) of sub-paragraph (1)) the auditor panel of a relevant authority other than R,
 - (b) R determines that the panel should be R's auditor panel,
 - (c) the panel agrees to be R's auditor panel, and
 - (d) the panel complies (as regards R) with the other provisions applying to auditor panels made by or under this Schedule.
- (4) References in sub-paragraphs (1) and (2) to a committee of R include a sub-committee of a committee of R.

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- (5) The function of appointing a panel or making a determination under this paragraph is to be exercised in the case of the Greater London Authority by the Mayor of London and the London Assembly acting jointly on behalf of the Authority.
- (6) The function of appointing a panel or making a determination under this paragraph is to be exercised in the case of a parish meeting by the parish meeting itself (and not by its chairman on behalf of the parish meeting).

Commencement Information

I65 Sch. 4 para. 1 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(h\)](#)

Constitution of auditor panels

- 2 (1) A relevant authority's auditor panel, other than a health service body's auditor panel—
- (a) must consist of a majority of independent members (or wholly of independent members), and
 - (b) must be chaired by an independent member.
- [^{F8}(2) A member of a relevant authority's auditor panel, other than a health service body's auditor panel, is "independent" at any given time if the following conditions are met—
- (a) the panel member has not been a member or officer of the authority within the period of 5 years ending with that time (the "last 5 years"),
 - (b) the panel member has not, within the last 5 years, been a member or officer of another relevant authority that is (at the given time) connected with the authority or with which (at the given time) the authority is connected,
 - (c) the panel member has not, within the last 5 years, been an officer or employee of an entity, other than a relevant authority, that is (at the given time) connected with the authority,
 - (d) the panel member is not a relative or close friend of—
 - (i) a member or officer of the authority,
 - (ii) a member or officer of another relevant authority that is connected with the authority or with which the authority is connected, or
 - (iii) an officer or employee of an entity, other than a relevant authority, that is connected with the authority,
 - (e) the panel member is not the authority's elected mayor,
 - (f) neither the panel member, nor any body in which the panel member has a beneficial interest, has entered into a contract with the authority—
 - (i) under which goods or services are to be provided or works are to be executed, and
 - (ii) which has not been fully discharged,
 - (g) the panel member is not a current or prospective auditor of the authority, and
 - (h) the panel member has not, within the last 5 years, been—
 - (i) an employee of a person who is (at the given time) a current or prospective auditor of the authority,
 - (ii) a partner in a firm that is (at the given time) a current or prospective auditor of the authority, or

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(iii) a director of a body corporate that is (at the given time) a current or prospective auditor of the authority.]

- [^{F9}(4) Sub-paragraphs (5) to (6D) modify the application of sub-paragraph (2) in relation to—
- (a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (the “relevant authority concerned”) is a police and crime commissioner, the Mayor’s Office for Policing and Crime, another functional body or the Greater London Authority, and
 - (b) relevant authorities that are corporations sole (including, but not limited to, corporations sole mentioned in paragraph (a)).
- (5) Where the relevant authority concerned is the police and crime commissioner for an area, references to “the authority” include the chief constable for the area.
- (6) Where the relevant authority concerned is the Mayor’s Office for Policing and Crime, references to “the authority” include the Commissioner of Police of the Metropolis and the Greater London Authority.
- (6A) Where the relevant authority concerned is a functional body other than the Mayor’s Office for Policing and Crime, references to “the authority” include the Greater London Authority.
- (6B) Where the relevant authority concerned is the Greater London Authority, references to “the authority” include a functional body and the Commissioner of Police of the Metropolis.
- (6C) Where a relevant authority is a corporation sole, references to “a member” of the relevant authority are to a holder of that office of corporation sole.
- (6D) Sub-paragraph (6C) applies regardless of whether the relevant authority is—
- (a) the relevant authority concerned,
 - (b) a relevant authority treated under any of sub-paragraphs (5) to (6B) as included in a reference to the relevant authority concerned, or
 - (c) a relevant authority that is connected with an authority falling within paragraph (a) or (b), or with which such an authority is connected.
- (7) In sub-paragraph (2)—
- “elected mayor” has the same meaning as in Part 1A of the Local Government Act 2000;
- “officer”, in relation to an entity other than a relevant authority, means a person elected or appointed as, or to, that entity.]
- (8) For the purposes of [^{F10}sub-paragraph (2)(d)], a person (“R”) is a relative of another person (“P”) if R is—
- (a) P's partner,
 - (b) P's parent or grandparent,
 - (c) P's son, daughter, stepson, stepdaughter or grandchild,
 - (d) P's brother or sister,
 - (e) P's uncle, aunt, nephew or niece,
 - (f) a parent, son, daughter, brother or sister of P's partner, or
 - (g) a partner of any person within paragraphs (b) to (f),

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and for this purpose “partner” means a spouse, civil partner or someone a person lives with as if they were husband and wife or civil partners.

[^{F11}(8A) For the purposes of sub-paragraph (2)(f) to (h)—

“body in which the panel member has a beneficial interest” means a body in which the panel member is a partner, or of which the panel member is a director, or in the securities of which the panel member has a beneficial interest;

“current or prospective auditor”, in relation to a relevant authority, means—

- (a) the person appointed to act as the authority’s local auditor, or
- (b) a person who has made a bid, which has not been declined or withdrawn, for a contract of appointment as the authority’s local auditor;

“director” includes a member of the management committee or other directing body of a registered society, and a member of a limited liability partnership;

“registered society” means a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.]

- (9) The Secretary of State may by regulations amend this paragraph so as to make provision about the members of a relevant authority's auditor panel who are or are not independent for the purposes of sub-paragraph (1).

Textual Amendments

- F8** Sch. 4 para. 2(2) substituted for Sch. 4 para. 2(2)(3) (12.11.2014) by [The Local Audit \(Auditor Panel Independence\) Regulations 2014 \(S.I. 2014/2845\)](#), reg. 1, **2(2)**
- F9** Sch. 4 para. 2(4)-(7) substituted (12.11.2014) by [The Local Audit \(Auditor Panel Independence\) Regulations 2014 \(S.I. 2014/2845\)](#), reg. 1, **2(3)**
- F10** Words in Sch. 4 para. 2(8) substituted (12.11.2014) by [The Local Audit \(Auditor Panel Independence\) Regulations 2014 \(S.I. 2014/2845\)](#), reg. 1 **2(4)**
- F11** Sch. 4 para. 2(8A) inserted (12.11.2014) by [The Local Audit \(Auditor Panel Independence\) Regulations 2014 \(S.I. 2014/2845\)](#), reg. 1, **2(5)**

Modifications etc. (not altering text)

- C3** Sch. 4 para. 2 modified (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 33(2), **Sch. 5 para. 37(2)**

Commencement Information

- I66** Sch. 4 para. 2(9) in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(i)
- I67** Sch. 4 para. 2 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(h)**

Constitution of auditor panels: health service bodies

- 3 The Secretary of State may by regulations make provision about—

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- (a) whether any of the members of a health service body's auditor panel must be independent and, if so, the proportion which must be independent;
- (b) whether the chair of a health service body's auditor panel must be independent;
- (c) the meaning of “independent” for the purposes of this paragraph.

Commencement Information

- I68** Sch. 4 paras. 3-5 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(i)
I69 Sch. 4 para. 3 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(h\)](#)

Power to make further provision about constitution of auditor panels

- 4 (1) The Secretary of State may by regulations make provision about the constitution of an auditor panel.
- (2) This includes further provision about the matters mentioned in paragraph 2(1) and provision about—
- (a) the number of members of an auditor panel;
 - (b) the appointment of members of an auditor panel (including to fill casual vacancies);
 - (c) the term of office of members of an auditor panel;
 - (d) the removal or resignation of members of an auditor panel, or of its chair;
 - (e) the payment of remuneration or allowances to members of an auditor panel;
 - (f) the proceedings and validity of proceedings of an auditor panel.
- (3) The regulations may provide for any of those matters to be determined for a relevant authority's auditor panel by the authority.

Commencement Information

- I68** Sch. 4 paras. 3-5 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(i)
I70 Sch. 4 para. 4 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(h\)](#)

Application of local authority enactments to auditor panels

- 5 (1) The Secretary of State may by regulations—
- (a) amend or otherwise modify any local authority enactment in its application to auditor panels or members of auditor panels;
 - (b) apply any local authority enactment (with or without modifications) to auditor panels or members of auditor panels if, or to the extent that, it does not otherwise apply.
- (2) In this paragraph—
- “local authority” means a county council, a district council, a London borough council, the Common Council or the Council of the Isles of Scilly;
- “local authority enactment” means an enactment which relates to—
- (a) local authorities or committees or joint committees of local authorities,
or
 - (b) members of such authorities, committees or joint committees.

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Commencement Information

- I68** Sch. 4 paras. 3-5 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(i)
I71 Sch. 4 para. 5 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(h\)](#)

Status of auditor panels

- 6 (1) Where a relevant authority other than a health service body has determined that a committee of that authority should be its auditor panel, the panel when acting as such is not to be treated as a committee of the authority for the purposes of any enactment.
- (2) Sub-paragraph (1) is subject to provision made by regulations under paragraph 5.
- (3) References in this paragraph to a committee of a relevant authority include a sub-committee of such a committee.

Commencement Information

- I72** Sch. 4 para. 6 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(h\)](#)

Expenses of auditor panels

- 7 A relevant authority must meet the reasonable expenses of its auditor panel incurred by the panel when acting as such.

Commencement Information

- I73** Sch. 4 para. 7 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(h\)](#)

[^{F12}Connected entities]

Textual Amendments

- F12** Sch. 4 para. 8 cross-heading substituted (12.11.2014) by [The Local Audit \(Auditor Panel Independence\) Regulations 2014 \(S.I. 2014/2845\)](#), reg. 1 [2\(6\)](#)

- 8 (1) For the purposes of this Act, an entity (“E”) is connected with a relevant authority at any time if E is an entity other than the relevant authority and the relevant authority considers that, in accordance with proper practices in force at that time—
- (a) the financial transactions, reserves, assets and liabilities of E are to be consolidated into the relevant authority's statement of accounts for the financial year in which that time falls,
- (b) the relevant authority's share of the financial transactions, reserves, assets and liabilities of E is to be consolidated into the relevant authority's statement of accounts for that financial year, or
- (c) the relevant authority's share of the net assets or net liabilities of E, and of the profit or loss of E, are to be brought into the relevant authority's statement of accounts for that financial year.

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- (2) In sub-paragraph (1) “entity” means any entity, whether or not a legal person.
- (3) The Secretary of State may by regulations amend sub-paragraph (1) or (2).
- (4) In sub-paragraph (1) as it applies in relation to a health service body, the reference to the relevant authority's statement of accounts is to be read as a reference to the body's accounts.

Commencement Information

- I74** Sch. 4 para. 8(3) in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), [art. 2\(i\)](#)
- I75** Sch. 4 para. 8 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(h\)](#)

SCHEDULE 5 E+W

Section 18

ELIGIBILITY AND REGULATION OF LOCAL AUDITORS

- 1 (1) Part 42 of the Companies Act 2006 (statutory auditors) applies in relation to local audits as it applies in relation to statutory audits within the meaning of that Part, subject to—
 - (a) the general modifications to that Part in paragraph 2, and
 - (b) the specific modifications to that Part in the rest of this Schedule.
- (2) For the purposes of this Schedule—
 - a “local audit” means an audit under this Act of the accounts of a relevant authority;
 - “local audit work” means work in connection with such audits.
- ^{F13}(3) The reference in sub-paragraph (1) to Part 42 of the Companies Act 2006—
 - (a) includes sections 1288, 1289, 1290 and 1292 of that Act (regulations and orders) as they apply in relation to that Part;
 - (b) does not include the amendments made to that Part by the Statutory Auditors and Third Country Auditors Regulations 2016 ^{F14}and the Statutory Auditors and Third Country Auditors (Amendment) (EU Exit) Regulations 2019.]

Textual Amendments

- F13** Sch. 5 para. 1(3) substituted (17.6.2016) by [The Statutory Auditors and Third Country Auditors Regulations 2016 \(S.I. 2016/649\)](#), reg. 1(1)(a), [Sch. 5 para. 2\(2\)](#)
- F14** Words in [Sch. 5 para. 1\(3\)\(b\)](#) inserted (31.12.2020) by [The Statutory Auditors and Third Country Auditors \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/177\)](#), regs. 2, [45](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

- I76** Sch. 5 para. 1 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 2 (1) The general modifications are that—
 - (a) references to a statutory auditor are to a local auditor,
 - (b) references to an audited person are to a relevant authority,

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- (c) references to a statutory audit are to a local audit,
- (d) references to statutory audit work are to local audit work, and
- (e) references (however expressed) to Part 42 of the Companies Act 2006 or any provision of that Part are to that Part or provision as it has effect by virtue of this Schedule.

- (2) Sub-paragraph (1) does not apply to a provision that—
- (a) is treated as forming part of Part 42 of the Companies Act 2006 by virtue of any of the following provisions of this Schedule, and
 - (b) provides for an expression listed in sub-paragraph (1) to have the meaning it would have under that Part apart from its application by virtue of this Schedule.

Commencement Information

I77 Sch. 5 para. 2 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

- 3 Omit the following provisions—
- (a) Chapter 1 (introductory);
 - (b) sections 1220 (qualifying bodies and recognised professional qualifications), 1221 (approval of third country qualifications) and 1222 (eligibility of individuals retaining only 1967 Act authorisation);
 - (c) section 1223A (notification of matters relevant to other EEA States);
 - (d) sections 1224A (restrictions on disclosure) and 1224B (offence of disclosure in contravention of section 1224A);
 - (e) Chapter 3 (Auditors General);
 - (f) Chapter 5 (registered third country auditors);
 - (g) sections 1253A to 1253F (co-operation with foreign competent authorities);
 - (h) section 1264 (consequential amendments);
 - (i) Schedule 11 (recognised professional qualifications);
 - (j) Schedule 11A (specified persons, descriptions, disclosures etc for purposes of section 1224A);
 - (k) Schedule 12 (arrangements in which registered third country auditors are required to participate);
 - (l) Schedule 14 (statutory auditors: consequential amendments).

Commencement Information

I78 Sch. 5 para. 3 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

- 4 In section 1212 (individuals and firms: eligibility for appointment as a statutory auditor) omit subsection (2).

Commencement Information

I79 Sch. 5 para. 4 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

- 5 For section 1214 (independence requirement) substitute—

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“1214 Independence requirement

(1) A person (“P”) may not act as local auditor of the accounts of a relevant authority if one or more of subsections (2), ^{F15} ... [^{F16}(3A),] (4) and (5) apply to P.

(2) This subsection applies if—

- (a) P is a member or officer of the relevant authority,
- (b) where the relevant authority is a corporation sole, P is the holder of that office, or
- (c) P is a partner or employee of a person within paragraph (a) or (b), or a partnership of which such a person is a partner.

[^{F17}(3) In relation to a relevant authority that is an integrated care board, subsection (2)(a) has effect as if “or officer” were omitted.]

[^{F18}(3A) This subsection applies if—

- (a) the relevant authority is an NHS trust, and
- (b) P is a director of that NHS trust.]

(4) This subsection applies if—

- (a) P is a person elected or appointed—
 - (i) as an entity connected with the relevant authority,
 - (ii) to such an entity, or
 - (iii) to an office of such an entity,
- (b) P is an employee of such an entity, or
- (c) P is a partner or employee of a person within paragraph (a) or (b), or a partnership of which such a person is a partner.

(5) This subsection applies if there exists a connection of a prescribed description between—

- (a) P or an associate of P, and
- (b) the relevant authority or an entity connected with the relevant authority.

(6) In subsection (5) “prescribed” means prescribed by regulations made by the Secretary of State.

(7) Regulations under subsection (6) are subject to negative resolution procedure.”

Textual Amendments

F15 Word in *Sch. 5 para. 5* omitted (1.7.2022) by virtue of *Health and Care Act 2022 (c. 31)*, s. 186(6), **Sch. 4 para. 216(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F16 Word in *Sch. 5 para. 5* inserted (1.7.2022) by *Health and Care Act 2022 (c. 31)*, s. 186(6), **Sch. 7 para. 28(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F17 Words in *Sch. 5 para. 5* substituted (1.7.2022) by *Health and Care Act 2022 (c. 31)*, s. 186(6), **Sch. 4 para. 216(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F18 Words in *Sch. 5 para. 5* inserted (1.7.2022) by *Health and Care Act 2022 (c. 31)*, s. 186(6), **Sch. 7 para. 28(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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Commencement Information

I80 Sch. 5 para. 5 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

6 In section 1215 (effect of lack of independence) omit subsections (2) to (7).

Commencement Information

I81 Sch. 5 para. 6 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

7 In section 1216 (effect of appointment of a partnership), after subsection (5) insert—

“(5A) The consent or agreement of a parish meeting under subsection (5) must be given by the parish meeting itself (and not by its chairman on behalf of the parish meeting).”

Commencement Information

I82 Sch. 5 para. 7 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

8 In section 1217 (supervisory bodies), for subsection (1A) substitute—

“(1A) The rules referred to in paragraph 9(3)(b) (confidentiality of information) of Schedule 10 must also be binding on persons who—

- (a) have sought appointment or acted as a local auditor, and
- (b) have been members of the body at any time after the commencement of Schedule 5 to the Local Audit and Accountability Act 2014.”

Commencement Information

I83 Sch. 5 para. 8 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

9 For section 1219 (appropriate qualifications) substitute—

“1219 Appropriate qualifications

- (1) A person holds an appropriate qualification for the purposes of this Chapter only if—
 - (a) the person holds a qualification that is an appropriate qualification by virtue of this section, or
 - (b) the person holds an appropriate qualification for the purposes of this Chapter as it has effect apart from its application by virtue of Schedule 5 to the Local Audit and Accountability Act 2014.
- (2) The Secretary of State may by regulations provide for a qualification to be an appropriate qualification for the purposes of this Chapter if—
 - (a) it is a professional qualification in accountancy,
 - (b) it is obtained from a body established in the United Kingdom, and
 - (c) it meets, or the Secretary of State thinks that it meets, specified requirements.

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- (3) Regulations under this section may, in particular, provide for a qualification to be an appropriate qualification if—
- (a) it is offered by a body (a “qualifying body”) established in the United Kingdom (whether a body corporate or an unincorporated association), and
 - (b) it is recognised by the Secretary of State in accordance with the regulations.
- (4) Regulations under this section that contain provision under subsection (3) may in particular—
- (a) provide for the Secretary of State to make an order (a “recognition order”) recognising a qualification offered by a qualifying body;
 - (b) make provision about the application by a qualifying body for a recognition order;
 - (c) provide for the Secretary of State to give directions or impose requirements in connection with the application;
 - (d) make provision about the circumstances in which the Secretary of State may or must make or refuse to make a recognition order;
 - (e) make provision about the steps to be taken by the Secretary of State on making or refusing to make a recognition order;
 - (f) provide for a recognition order to be revoked by a further order (a “revocation order”);
 - (g) make provision about the circumstances in which a revocation order may or must be made;
 - (h) make provision about the date on which a revocation order may or must take effect;
 - (i) provide for a revocation order to contain transitional provision;
 - (j) make provision about the steps to be taken by the Secretary of State before or on making a revocation order.
- (5) The requirements that may be specified for a qualification to be an appropriate qualification or to be the subject of a recognition order include, in particular, requirements as to—
- (a) the persons to whom the qualification is open;
 - (b) the course of instruction undertaken by persons to whom the qualification is awarded;
 - (c) the professional experience of such persons;
 - (d) the examinations passed by such persons;
 - (e) the practical training undertaken by such persons;
 - (f) the rules and arrangements of the body offering the qualification for ensuring or monitoring compliance with other specified requirements.
- (6) Regulations under this section may in particular—
- (a) provide for exceptions to a specified requirement;
 - (b) confer power on the Secretary of State to give or withhold recognition or approval for the purposes of a specified requirement.
- (7) A person holds an appropriate qualification for the purposes of this Chapter if, immediately before the relevant time, the person was qualified for

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appointment as an auditor under section 3 of the Audit Commission Act 1998 by virtue of the person's membership of a body listed in subsection (7) of that section.

- (8) A person holds an appropriate qualification for the purposes of this Chapter if—
- (a) before the relevant time, the person began a course of study or practical training leading to a professional qualification in accountancy offered by a body listed in section 3(7) of the Audit Commission Act 1998,
 - (b) the person would have been qualified for appointment as an auditor under section 3 of that Act by virtue of subsection (5)(b) of that section if that qualification had been obtained before that time, and
 - (c) the person obtained that qualification within the period of 6 years beginning with that time.
- (9) In subsections (7) and (8) “the relevant time” means the time at which paragraph 9 of Schedule 5 to the Local Audit and Accountability Act 2014 comes into force.
- (10) Regulations under this section are subject to negative resolution procedure.
- (11) In this section “specified” means specified in regulations under this section.
- (12) In this Part “recognised professional qualification” means a professional qualification that is—
- (a) offered by a qualifying body, and
 - (b) recognised by the Secretary of State in accordance with regulations under this section.
- (13) In this Part “recognised qualifying body” means a qualifying body offering a recognised professional qualification.”

Commencement Information

184 Sch. 5 para. 9 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

10 After section 1224 insert—

“1224ZA Provision of documents to the Secretary of State

- (1) For the purpose of assisting a person listed in subsection (2) to maintain proper standards in the auditing of the accounts of a relevant authority, the person may require the authority to make available for inspection by that person—
- (a) the accounts concerned, and
 - (b) the other documents relating to the relevant authority that might reasonably be required by a local auditor for the purposes of the audit.
- (2) Those persons are—
- (a) the Secretary of State,

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- (b) a body designated by order under section 1252 (delegation of Secretary of State's functions under this Part), and
- (c) a recognised supervisory body.”

Commencement Information

I85 Sch. 5 para. 10 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 11 (1) Section 1225 (enforcement: general) applies with the following modifications.
- (2) In subsection (1)(b), for “any requirement of Part 2 of Schedule 11 is not satisfied” substitute “ any requirement under regulations under section 1219 applying to the qualification is not satisfied ”.
 - (3) In subsection (3), for “paragraph 3 of Schedule 11 (revocation of recognition orders)” substitute “ any power of the Secretary of State to make a revocation order under regulations under section 1219 ”.

Commencement Information

I86 Sch. 5 para. 11 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 12 In section 1225C(3) (compliance orders) omit “or, in Scotland, the Court of Session”.

Commencement Information

I87 Sch. 5 para. 12 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 13 In section 1225F(10) (appeals against financial penalties) omit “or, in Scotland, the Court of Session”.

Commencement Information

I88 Sch. 5 para. 13 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 14 (1) Section 1239 (the register of auditors) applies with the following modifications.
- (2) In subsection (1) omit paragraph (b) and the “and” preceding it.
 - (3) In subsection (2)—
 - (a) at the end of paragraph (d) insert “ , and ”, and
 - (b) omit paragraph (f) and the “and” preceding it.
 - (4) After subsection (4) insert—

“(4A) The regulations may provide for the register to be kept with the register under regulations under this section in its original form.”
 - (5) For subsection (5) substitute—

“(5) The regulations may impose such obligations as the Secretary of State thinks fit on—

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- (a) recognised supervisory bodies,
 - (b) recognised supervisory bodies within the meaning of this Part in its original form,
 - (c) any body designated by order under section 1252 (delegation of Secretary of State's functions under this Part),
 - (d) any body designated by order under that section in its original form,
 - (e) persons eligible for appointment as a local auditor,
 - (f) persons eligible for appointment as a statutory auditor in accordance with this Part in its original form,
 - (g) any person with whom arrangements are made by one or more recognised supervisory bodies, or by any body designated by order under section 1252, with respect to the keeping of the register, or
 - (h) any person with whom arrangements are made by one or more recognised supervisory bodies within the meaning of this Part in its original form, or by any body designated by order under section 1252 in its original form, with respect to the keeping of the register under regulations under this section in its original form.”
- (6) Omit subsection (7).
- (7) In subsection (8)—
- (a) for “(5)(b) or (e)” substitute “ (5)(c), (d), (g) or (h) ”, and
 - (b) omit “or, in Scotland, by an order under section 45 of the Court of Session Act 1988 (c. 36)”.
- (8) After subsection (9) insert—
- “(9A) References in subsections (4A) and (5) to this Part or a provision of this Part in its original form are to this Part or that provision as it has effect apart from its application by virtue of Schedule 5 to the Local Audit and Accountability Act 2014.”

Commencement Information

I89 Sch. 5 para. 14 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 15 In section 1240(1)(b) (information to be made available to public), for “audit work” substitute “ local audit work ”.

Commencement Information

I90 Sch. 5 para. 15 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 16 For section 1248 (Secretary of State's power to require second audit of company) substitute—

“1248 Secretary of State's power to require second audit

- (1) This section applies where a person appointed as a local auditor of the accounts of a relevant authority (“the first auditor”) was not an appropriate person for any part of the period during which the audit was conducted.

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- (2) The Secretary of State may direct the relevant authority to retain an appropriate person—
 - (a) to conduct a second audit of the accounts in question, or
 - (b) to review the first audit and to report (giving the appropriate person's reasons) whether a second audit of those accounts is needed.
- (3) For the purposes of subsections (1) and (2) a person is “appropriate” if the person—
 - (a) is eligible for appointment as a local auditor, and
 - (b) is not prohibited by section 1214(1) (independence requirement) from acting as a local auditor of the accounts of the relevant authority.
- (4) The Secretary of State must send a copy of a direction under subsection (2) to the recognised supervisory body (if any) of which the first auditor is or was a member.
- (5) The relevant authority must—
 - (a) send a copy of a report under subsection (2)(b) to the recognised supervisory body (if any) of which the first auditor is or was a member, and
 - (b) if the report states that a second audit is needed, take such steps as are necessary for the carrying out of that audit.
- (6) A direction under subsection (2) may specify when the authority must comply with—
 - (a) the requirements of the direction, or
 - (b) any requirement of subsection (5).
- (7) A person appointed under this section to conduct a second audit of the accounts of a parish meeting, or to review and report on the first audit of such accounts, must be appointed by the parish meeting itself (and not by its chairman on behalf of the parish meeting).”

Commencement Information

I91 Sch. 5 para. 16 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), **art. 2(e)**

17 For section 1249 (supplementary provision about second audits) substitute—

“1249 Supplementary provisions about second audits

- (1) If a person accepts an appointment, or continues to act, as a local auditor of the accounts of a relevant authority at a time when the person knows the person is not appropriate, the relevant authority may recover from the person any costs incurred by it in complying with the requirements of section 1248.

For this purpose “appropriate” is to be construed in accordance with subsection (3) of that section.
- (2) Where a second audit is carried out under section 1248, any statutory or other provision applying in relation to the first audit applies also, in so far as practicable, in relation to the second audit.”

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Commencement Information

I92 Sch. 5 para. 17 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

- 18 (1) Section 1250 (misleading, false and deceptive statements) applies with the following modifications.
- (2) Omit subsection (3).
- (3) In subsection (5)(b)—
- (a) in sub-paragraph (i) omit “in England and Wales,”, and
 - (b) omit sub-paragraph (ii).
- (4) In subsection (6)—
- (a) omit “, (3)”,
 - (b) in paragraph (a) omit “in England and Wales,”, and
 - (c) omit paragraph (b).
- (5) In each of subsections (7) and (8) omit “, (3)”.

Commencement Information

I93 Sch. 5 para. 18 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

- 19 (1) Section 1251 (fees) applies with the following modifications.
- (2) In subsection (1), after “a recognition order under this Part” insert “ or under regulations under this Part ”.
- (3) In subsection (2)—
- (a) at the end of paragraph (a) insert “ and ”, and
 - (b) omit paragraphs (c) and (d).

Commencement Information

I94 Sch. 5 para. 19 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

- 20 In section 1251A (duty of Secretary of State to report on inspections) omit paragraph (a).

Commencement Information

I95 Sch. 5 para. 20 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

- 21 (1) Section 1252 (delegation of the Secretary of State's functions) applies with the following modifications.
- (2) For subsection (3) substitute—
- “(3) A delegation order may provide that it has the effect of making the body designated under section 5 of the Freedom of Information Act 2000 (further power to designate public authorities), subject to subsection (3A).

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(3A) A delegation order may only provide that the body is so designated to the extent that it is exercising functions transferred or conferred by the order (so that nothing in Parts 1 to 5 of that Act applies by virtue of the order to information held by the body which does not relate to the exercise of those functions).”

- (3) In subsection (4)(b) omit sub-paragraph (ii) and the “and” preceding it.
- (4) In subsection (6) omit paragraph (b).
- (5) Omit subsection (7).

Commencement Information

I96 Sch. 5 para. 21 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

- 22 In section 1253(5) (delegation of functions to an existing body)—
- (a) for “to 22B” substitute “, 22 ”,
- (b) omit “, 23A(1)”, and
- (c) omit “or paragraph 1 or 2 of Schedule 12”.

Commencement Information

I97 Sch. 5 para. 22 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, art. 2(e)

- 23 (1) Section 1254 (directions to comply with international obligations) applies with the following modifications.
- (2) In [^{F19}subsection (1)(a)]—
- [^{F20}(a)] omit “, the Independent Supervisor” [^{F21}, and
- (b) for “EU obligations” substitute [^{F22}assimilated] obligations”].
- (3) For subsection (3) substitute—
- “(3) A direction under this section given to a body designated by order under section 1252 is enforceable on the application of the Secretary of State by injunction.”

Textual Amendments

- F19** Words in Sch. 5 para. 23(2) substituted (31.12.2020) by [The Local Audit \(England and Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/504\)](#), regs. 1(2), **4(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Sch. 5 para. 23(2) renumbered as Sch. 5 para. 23(2)(a) (31.12.2020) by [The Local Audit \(England and Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/504\)](#), regs. 1(2), **4(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Sch. 5 para. 23(2)(b) and word inserted (31.12.2020) by [The Local Audit \(England and Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/504\)](#), regs. 1(2), **4(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Word in Sch. 5 para. 23(2)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 82**

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Commencement Information

I98 Sch. 5 para. 23 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 24 (1) Section 1256 (time limits for prosecution of offences) applies with the following modifications.
- (2) In subsection (1) omit “in England and Wales”.
- (3) Omit subsections (2) to (4).
- (4) For subsection (5) substitute—
- “(5) This section does not authorise the trial of an information laid more than 3 years after the commission of the offence.”
- (5) In subsection (6) omit “, the Lord Advocate, the Director of Public Prosecutions for Northern Ireland”.
- (6) In subsection (7) omit the words from “, section 331” to the end.

Commencement Information

I99 Sch. 5 para. 24 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 25 (1) Section 1257 (jurisdiction and procedure in respect of offences) applies with the following modifications.
- (2) In subsection (1), in each of paragraphs (a) and (b), after “at any place” insert “ in England and Wales ”.
- (3) Omit subsections (4) and (5).

Commencement Information

I100 Sch. 5 para. 25 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

- 26 (1) Section 1261 (minor definitions) applies with the following modifications.
- (2) In subsection (1) omit the following definitions—
- “audit working papers”;
- “company”;
- “parent undertaking” and “subsidiary undertaking”;
- “third country”;
- “third country auditor”;
- “third country competent authority”;
- “transfer”.
- (3) In subsection (1) ^{F23}—
- (a) in the definition of “EEA competent authority”, omit “other than the United Kingdom”, ^{F24}...
- (b) in the definition of “officer”, after “a body corporate” insert “ other than a relevant authority ”^{F25}and
- (c) after the definition of “officer”, insert—

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““specified state” means one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;

“specified state auditor” means an individual who is eligible to conduct audits of the accounts of bodies corporate that are incorporated or formed under the law of a specified state in accordance with the law of that state;”.]

(4) After subsection (1) insert—

“(1A) Expressions used in this Part that are defined in the Local Audit and Accountability Act 2014 have the same meaning as in that Act.”

[^{F26}(5) In subsection (2A), after “EEA State” insert “and subject to the Audit Directive.”.]

Textual Amendments

- F23** Words in Sch. 5 para. 26(3) inserted (31.12.2020) by [The Local Audit \(England and Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/504\)](#), regs. 1(2), **5(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Word in Sch. 5 para. 26(3) omitted (1.12.2023) by virtue of [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 91(2)(a)**
- F25** Sch. 5 para. 26(3)(c) and word inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 91(2)(b)**
- F26** Sch. 5 para. 26(5) inserted (31.12.2020) by [The Local Audit \(England and Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/504\)](#), regs. 1(2), **5(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I101** Sch. 5 para. 26 in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), **art. 2(e)**

27 (1) Section 1262 (index of defined expressions) applies with the following modifications.

(2) Omit the following entries—

- “approved third country competent authority”;
- “audit working papers”;
- “audited person”;
- “Auditor General”;
- “company”;
- “enactment”;
- “main purposes of this Part”;
- “parent undertaking”;
- “recognised, in relation to a qualifying body”;
- “registered third country auditor”;
- “rules of a qualifying body”;
- “statutory auditor, statutory audit and statutory audit work”;
- “subsidiary undertaking”;
- “third country”;
- “third country auditor”;

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“third country competent authority”;
“transfer (in relation to audit working papers)”;
“UK-traded non EEA company”.

(3) At the appropriate places insert—

“enactment	section 44(1) of the Local Audit and Accountability Act 2014”;
“local audit	paragraph 1(2) of Schedule 5 to the Local Audit and Accountability Act 2014”;
“local auditor	section 4(1)(b) of the Local Audit and Accountability Act 2014”;
“local audit work	paragraph 1(2) of Schedule 5 to the Local Audit and Accountability Act 2014”;
“officer, in relation to a relevant authority	section 44(1) of the Local Audit and Accountability Act 2014”;
“parish meeting	section 44(1) of the Local Audit and Accountability Act 2014”;
“recognised qualifying body	section 1219(13)”;
“relevant authority	section 2(1) of the Local Audit and Accountability Act 2014
[^{F27} “specified state”	section 1261(1)
“specified state auditor”	section 1261(1)”].

(4) In the entry for “officer”, after “officer” insert “, in relation to a body corporate other than a relevant authority ”.

(5) In the entry for “qualifying body” for “section 1220(1)” substitute “ section 1219(3) (a) ”.

(6) For the entry for “recognised, in relation to a professional qualification” substitute—

“recognised professional qualification section 1219(12)”.

Textual Amendments

F27 Words in [Sch. 5 para. 27\(3\)](#) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, [Sch. 3 para. 91\(3\)](#)

Commencement Information

I102 [Sch. 5 para. 27](#) in force at 16.12.2014 in so far as not already in force by [S.I. 2014/3319](#), [art. 2\(e\)](#)

28 (1) Schedule 10 (recognised supervisory bodies) applies with the following modifications.

(2) Omit the following paragraphs—

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- (a) paragraph 4 (recognition orders under old companies legislation to have effect under Schedule);
- (b) paragraphs 10B and 10C (public interest entity reporting and independence requirements);
- (c) paragraphs 16A to 16AB (transfer of papers to third countries);
- (d) paragraph 20A (definition of public interest entity etc);
- (e) paragraphs 22A and 22B (arrangements for setting standards relating to public interest entity reporting and independence requirements);
- (f) paragraph 23A (arrangements for independent monitoring of third country audits).

(3) For paragraph 6 (holding of appropriate qualification) substitute—

“Holding of appropriate qualification

- 6 (1) The body must have rules to the effect that an individual is not eligible for appointment as a local auditor unless the individual—
- (a) holds an appropriate qualification,
 - (b) is an EEA auditor who has passed an aptitude test in accordance with sub-paragraph (3) [^{F28}on or before 31 December 2020], unless an aptitude test is not required (see [^{F29}sub-paragraph (4)]), ^{F30}...
^{F31}(ba) is a specified state auditor who—
 - (i) holds professional qualifications obtained in a specified state that are comparable to an appropriate qualification; and
 - (ii) has met a requirement to take an aptitude test or to complete an adaptation period, or to undertake both, imposed on the individual by the body in accordance with Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, if such a requirement is so imposed, or]
 - (c) has been authorised to act as a local auditor by the body pursuant to the European Communities (Recognition of Professional Qualifications) Regulations 2007 (SI 2007/2781), and complies with the requirements of those Regulations that apply to a person acting as a local auditor.
- (2) The body must have rules to the effect that a firm is not eligible for appointment as a local auditor unless—
- (a) each individual responsible for local audit work on behalf of the firm is eligible for appointment as a local auditor, and
 - (b) the firm is controlled by qualified persons (see paragraph 7 below).
- (3) The aptitude test—
- (a) must test the individual's knowledge of subjects—
 - (i) that are covered by a recognised professional qualification,
 - (ii) that are not covered by the professional qualification already held by that individual, and
 - (iii) the knowledge of which is essential for the pursuit of the profession of local auditor;

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- (b) may test the individual's knowledge of rules of professional conduct;
 - (c) must not test the individual's knowledge of any other matters.
- (4) No aptitude test is required if—
 - ^{F32}(a)
 - (b) the subjects that are covered by a recognised professional qualification and the knowledge of which is essential for the pursuit of the profession of local auditor are covered by the professional qualification already held by the individual.
- ^{F32}(5)
- (6) A firm which has ceased to comply with the conditions mentioned in sub-paragraph (2) may be permitted to remain eligible for appointment as a local auditor for a period of not more than three months.”
- (4) In paragraph 7 (meaning of control by qualified persons)—
 - (a) in sub-paragraph (1) (introductory), for “paragraph 6(1)(b)” substitute “paragraph 6(2)(b)”, ^{F33} ...
 - ^{F34}(aa) in sub-paragraph (2)(a)(ii), omit “, other than the United Kingdom”,]
 - (b) in sub-paragraph (2)(b)(i), (requirement for firm to be eligible for appointment as statutory auditor), for “statutory auditor” substitute “ local auditor, or as a statutory auditor in accordance with this Part of this Act as it has effect apart from its application by virtue of Schedule 5 to the Local Audit and Accountability Act 2014 ”^{F35}, and]
 - ^{F35}(c) in sub-paragraph (2)(b)(ii), omit “, other than the United Kingdom”.]
- (5) After paragraph 7 insert—

“Auditors to have sufficient skill and experience

- 7A (1) The body must have rules to the effect that a person is not eligible for appointment as a local auditor unless—
 - (a) in the case of a firm, the key audit partner, or each of the key audit partners, has an appropriate level of competence to carry out local audits, and
 - (b) in the case of an individual, the individual has an appropriate level of competence to carry out local audits.
- (2) Rules under sub-paragraph (1) must comply with guidance issued by the Secretary of State.
- (3) In sub-paragraph (1) “key audit partner” means an individual identified by the firm as being primarily responsible for local audits.”
- (6) For paragraph 10A substitute—

“Technical standards for group audit

- 10A(1) The body must have rules and practices as to technical standards ensuring that local auditors undertaking a group audit—
 - (a) review for the purposes of the audit the audit work conducted by other persons, and

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- (b) record that review.
- (2) The body must participate in arrangements within paragraph 22 (arrangements for setting standards), and the rules and practices mentioned in sub-paragraph (1) must include provision requiring compliance with any standards for the time being determined under those arrangements.
- (3) In this paragraph “group audit” means an audit that relates to the statement of accounts of a relevant authority, or, where the relevant authority is a health service body, the accounts of the body, in a case where, in accordance with proper practices, the financial transactions of an entity other than the authority must be consolidated into the statement or (as the case may be) the accounts.
- (4) In sub-paragraph (3) “entity” means any entity, whether or not a legal person.”
- (7) For paragraph 13 substitute—

“Monitoring of audits

- 13 (1) The body must—
- (a) have adequate arrangements for enabling the performance by its members of local audit functions, other than functions in respect of major local audits, to be monitored by means of inspections,
 - (b) in the case of members of the body who perform any local audit functions in respect of major local audits—
 - (i) participate in arrangements within paragraph 23(1), and
 - (ii) have rules and practices designed to ensure that a sanction determined under paragraph 23(1)(b) is to be treated as if it were a sanction which the body had determined under arrangements for enforcement within paragraph 12(1A), and
 - (c) have rules designed to ensure that members of the body take reasonable steps to enable their performance of any local audit functions to be monitored by means of inspections.
- (2) Any monitoring of members of the body under the arrangements within paragraph 23(1) is to be regarded (so far as their performance of local audit functions in respect of major local audits is concerned) as monitoring of compliance with the body’s rules for the purposes of paragraph 12(1) and (1A).
- (3) The arrangements referred to in sub-paragraph (1)(a) must include an inspection which is conducted in relation to each person eligible for appointment as a local auditor at least once every six years.
- (4) The inspection must be conducted by persons who—
- (a) have an appropriate professional education,
 - (b) have experience of—
 - (i) local audit work,

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- (ii) statutory audit work within the meaning of this Part of this Act as it has effect apart from its application by virtue of Schedule 5 to the Local Audit and Accountability Act 2014,
 - (iii) other audit work relating to any body whose accounts form part of a group for which the Treasury prepares accounts under section 9(1) of the Government Resources and Accounts Act 2000, or
 - [^{F36}(iv) work equivalent to that within any of sub-paragraphs (i) to (iii) on the audit of accounts under the law of—
 - (aa) an equivalent third country, or part of an equivalent third country, or
 - (bb) a transitional third country, or part of a transitional third country,]
 - (c) have received adequate training in the conduct of inspections concerning the audits of relevant authorities, and
 - (d) do not have any interests likely to conflict with the proper conduct of the inspection.
- [^{F37}(4A) For the purposes of sub-paragraph (4)—
- “equivalent third country” means a third country granted approval or provisional approval as an equivalent third country in accordance with section 1240A(1), as that section applies in relation to statutory audits;
 - “third country” means a country or territory other than the United Kingdom;
 - “transitional third country” means a third country granted approval or provisional approval as a transitional third country in accordance with section 1240A(1), as that section applies in relation to statutory audits.]
- (5) The inspection must review one or more local audits in which the person to whom the inspection relates has participated.
 - (6) The inspection must include an assessment of—
 - (a) the person's compliance with the body's rules established for the purposes of paragraphs 9 (professional integrity and independence), 10 (technical standards) and 10A (technical standards for group audits),
 - (b) the resources allocated by the person to local audit work,
 - (c) in the case of an inspection in relation to a firm, its internal quality control system, and
 - (d) the remuneration received by the person in respect of local audit work.
 - (7) An inspection conducted in relation to a firm may be treated as an inspection of all individuals responsible for local audit work on behalf of that firm, if the firm has a common quality assurance policy with which each of those individuals is required to comply.
 - (8) The main conclusions of the inspection must be recorded in a report which is made available to—
 - (a) the person to whom the inspection relates, and

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- (b) the body.
- (9) The body must, at least once every calendar year, give to the Secretary of State a summary of the results of inspections conducted under this paragraph.
- (10) For the purposes of this Schedule a local audit of the accounts of a relevant authority is a “major local audit” if the authority is specified in, or of a description specified in—
- (a) regulations made for the purposes of this sub-paragraph by the Secretary of State, or
- (b) a direction (which has not been revoked) given by the Secretary of State to the body.
- (11) Regulations under sub-paragraph (10)(a) may in particular specify a description of relevant authority by reference to its income or expenditure.
- (12) Regulations under sub-paragraph (10)(a) are subject to negative resolution procedure.
- (13) A direction may be given under sub-paragraph (10)(b) only if the Secretary of State thinks that there is significant public interest in the authority, or in authorities of the description, specified in the direction.
- (14) In this Schedule “local audit function” means any function performed as a local auditor.”
- (8) In paragraph 23 (arrangements for independent monitoring of audits of listed companies and other major bodies)—
- (a) in the heading, for “audits of listed companies and other major bodies” substitute “major local audits”,
- (b) for “statutory audit functions” in each place substitute “local audit functions”
- (c) for “major audits” in each place substitute “major local audits”, and
- (d) omit sub-paragraph (2).
- (9) In paragraph 24 (arrangements for independent investigation for disciplinary purposes of public interest cases)—
- (a) in sub-paragraph (1)(a) omit “or third country audit functions”, and
- (b) in sub-paragraph (2) omit the definitions of “statutory audit function” and “third country audit function”.
- (10) In paragraph 25(1) (supplementary: arrangements to operate independently of body)
- (a) at the end of paragraph (c) insert “, or”, and
- (b) omit paragraph (ca).
- (11) In paragraph 26 (supplementary: funding of arrangements) omit “, 23A”.
- (12) In paragraph 27 (supplementary: scope of arrangement) omit “, 23A”.

Textual Amendments

F28 Words in Sch. 5 para. 28(3) inserted (31.12.2020) by [The Local Audit \(England and Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/504\)](#), regs. 1(2), **6(1)(a)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F29** Words in Sch. 5 para. 28(3) substituted (1.1.2021) by The Local Audit (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/504), regs. 1(3), **6(1)(a)(i)(bb)**
- F30** Word in Sch. 5 para. 28(3) omitted (1.12.2023) by virtue of The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 91(4)(a)**
- F31** Words in Sch. 5 para. 28(3) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286), reg. 1, **Sch. 3 para. 91(4)(b)**
- F32** Words in Sch. 5 para. 28(3) omitted (1.1.2021) by virtue of The Local Audit (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/504), regs. 1(3), **6(1)(a)(ii)**
- F33** Word in Sch. 5 para. 28(3) omitted (31.12.2020) by virtue of The Local Audit (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/504), regs. 1(2), **6(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in Sch. 5 para. 28(3) inserted (31.12.2020) by The Local Audit (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/504), regs. 1(2), **6(1)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Sch. 5 para. 28(3) inserted (temp. until 1.1.2021) (31.12.2020) by The Local Audit (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/504), regs. 1(2), **6(1)(d)** (with reg. 6(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in Sch. 5 para. 28(7) substituted (31.12.2020) by The Local Audit (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/504), regs. 1(2), **6(1)(e)(i)** (with reg. 6(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Sch. 5 para. 28(7) inserted (31.12.2020) by The Local Audit (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/504), regs. 1(2), **6(1)(e)(ii)** (with reg. 6(3)); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I103** Sch. 5 para. 28 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, **art. 2(e)**

- 29 In Schedule 13 (supplementary provision with respect to delegation order)—
- (a) in paragraph 9 (legislative functions) omit “(or, in Scotland, sufficient evidence)”, and
 - (b) in paragraph 10(6) (requirement for auditor of body established by order to be eligible for appointment as statutory auditor), for “a statutory auditor” substitute “a local auditor, or a statutory auditor in accordance with this Part of this Act as it has effect apart from its application by virtue of Schedule 5 to the Local Audit and Accountability Act 2014”.

Commencement Information

- I104** Sch. 5 para. 29 in force at 16.12.2014 in so far as not already in force by S.I. 2014/3319, **art. 2(e)**

Duty to prepare code

- 1 (1) The Comptroller and Auditor General must prepare one or more codes of audit practice prescribing the way in which local auditors are to carry out their functions under this Act.

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- (2) Different codes may be prepared for different relevant authorities (but the Comptroller and Auditor General must ensure that each kind of relevant authority is covered by a code).
- (3) A code may contain different provision for different relevant authorities.
- (4) A code must embody what the Comptroller and Auditor General considers to be the best professional practice with respect to the standards, procedures and techniques to be adopted by local auditors.
- (5) Before preparing a code, the Comptroller and Auditor General must consult—
 - (a) such associations or representatives of relevant authorities as the Comptroller and Auditor General thinks appropriate,
 - (b) the recognised supervisory bodies,
 - (c) the persons appearing on the register of auditors kept under regulations under section 1239 of the Companies Act 2006 as it has effect by virtue of Schedule 5,
 - (d) the Secretary of State,
 - (e) the Treasury,
 - (f) each body to whom the Secretary of State has delegated functions under section 1252 of the Companies Act 2006 as it has effect by virtue of Schedule 5, and
 - (g) such other bodies or persons as the Comptroller and Auditor General thinks appropriate.

Commencement Information

I105 Sch. 6 para. 1 in force at 9.4.2014 for specified purposes by [S.I. 2014/940, art. 2\(b\)](#)

I106 Sch. 6 para. 1 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841, art. 3\(n\)](#) (with Sch. para. 1) (as amended (27.6.2016) by [S.I. 2016/675, art. 2](#))

Procedure for code

- 2 (1) After preparing a code of audit practice, the Comptroller and Auditor General must—
 - (a) publish it in draft, and
 - (b) send it to a Minister of the Crown, who must lay it before Parliament.
- (2) If, within the 40-day period, either House of Parliament resolves not to approve the code—
 - (a) it must not be published by the Comptroller and Auditor General, and
 - (b) the Comptroller and Auditor General must prepare another code.
- (3) If no such resolution is made within that period, the Comptroller and Auditor General must publish the code.
- (4) This paragraph does not apply to a code of audit practice prepared to replace an existing code of audit practice (but see paragraph 5).

Commencement Information

I107 Sch. 6 para. 2 in force at 9.4.2014 for specified purposes by [S.I. 2014/940, art. 2\(b\)](#)

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I108 Sch. 6 para. 2 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(n) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Duty to keep code under review

3 The Comptroller and Auditor General must keep each code of audit practice under review.

Commencement Information

I109 Sch. 6 para. 3 in force at 9.4.2014 for specified purposes by S.I. 2014/940, art. 2(b)

I110 Sch. 6 para. 3 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(n) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Alteration of code

- 4 (1) The Comptroller and Auditor General may prepare alterations to a code of audit practice.
- (2) Paragraph 1(5) applies to alterations to a code as it applies to a code.
- (3) After preparing alterations to a code, the Comptroller and Auditor General must—
- publish the code as altered in draft, and
 - send the code as altered to a Minister of the Crown, who must lay it before Parliament.
- (4) If, within the 40-day period, either House of Parliament resolves not to approve the code as altered, it must not be published by the Comptroller and Auditor General.
- (5) If no such resolution is made within that period, the Comptroller and Auditor General must publish the code as altered.
- (6) A code published under sub-paragraph (3)(a) or (5) must show the alterations that are proposed to be made to it or (as the case may be) have been made to it in such manner as the Comptroller and Auditor General thinks appropriate.

Commencement Information

I111 Sch. 6 para. 4 in force at 9.4.2014 for specified purposes by S.I. 2014/940, art. 2(b)

I112 Sch. 6 para. 4 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(n) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Replacement of code

- 5 (1) The Comptroller and Auditor General may prepare a code of audit practice to replace a code published under paragraph 2(3) or sub-paragraph (7).
- (2) The Comptroller and Auditor General must—
- use reasonable endeavours to ensure that a code is published under sub-paragraph (7) to replace a code published under paragraph 2(3) or that sub-paragraph (“the original code”) before the end of 5 years beginning with the date on which the original code was so published, or

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- (b) if it does not prove possible to comply with paragraph (a), ensure that a code of the kind referred to in that paragraph is published under sub-paragraph (7) as soon as is reasonably practicable after the end of the period referred in that paragraph.
- (3) Sub-paragraphs (1) and (2) apply regardless of whether the original code has been published with alterations under paragraph 4 in the meantime.
- (4) A replacement code prepared to comply with sub-paragraph (2) need not make different provision from that made by the original code.
- (5) After preparing a replacement code, the Comptroller and Auditor General must—
 - (a) publish it in draft, and
 - (b) send it to a Minister of the Crown, who must lay it before Parliament.
- (6) If, within the 40-day period, either House of Parliament resolves not to approve the replacement code—
 - (a) the code must not be published by the Comptroller and Auditor General, and
 - (b) if the period of 5 years beginning with the date on which the original code was published under paragraph 2(3) or sub-paragraph (7) has expired, the Comptroller and Auditor General must prepare another replacement code.
- (7) If no such resolution is made within that period, the Comptroller and Auditor General must publish the replacement code.

Commencement Information

I113 Sch. 6 para. 5 in force at 9.4.2014 for specified purposes by [S.I. 2014/940, art. 2\(b\)](#)

I114 Sch. 6 para. 5 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841, art. 3\(n\)](#) (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675, art. 2](#))

Publication of code

- 6 (1) A code of audit practice may be published in such manner as the Comptroller and Auditor General thinks fit.
- (2) A code comes into force on the day on which it is published under paragraph 2(3) or 5(7) unless it specifies a different commencement date.
- (3) Alterations to a code come into force on the day on which the code as altered is published under paragraph 4(5) unless it specifies a different commencement date for those alterations.
- (4) A code may—
 - (a) specify different commencement dates for different purposes;
 - (b) include transitional provisions and savings.
- (5) A code may, in particular, provide that all or part of an existing code of audit practice has effect until all or part of the new code comes into force.

Commencement Information

I115 Sch. 6 para. 6 in force at 9.4.2014 for specified purposes by [S.I. 2014/940, art. 2\(b\)](#)

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I116 Sch. 6 para. 6 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(n) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Assistance from relevant authority

- 7 A relevant authority must provide the Comptroller and Auditor General with the information that the Comptroller and Auditor General reasonably requires for the purposes of this Schedule.

Commencement Information

I117 Sch. 6 para. 7 in force at 9.4.2014 for specified purposes by S.I. 2014/940, art. 2(b)
I118 Sch. 6 para. 7 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(n) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Saving for codes of practice under Audit Commission Act 1998

- 8 (1) Despite the repeal of section 4 of the Audit Commission Act 1998 by this Act, a provision of a code of audit practice under that section continues in force until it is replaced by a provision of a code of audit practice under this Schedule.
- (2) A provision of a code under that section is to be read subject to the modifications necessary for it to have effect in relation to the functions of a local auditor under this Act.
- (3) A code under that section—
- (a) is not to be treated as a code of audit practice for the purposes of this Schedule (other than this paragraph), but,
 - (b) is otherwise to be treated as a code of audit practice for the purposes of this Act.

Commencement Information

I119 Sch. 6 para. 8 in force at 9.4.2014 for specified purposes by S.I. 2014/940, art. 2(b)
I120 Sch. 6 para. 8 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(n) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Guidance

- 9 (1) The Comptroller and Auditor General may issue guidance as to the exercise by local auditors of their functions under this Act.
- (2) Guidance under this paragraph may, in particular, explain or supplement the provisions of a code of practice under this Schedule.

Commencement Information

I121 Sch. 6 para. 9 in force at 9.4.2014 for specified purposes by S.I. 2014/940, art. 2(b)
I122 Sch. 6 para. 9 in force at 16.12.2014 for specified purposes by S.I. 2014/3319, art. 2(f)

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I123 Sch. 6 para. 9 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(n) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Application to auditors of NHS foundation trusts

- 10 (1) The duty imposed on the Comptroller and Auditor General by paragraph 1 includes a duty to prepare one or more codes of audit practice prescribing the way in which auditors of accounts of NHS foundation trusts are to carry out their functions in relation to such accounts.
- (2) This Schedule, apart from paragraph 1(2) and (3), paragraph 8 and this paragraph, applies in relation to a code relating to auditors of accounts of NHS foundation trusts as it applies in relation to a code relating to local auditors, subject to the following sub-paragraphs.
- (3) Paragraph 1(4) is to be read as if the reference to “local auditors” were a reference to auditors of accounts of NHS foundation trusts.
- (4) Paragraph 1(5) applies as if—
- (a) it required the Comptroller and Auditor General to consult [^{F38}NHS England] (as well as the other persons mentioned in that sub-paragraph), and
 - (b) paragraph (a) of that sub-paragraph required the Comptroller and Auditor General to consult such associations or representatives of NHS foundation trusts as the Comptroller and Auditor General thinks appropriate.
- (5) Paragraph 7 is to be read as if the reference to “a relevant authority” were a reference to an NHS foundation trust.
- (6) Paragraph 9(1) is to be read as if the reference to “the exercise by local auditors of their functions under this Act” were a reference to “the exercise by auditors of accounts of NHS foundation trusts of their functions in relation to such accounts”.

Textual Amendments

F38 Words in Sch. 6 para. 10(4)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 5 para. 101; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Commencement Information

I124 Sch. 6 para. 10 in force at 9.4.2014 for specified purposes by S.I. 2014/940, art. 2(b)

I125 Sch. 6 para. 10 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(n) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Meaning of “40-day period”

- 11 (1) In this Schedule “the 40-day period”, in relation to a code laid before Parliament, means the period of 40 days beginning with—
- (a) the day on which the code is laid, or
 - (b) if it is not laid before each House of Parliament on the same day, the later of the 2 days on which it is laid.
- (2) In calculating that period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

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Commencement Information

- I126** Sch. 6 para. 11 in force at 9.4.2014 for specified purposes by S.I. 2014/940, art. 2(b)
I127 Sch. 6 para. 11 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(n) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

SCHEDULE 7 **E+W**

Section 24

REPORTS AND RECOMMENDATIONS

Public interest reports

- 1 (1) A local auditor of the accounts of a relevant authority must consider whether, in the public interest, the auditor should make a report on any matter coming to the auditor's notice during the audit and relating to the authority or an entity connected with the authority, so it can be considered in accordance with this Schedule or brought to the public's attention.
- (2) A report under sub-paragraph (1) is referred to in this Act as a public interest report.
- (3) A public interest report may be made during or after the end of an audit.
- (4) A local auditor must notify a relevant authority's auditor panel (if it has one) as soon as is reasonably practicable after making a public interest report relating to the authority or an entity connected with it.
- (5) A local auditor may recover from a relevant authority—
- (a) the reasonable costs of determining whether to make a public interest report relating to the authority or an entity connected with it, and
 - (b) the reasonable costs of making a public interest report relating to the authority or an entity connected with it.
- (6) Sub-paragraph (5)(a) applies regardless of whether the report is in fact made.

Commencement Information

- I128** Sch. 7 para. 1 in force at 1.4.2015 by S.I. 2015/841, art. 3(p) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Written recommendations

- 2 (1) A local auditor of the accounts of a relevant authority may make a written recommendation to the authority relating to the authority or an entity connected with it, so that the recommendation can be considered under this Schedule.
- (2) A recommendation may be made during or at the end of an audit.
- (3) A recommendation must be sent at the time it is made—
- (a) to the Secretary of State,

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- (b) where the recommendation relates to an entity connected with the relevant authority, to that entity and to any other relevant authority with which the entity is connected,
 - (c) where the relevant authority is itself a connected entity, to its related authority or authorities,
 - (d) where the relevant authority is a [^{F39}health service body], to [^{F40}NHS England], and
 - (e) where the relevant authority is—
 - (i) a functional body,
 - (ii) an entity connected with a functional body, or
 - (iii) the London Pensions Fund Authority,
 to the Greater London Authority.
- (4) A local auditor may recover from a relevant authority—
- (a) the reasonable costs of determining whether to make a recommendation relating to the authority or an entity connected with it, and
 - (b) the reasonable costs of making a recommendation relating to the authority or an entity connected with it.
- (5) Sub-paragraph (4)(a) applies regardless of whether the recommendation is in fact made.
- (6) In this Act “related authority”, in relation to a connected entity, means the relevant authority with which the entity is connected.

Textual Amendments

F39 Words in Sch. 7 para. 2(3)(d) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 7 para. 29(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F40 Words in Sch. 7 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Commencement Information

I129 Sch. 7 para. 2 in force at 1.4.2015 by S.I. 2015/841, art. 3(p) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Supply of public interest reports

- 3 (1) If a local auditor makes a public interest report arising out of the audit of the accounts of a relevant authority, the auditor must send the report to—
- (a) the authority, and
 - (b) where the report relates to an entity connected with the authority, to that entity and to any other relevant authority with which the entity is connected.
- (2) The local auditor must also send the report—
- (a) to the Secretary of State,
 - (b) where the relevant authority is itself a connected entity, to its related authority or authorities,
 - (c) where the relevant authority is a [^{F41}health service body], to [^{F40}NHS England], and

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- (d) where the relevant authority is—
- (i) a functional body,
 - (ii) an entity connected with a functional body, or
 - (iii) the London Pensions Fund Authority,
- to the Greater London Authority.
- (3) A report required to be sent under sub-paragraph (1) or (2) must be sent as soon as is reasonably practicable after it is made.
- (4) If a relevant authority to which a report is sent under this paragraph is a health service body, it must take the report into consideration as soon as is reasonably practicable after receiving it.
- (5) If paragraph 5 applies to a relevant authority to which a report is sent under this paragraph, it must, if required by that paragraph to do so, take the report into consideration in accordance with that paragraph.
- (6) If a relevant authority to which a report is sent under this paragraph is the Greater London Authority, it must, if required by that paragraph to do so, take the report into consideration in accordance with paragraph 6.

Textual Amendments

- F40** Words in [Sch. 7](#) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 1\(1\)\(2\)](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))
- F41** Words in [Sch. 7 para. 3\(2\)\(c\)](#) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 7 para. 29\(3\)](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Commencement Information

- I130** [Sch. 7 para. 3](#) in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(p\)](#) (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), [art. 2](#))

Publicity for public interest reports

- 4 (1) This paragraph applies to a relevant authority if a local auditor has made a public interest report relating to the authority or an entity connected with it.
- (2) As soon as is practicable after receiving the report, the relevant authority must publish the report and a notice that—
- (a) identifies the subject matter of the report, and
 - (b) unless the authority is a health service body, states that any member of the public may inspect the report and make a copy of it or any part of it between the times and at the place or places specified in the notice.
- (3) As soon as is practicable after receiving the report, the relevant authority must supply a copy of the report to—
- (a) each of its members (if it has members), and
 - (b) its auditor panel (if it has one).
- (4) Sub-paragraph (3)(a) does not apply in relation to a parish meeting.
- (5) From the time when the report is received, the relevant authority, unless it is a health service body, must ensure that any member of the public may—

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- (a) inspect the report at all reasonable times without payment,
 - (b) make a copy of it, or any part of it, and
 - (c) be supplied with a copy of it, or any part of it, on payment of a reasonable sum.
- (6) The local auditor may—
- (a) notify any person the auditor thinks fit of the fact that the auditor has made the report, and
 - (b) supply a copy of it or any part of it to any person the auditor thinks fit.
- (7) A notice or report required to be published under this paragraph must be published—
- (a) if the authority has a website, on its website;
 - (b) otherwise, in accordance with sub-paragraph (8).
- (8) A relevant authority publishes a notice or report in accordance with this sub-paragraph if—
- (a) in the case of an authority other than a health service body, it publishes the notice or report in such manner as it thinks is likely to bring the notice or report to the attention of persons who live in its area;
 - [^{F42}(b) in the case of an integrated care board, it publishes the notice or report in such manner as it thinks is likely to bring the notice or report to the attention of—
 - (i) the group of people for whom it has core responsibility, and
 - (ii) anyone who lives within its area but does not fall within sub-paragraph (i)]
 - ^{F43}(c)
 - [^{F44}(d) in the case of an NHS trust, it publishes the notice in such manner as it thinks is likely to bring the notice to the attention of persons to whom the trust provides services for the purposes of the health service in England.]
- (9) Nothing in this paragraph affects the operation of paragraph 9.

Textual Amendments

- F42** Sch. 7 para. 4(8)(b) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 217**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F43** Sch. 7 para. 4(8)(c) omitted (17.6.2021) by virtue of NHS (Charitable Trusts Etc) Act 2016 (c. 10), s. 5(1), **Sch. 1 para. 18(j)**; S.I. 2021/712, **reg. 3(c)**
- F44** Sch. 7 para. 4(8)(d) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 7 para. 29(4)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Commencement Information

- I131** Sch. 7 para. 4 in force at 1.4.2015 by S.I. 2015/841, **art. 3(p)** (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Consideration of report or recommendation

- 5 (1) Subject to sub-paragraphs (2) and (4), this paragraph applies to a relevant authority if—
- (a) a local auditor has made a public interest report relating to the authority or an entity connected with it, or

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- (b) a local auditor has made a recommendation relating to the authority or an entity connected with it.
- (2) This paragraph does not apply to a relevant authority which is itself a connected entity, subject to sub-paragraph (3).
 - (3) This paragraph applies to the Mayor's Office for Policing and Crime where a local auditor has made a report or recommendation relating to the Commissioner of Police of the Metropolis regardless of whether the Office is a connected entity or was such an entity at the time to which the report or recommendation relates.
 - (4) This paragraph does not apply to—
 - (a) the Greater London Authority (but see paragraph 6), and
 - (b) health service bodies.
 - (5) The relevant authority must consider the report or recommendation at a meeting held before the end of the period of one month beginning with the day on which it was sent to the authority.
 - (6) At that meeting the relevant authority must decide—
 - (a) whether the report requires the authority to take any action or whether the recommendation is to be accepted, and
 - (b) what, if any, action to take in response to the report or recommendation.
 - (7) Where the relevant authority is a police and crime commissioner [^{F45}, the Mayor's Office for Policing and Crime [^{F46}, a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 or the London Fire Commissioner]], the authority must, before the end of the period of one month beginning with the day on which the report or recommendation was sent to the authority, decide—
 - (a) whether the report requires the authority to take any action or whether the recommendation is to be accepted, and
 - (b) what, if any, action to take in response to the report or recommendation.
 - (8) If the local auditor is satisfied that it is reasonable to allow more time for the relevant authority to comply with sub-paragraph (5) or (7), the auditor may extend or further extend the period of one month mentioned in that sub-paragraph.
 - (9) This paragraph does not affect any duties (so far as they relate to the subject-matter of a report or recommendation sent to a relevant authority) which are imposed by or under—
 - (a) this Act,
 - (b) sections 114 to 116 of the Local Government Finance Act 1988 (functions and reports of finance officers),
 - (c) section 5 of the Local Government and Housing Act 1989 (functions of monitoring officers), or
 - (d) any other enactment.
 - (10) The Secretary of State may by regulations provide for this paragraph to apply with modifications in relation to a relevant authority specified, or of a description specified, in the regulations.

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- (11) The Secretary of State may by regulations provide for any provisions of the following that do not otherwise apply to a meeting of a relevant authority under this paragraph to apply (with or without modifications) to such a meeting—
- (a) the Public Bodies (Admission to Meetings) Act 1960;
 - (b) Part 5A of the Local Government Act 1972 (access to meetings and documents);
 - (c) Schedule 12 to that Act (meetings and proceedings of local authorities).

Textual Amendments

- F45** Words in Sch. 7 para. 5(7) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 1 para. 97\(3\)](#); S.I. 2017/399, reg. 2, Sch. para. 38
- F46** Words in Sch. 7 para. 5(7) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 122\(3\)](#); S.I. 2018/227, [reg. 4\(c\)](#)

Modifications etc. (not altering text)

- C4** Sch. 7 para. 5 applied (with modifications) (1.4.2015) by [The Public Interest Reports and Recommendations \(Modification of Consideration Procedure\) Regulations 2014 \(S.I. 2014/1629\)](#), [regs. 1\(1\), 2, 3](#)

Commencement Information

- I132** Sch. 7 para. 5 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(k)
- I133** Sch. 7 para. 5 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(p\)](#) (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Consideration of report or recommendation: Greater London Authority

- 6 (1) This paragraph applies if—
- (a) a local auditor has made a public interest report relating to the Greater London Authority (“the Authority”) or an entity connected with it, or
 - (b) a local auditor has made a recommendation relating to the Authority or an entity connected with it.
- (2) This paragraph does not apply where a local auditor has made a report or recommendation relating to the Commissioner of Police of the Metropolis regardless of whether the Commissioner is connected with the Authority or was so connected at the time to which the report or recommendation relates.
- (3) The London Assembly (“the Assembly”) must consider the report or recommendation at a meeting.
- (4) The Mayor of London (“the Mayor”) must attend the meeting.
- (5) At the meeting, the Assembly must decide what recommendations to make to the Mayor about the decisions to be made under sub-paragraph (6).
- (6) Having considered the report or recommendation, and the Assembly's recommendations under sub-paragraph (5), the Mayor must decide—
- (a) whether the report requires the Authority to take any action or whether the recommendation is to be accepted, and

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- (b) what, if any, action to take in response to the report or recommendation.
- (7) The Mayor and the Assembly must comply with sub-paragraphs (3) to (6) before the end of the period of one month beginning with the day on which the report or recommendation was sent to the Authority.
- (8) If the local auditor is satisfied that it is reasonable to allow more time for the Mayor or the Assembly to comply with sub-paragraphs (3) to (6), the auditor may extend or further extend the period of one month mentioned in sub-paragraph (7).
- (9) This paragraph does not affect any duties (so far as they relate to the subject-matter of a report or recommendation sent to the Authority) which are imposed by or under—
- (a) this Act,
 - (b) sections 114 to 116 of the Local Government Finance Act 1988 (functions and reports of finance officers),
 - (c) section 5 of the Local Government and Housing Act 1989 (functions of monitoring officers), or
 - (d) any other enactment.

Commencement Information

I134 Sch. 7 para. 6 in force at 1.4.2015 by S.I. 2015/841, art. 3(p) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Bar on delegation of functions relating to meetings

- 7
- (1) If a relevant authority is a local authority operating executive arrangements, the authority's functions under paragraph 5 are not the responsibility of an executive of the authority under those arrangements.
 - (2) If a relevant authority is a local authority within the meaning of section 101 of the Local Government Act 1972 (arrangements for discharge of functions), that section does not apply to its functions under paragraph 5.
 - (3) The functions of a parish meeting under paragraph 5 are to be exercised by the parish meeting itself (and not by its chairman on behalf of the parish meeting).
 - (4) Any functions of the Mayor of London under paragraph 6 must be exercised by the Mayor personally.
 - (5) Section 54 of the Greater London Authority Act 1999 (discharge of London Assembly functions by committees etc) does not apply in relation to any function of the London Assembly under paragraph 6.

Commencement Information

I135 Sch. 7 para. 7 in force at 1.4.2015 by S.I. 2015/841, art. 3(p) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Publicity for meetings

- 8
- (1) If a relevant authority is required to hold a meeting under paragraph 5, it must publish a notice in compliance with sub-paragraphs (2) to (4).

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- (2) The notice must be published—
- (a) if the relevant authority has a website, on its website;
 - (b) otherwise, in such manner as the authority thinks is likely to bring the notice to the attention of persons who live in its area.
- (3) The notice must—
- (a) state the time and place of the meeting,
 - (b) indicate that the meeting is to be held to consider a local auditor's report or recommendation (as the case may be),
 - (c) if the meeting is to be held to consider a report, describe the subject matter of the report, and
 - (d) if the meeting is to be held to consider a recommendation, set out the recommendation or, where this is not reasonably practicable, describe its subject matter.
- (4) The notice must be published before the beginning of the period of 8 days ending with the day of the meeting.
- (5) The agenda supplied to the members of the relevant authority for the meeting must be accompanied by a copy of the report or recommendation (as the case may be).
- (6) Sub-paragraph (5) does not apply in relation to a parish meeting.
- (7) If the London Assembly is required to hold a meeting under paragraph 6, the Greater London Authority must publish on its website a notice in compliance with sub-paragraphs (3) and (4).
- (8) The agenda supplied to the members of the London Assembly for the meeting must be accompanied by a copy of the report or recommendation (as the case may be).
- (9) This paragraph applies in addition to any provision made in relation to the relevant authority in question by or under the Public Bodies (Admission to Meetings) Act 1960, the Local Government Act 1972 or any other enactment.

Commencement Information

I136 Sch. 7 para. 8 in force at 1.4.2015 by S.I. 2015/841, art. 3(p) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Access to meetings and documents

- 9
- (1) Where a public interest report or a recommendation is to be considered under paragraph 5 by a relevant authority to which the Public Bodies (Admission to Meetings) Act 1960 applies, the report or recommendation is not to be excluded from the matter supplied under section 1(4)(b) of that Act (supply of agenda etc to newspapers).
 - (2) Part 5A (access to meetings and documents) of the Local Government Act 1972 applies to a meeting of the London Pensions Fund Authority under paragraph 5 as if the Authority were a principal council.

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- (3) Sub-paragraphs (4) to (6) apply in relation to the consideration under paragraph 5 or 6 of a public interest report or a recommendation by a relevant authority to which Part 5A (access to meetings and documents) of the Local Government Act 1972 applies.
- (4) Information contained in the report or recommendation is not to be treated as exempt information for the purposes of that Part.
- (5) The report or recommendation is not to be excluded—
 - (a) from the documents open to inspection under section 100B(1) of that Act (public access to agenda and reports before meetings), or
 - (b) from the matter supplied under section 100B(7) of that Act (supply of agenda etc to newspapers).
- (6) Part 5A of the Local Government Act 1972 has effect in relation to the report or recommendation as if section 100C(1)(d) of that Act (public access to copies of reports for six years after meeting) were not limited to so much of the report or recommendation as relates to an item during which the meeting was open to the public.
- (7) Information contained in a public interest report or a recommendation is not to be treated as exempt information for the purposes of any Act or instrument made under an Act that applies in relation to exempt information within the meaning of Part 5A of the Local Government Act 1972.
- (8) References in this paragraph to a public interest report or a recommendation include any report on the report or recommendation.

Commencement Information

I137 Sch. 7 para. 9 in force at 1.4.2015 by S.I. 2015/841, art. 3(p) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Publicity for decisions under paragraph 5 or 6

- 10
- (1) As soon as is practicable after making decisions under paragraph 5(6) or (7) or 6(6), a relevant authority must—
 - (a) notify the authority's local auditor of those decisions, and
 - (b) publish a notice containing a summary of those decisions which has been approved by the auditor.
 - (2) The notice under sub-paragraph (1)(b) must be published—
 - (a) if the relevant authority has a website, on its website;
 - (b) otherwise, in such manner as the authority thinks is likely to bring the notice to the attention of persons who live in its area.
 - (3) The notice required by sub-paragraph (1)(b) in relation to a meeting need not summarise any decision made while the public were excluded from the meeting—
 - (a) as the result of a resolution under section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 (protection of public interest),
 - (b) under section 100A(2) of the Local Government Act 1972 (confidential matters), or

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- (c) as the result of a resolution under section 100A(4) of that Act (exempt information).
- (4) If sections 100C and 100D of the Local Government Act 1972 (availability for inspection after meetings of minutes etc) apply in relation to a meeting under paragraph 5 or 6, the notice required by sub-paragraph (1)(b) must indicate the documents in relation to the meeting that are open for inspection in accordance with those paragraphs.
- (5) This paragraph applies in addition to any provision made in relation to the relevant authority by or under the Public Bodies (Admission to Meetings) Act 1960, the Local Government Act 1972 or any other enactment.

Commencement Information

I138 Sch. 7 para. 10 in force at 1.4.2015 by S.I. 2015/841, art. 3(p) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

SCHEDULE 8 **E+W**

Section 29

ADVISORY NOTICES

Modifications etc. (not altering text)

C5 Sch. 8 excluded by 1999 c. 29, s. 134(5) (as amended) (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 12 para. 43(3); S.I. 2015/841, art. 3(x)

Power to issue advisory notice

- 1 (1) A local auditor of the accounts of a relevant authority, other than a health service body, may issue a notice under this paragraph (an “advisory notice”) if the auditor thinks that the authority or an officer of the authority—
- (a) is about to make or has made a decision which involves or would involve the authority incurring unlawful expenditure,
 - (b) is about to take or has begun to take a course of action which, if followed to its conclusion, would be unlawful and likely to cause a loss or deficiency, or
 - (c) is about to enter an item of account, the entry of which is unlawful.
- (2) An advisory notice is a notice which—
- (a) is addressed to the authority or officer concerned,
 - (b) specifies the paragraph of sub-paragraph (1) which is relevant and the decision, course of action or item of account to which the notice relates,
 - (c) specifies that the notice will take effect on the day on which a copy of the notice is served on the person to whom it is addressed, and
 - (d) requires the authority or officer to give the authority's local auditor at least the specified number of days' notice in writing of the intention of the authority or officer to—
 - (i) make or implement the decision,

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- (ii) take or continue to take the course of action, or
 - (iii) enter the item of account,
- (as the case may be).
- (3) In sub-paragraph (2)(d) “the specified number” means the number of days specified in the notice, which may not be more than 21.
- (4) For the purposes of this Schedule the actions of the following are to be treated as actions of the relevant authority itself—
- (a) a committee or sub-committee of the authority;
 - (b) any other person (other than an officer) authorised to act on behalf of the authority.

Commencement Information

I139 Sch. 8 para. 1 in force at 1.4.2015 by S.I. 2015/841, art. 3(r) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Service and withdrawal of notice

- 2 (1) A copy of an advisory notice—
- (a) in the case of a notice addressed to a relevant authority, must be served on the relevant authority,
 - (b) in the case of a notice addressed to an officer, must be served on the relevant authority concerned and the officer, and
 - (c) may be served on any other person the local auditor thinks appropriate.
- (2) If the relevant authority referred to in sub-paragraph (1)(a) or (b) is a connected entity, a copy of the notice must also be served on its related authority or authorities.
- (3) The local auditor must serve a statement of the auditor's reasons for the belief referred to in paragraph 1(1)—
- (a) on the relevant authority concerned,
 - (b) on any officer on whom a copy of the notice was served under sub-paragraph (1)(b), and
 - (c) if a copy of the notice was served on a related authority or authorities under sub-paragraph (2), on that authority or those authorities.
- (4) The statement must be served before the end of the period of 7 days beginning with the day on which a copy of the notice was served on the person to whom it is addressed.
- (5) Where this paragraph requires a document to be served on an officer of a relevant authority, it must be served by addressing it to the officer and delivering it to the officer or leaving it at, or sending it by post to, the office where the officer is employed.
- (6) An advisory notice may at any time be withdrawn by the local auditor of the accounts of the relevant authority to which, or to an officer of which, the notice was addressed.
- (7) The local auditor must give notice in writing of the withdrawal to any person on whom a copy of the advisory notice was served under sub-paragraph (1) or (2).

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- (8) In this Schedule “the relevant authority concerned”, in relation to an advisory notice, means the relevant authority to which, or to any officer of which, the notice is addressed.

Commencement Information

I140 Sch. 8 para. 2 in force at 1.4.2015 by S.I. 2015/841, art. 3(r) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Effect of an advisory notice

- 3 (1) While an advisory notice has effect, it is not lawful for the relevant authority concerned or any officer of that authority—
- (a) if the notice relates to a decision, to make or implement the decision,
 - (b) if the notice relates to a course of action, to take or continue to take the course of action, or
 - (c) if the notice relates to an item of account, to enter the item of account.
- (2) Sub-paragraph (1) does not apply if—
- (a) the relevant authority has considered, in the light of the advisory notice and the statement under paragraph 2(3), the consequences of doing the thing mentioned in sub-paragraph (1) which is relevant,
 - (b) the relevant authority or officer has given the authority's local auditor and (where applicable) its related authority or each of its related authorities the period of notice in writing required by the advisory notice under paragraph 1(2)(d), and
 - (c) that period has expired.
- (3) The condition in paragraph (a) of sub-paragraph (2) is met in relation to a parish meeting only if the matters referred to in that paragraph are considered by the parish meeting itself (and not by its chairman on behalf of the parish meeting).
- (4) An advisory notice takes effect on the day on which a copy of the notice is served on the person to whom it is addressed, and ceases to have effect—
- (a) if a statement of reasons is not served in accordance with paragraph 2(3), at the end of the period specified in paragraph 2(4), or
 - (b) when it is withdrawn under paragraph 2(6).
- (5) A local auditor may recover from a relevant authority—
- (a) the reasonable costs of determining whether to issue an advisory notice to that authority or an officer of that authority, and
 - (b) the reasonable costs of issuing an advisory notice to that authority or an officer of that authority.
- (6) Sub-paragraph (5)(a) applies regardless of whether the notice is in fact issued.

Commencement Information

I141 Sch. 8 para. 3 in force at 1.4.2015 by S.I. 2015/841, art. 3(r) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Further provisions about advisory notices

- 4 (1) Sub-paragraph (2) applies if—
- (a) before an advisory notice is served, a relevant authority enters into a contract to dispose of or acquire an interest in land, and
 - (b) before the disposal or acquisition is completed, an advisory notice takes effect as a result of which it is unlawful for the authority to complete the disposal or acquisition.
- (2) The existence of the advisory notice does not affect any remedy in damages which may be available to any person by reason of the relevant authority's failure to complete the contract.
- (3) No action lies against a local auditor in respect of loss or damage alleged to have been caused by reason of the issue of an advisory notice which was issued in good faith.

Commencement Information

I142 Sch. 8 para. 4 in force at 1.4.2015 by S.I. 2015/841, art. 3(r) (with Sch. para. 1) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

SCHEDULE 9 **E+W**

Section 33

DATA MATCHING

Power to conduct data matching exercises

- 1 (1) A relevant minister may conduct data matching exercises or arrange for them to be conducted on the minister's behalf.
- (2) “Relevant minister” means the Secretary of State or the Minister for the Cabinet Office.
- (3) A data matching exercise is an exercise involving the comparison of sets of data to determine how far they match (including the identification of any patterns and trends).
- (4) The power in sub-paragraph (1) is exercisable for the purpose of assisting in the prevention and detection of fraud.
- (5) A data matching exercise may not be used to identify patterns and trends in an individual's characteristics or behaviour which suggest nothing more than the individual's potential to commit fraud in the future.
- (6) In this Schedule, any reference to a data matching exercise is to an exercise conducted or arranged to be conducted under this paragraph.

Commencement Information

I143 Sch. 9 para. 1 in force at 1.4.2015 by S.I. 2015/841, art. 3(u)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Mandatory provision of data

- 2 (1) A relevant minister may require a person within sub-paragraph (2) to provide the minister or a person acting on the minister's behalf with such data (and in such form) as the minister or that person may reasonably require for the purpose of conducting data matching exercises.
- (2) The persons within this sub-paragraph are—
- (a) a relevant authority,
 - (b) a best value authority which is not a relevant authority, and
 - (c) an NHS foundation trust.
- (3) “Best value authority” has the meaning given by section 1 of the Local Government Act 1999.

Commencement Information

I144 Sch. 9 para. 2 in force at 1.4.2015 by S.I. 2015/841, art. 3(u)

Voluntary provision of data

- 3 (1) If a relevant minister thinks it appropriate to conduct a data matching exercise using data held by or on behalf of a body or person in England, the data may be disclosed to the minister or a person acting on the minister's behalf.
- (2) Sub-paragraph (1) applies to the disclosure of data by a relevant authority, a best value authority or an NHS foundation trust otherwise than in response to a requirement under paragraph 2 as it applies to other disclosures of data.
- (3) Sub-paragraph (1) does not authorise—
- (a) a disclosure which contravenes [^{F47}the data protection legislation], or
 - (b) a disclosure prohibited by [^{F48}any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016].
- [^{F49}3A) “The data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]
- (4) Data may not be disclosed under sub-paragraph (1) if the data [^{F50}comprises or includes] patient data.
- (5) “Patient data” means data relating to an individual which are held for medical purposes (within the meaning of section 251 of the National Health Service Act 2006) and from which the individual can be identified.
- (6) A disclosure under sub-paragraph (1) does not breach—
- (a) any obligation of confidence owed by a person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (7) This paragraph does not limit the circumstances in which data may be disclosed apart from this paragraph.
- (8) Data matching exercises may include data provided by a body or person outside England.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F47** Words in Sch. 9 para. 3(3)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 184\(2\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)
- F48** Words in Sch. 9 para. 3(3)(b) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), [Sch. 10 para. 31](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2018/652](#), reg. 12(g)(iii)
- F49** Sch. 9 para. 3(3A) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 184\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)
- F50** Words in Sch. 9 para. 3(4) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 184\(4\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)

Commencement Information

- I145** Sch. 9 para. 3 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(u\)](#)

Disclosure of results of data matching etc

- 4 (1) This paragraph applies to the following information—
- information relating to a particular body or person obtained by or on behalf of a relevant minister for the purpose of conducting a data matching exercise, and
 - the results of any such exercise.
- (2) Information to which this paragraph applies may be disclosed by or on behalf of the minister if the disclosure—
- is for or in connection with a purpose for which the data matching exercise is conducted,
 - is to a local auditor and is made for or in connection with the auditor's functions,
 - is in pursuance of a duty imposed by or under an enactment, or
 - is within sub-paragraph (3).
- (3) A disclosure is within this sub-paragraph if it is—
- to a relevant audit authority or a related party, and
 - for or in connection with a function of the relevant audit authority corresponding or similar to—
 - the functions of a local auditor, or
 - the functions of a relevant minister under this Schedule.
- (4) “Relevant audit authority” means—
- the Auditor General for Wales;
 - the Auditor General for Scotland;
 - the Accounts Commission for Scotland;
 - Audit Scotland;
 - the Comptroller and Auditor General for Northern Ireland;
 - a person designated as a local government auditor under Article 4 of the Local Government (Northern Ireland) Order 2005 (SI 2005/1968 (N.I.18)).
- (5) The related parties in relation to a relevant audit authority are—
- a body or person acting on the authority's behalf,

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- (b) a body whose accounts are required to be audited by the authority or by a person appointed by the authority, and
 - (c) a person appointed by the authority to audit those accounts.
- (6) If the data used for a data matching exercise include patient data—
- (a) sub-paragraph (2)(a) applies only so far as the purpose for which the disclosure is made relates to a relevant NHS body;
 - (b) sub-paragraph (2)(b) or (d) applies only so far as the function for or in connection with which the disclosure is made relates to a relevant NHS body.
- (7) Information disclosed under sub-paragraph (2) may not be further disclosed except—
- (a) in the case of information disclosed under sub-paragraph (2)(a), for or in connection with the purpose for which it was disclosed under that sub-paragraph,
 - (b) in the case of information disclosed under sub-paragraph (2)(b) or under sub-paragraphs (2)(d) and (3), for or in connection with the function for which it was disclosed under that sub-paragraph or those sub-paragraphs,
 - (c) for the investigation or prosecution of an offence (so far as the disclosure does not fall within paragraph (a) or (b)), or
 - (d) in pursuance of a duty imposed by or under an enactment.
- (8) A person who discloses information to which this paragraph applies, except so far as that disclosure is authorised by sub-paragraph (2) or (7), is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force on or before the day on which this Act is passed—
- (a) section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the offence in sub-paragraph (8) as if it were a relevant offence (as defined in section 85(3) of that Act), and
 - (b) regulations described in section 85(11) of that Act may amend or otherwise modify sub-paragraph (8).
- (10) Schedule 11 (restriction on disclosure of information obtained under this Act) does not apply to information to which this paragraph applies.
- (11) In this paragraph “enactment” includes—
- (a) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
 - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament, and
 - (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation.
- (12) In sub-paragraph (6)—
- “patient data” has the same meaning as in paragraph 3(5);
 - “relevant NHS body” means—
- (a) a health service body;
 - (b) an NHS foundation trust;
 - (c) [F51NHS England;]
 - (d) a Welsh NHS body as defined in section 60 of the Public Audit (Wales) Act 2004;

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- (e) an NHS body as defined in section 22(1) of the Community Care and Health (Scotland) Act 2002;
- (f) a health and social care body mentioned in paragraphs (a) to (e) of section 1(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

Textual Amendments

F51 Words in [Sch. 9 para. 4\(12\)](#) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 1 para. 23](#); [S.I. 2022/734, reg. 2\(a\), Sch. \(with regs. 13, 29, 30\)](#)

Commencement Information

I146 [Sch. 9 para. 4](#) in force at 1.4.2015 by [S.I. 2015/841, art. 3\(u\)](#)

Publication

- 5
- (1) Nothing in paragraph 4 prevents a relevant minister from publishing a report on a data matching exercise (including on the results of the exercise).
 - (2) But the report may not include information relating to a particular body or person if—
 - (a) the body or person is the subject of any data included in the data matching exercise,
 - (b) the body or person can be identified from the information, and
 - (c) the information is not otherwise in the public domain.
 - (3) A report published under this paragraph may be published in such manner as the relevant minister considers appropriate for bringing it to the attention of those members of the public who may be interested.

Commencement Information

I147 [Sch. 9 para. 5](#) in force at 1.4.2015 by [S.I. 2015/841, art. 3\(u\)](#)

Fees for data matching

- 6
- (1) A relevant minister must prescribe a scale or scales of fees in respect of data matching exercises.
 - (2) A person within paragraph 2(2) who is required under that paragraph to provide data for a data matching exercise must pay to the relevant minister by whom or on whose behalf the exercise is conducted the fee applicable to that exercise in accordance with the appropriate scale.
 - (3) But if it appears to the relevant minister that the work involved in the exercise was substantially more or less than that envisaged by the appropriate scale, the minister may charge the person a fee which is larger or smaller than that referred to in sub-paragraph (2).
 - (4) Before prescribing a scale of fees under this paragraph, a relevant minister must consult—
 - (a) the persons within paragraph 2(2),

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- (b) such representatives of persons within paragraph 2(2) as the minister thinks appropriate, and
 - (c) such other bodies or persons as the minister thinks appropriate.
- (5) In addition to the power under sub-paragraph (2), a relevant minister may charge a fee to any body or person providing data for or receiving the results of a data matching exercise.
- (6) A fee under sub-paragraph (5) is payable in accordance with terms agreed between the relevant minister and that body or person.

Commencement Information

I148 Sch. 9 para. 6 in force at 1.4.2015 by S.I. 2015/841, art. 3(u)

Code of data matching practice

- 7
- (1) A relevant minister must prepare, and keep under review, a code of practice with respect to data matching exercises.
 - (2) Regard must be had to the code in conducting and participating in any data matching exercise.
 - (3) Before preparing or altering the code, the relevant minister must consult—
 - (a) the persons within paragraph 2(2),
 - (b) such representatives of persons within paragraph 2(2) as the minister thinks appropriate,
 - (c) the Information Commissioner, and
 - (d) such other bodies or persons as the minister thinks appropriate.
 - (4) The relevant minister must—
 - (a) lay a copy of the code, and of any alterations made to it, before Parliament, and
 - (b) from time to time publish the code as for the time being in force.

Commencement Information

I149 Sch. 9 para. 7 in force at 1.4.2015 by S.I. 2015/841, art. 3(u)

Powers to amend this Schedule

- 8
- (1) A relevant minister may by regulations amend this Schedule—
 - (a) to add a purpose mentioned in sub-paragraph (2) to the purposes for which data matching exercises may be conducted (see paragraph 1(4));
 - (b) to modify the application of this Schedule in relation to a purpose so added.
 - (2) The purposes which may be added are—
 - (a) to assist in the prevention and detection of crime (other than fraud),
 - (b) to assist in the apprehension and prosecution of offenders,
 - (c) to assist in the prevention and detection of errors and inaccuracies, and
 - (d) to assist in the recovery of debt owing to public bodies.

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- (3) Before making regulations under sub-paragraph (1), a relevant minister must consult—
- (a) the persons within paragraph 2(2),
 - (b) such representatives of persons within paragraph 2(2) as the minister thinks appropriate, and
 - (c) such other bodies or persons as the minister thinks appropriate.
- (4) A relevant minister may by regulations amend this Schedule—
- (a) to add a public body to the list in paragraph 2(2);
 - (b) to modify the application of this Schedule in relation to a body so added;
 - (c) to remove a person from that list.
- (5) Before making regulations under sub-paragraph (4), a relevant minister must consult—
- (a) the body or person who is to be the subject of the regulations,
 - (b) such representatives of persons within paragraph 2(2) as the minister thinks appropriate, and
 - (c) such other bodies or persons as the minister thinks appropriate.
- (6) In this paragraph, “public body” means a body or person whose functions—
- (a) are functions of a public nature, or
 - (b) include functions of that nature,
- but, in the latter case, the body or person is a public body only to the extent of those functions.

Commencement Information

I150 Sch. 9 para. 8 in force at 1.4.2015 by S.I. 2015/841, art. 3(u)

PROSPECTIVE

SCHEDULE 10 **E+W**

Section 34

BEST VALUE INSPECTIONS

- 1 The Local Government Act 1999 is amended as follows.
- 2 For section 10 substitute—

“10 Inspections

- (1) The Secretary of State may appoint a person to carry out an inspection of a specified best value authority's compliance with the requirements of this Part in relation to specified functions.
- (2) The Secretary of State may appoint assistant inspectors for the purposes of the inspection.

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- (3) The appointment of an assistant inspector must be made on the recommendation of the inspector, unless the Secretary of State thinks that the urgency of the inspection makes it necessary to dispense with this requirement.
- (4) In carrying out an inspection, the inspector and any assistant inspector must—
- (a) have regard to any guidance issued by the Secretary of State generally in relation to inspections, and
 - (b) comply with any directions issued by the Secretary of State in relation to that inspection.”
- 3 In section 11(7) (powers and duties: definition of “inspector”), for paragraph (a) substitute “ an inspector or assistant inspector appointed under section 10(1) or (2). ”
- 4 For section 12 substitute—
- “12 Fees**
- An authority inspected under section 10 must pay the reasonable fees of the inspector for carrying out the inspection.”
- 5 (1) Section 13 (reports) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Audit Commission” substitute “ an inspector ”, and
 - (b) for “it” substitute “ the inspector ”.
- (3) In subsection (2)(a), for “Commission” substitute “ inspector ”.
- (4) In subsection (3)—
- (a) for “Commission” substitute “ inspector ”, and
 - (b) in paragraph (a), after “to the authority concerned” insert “ and to the Secretary of State ”.
- (5) After subsection (3) insert—
- “(3A) The Secretary of State may publish a report and any information in respect of a report.”
- (6) In subsection (4)—
- (a) for “Commission” substitute “ inspector ”, and
 - (b) omit paragraph (b) and the word “and” preceding it.
- (7) In subsection (4A)—
- (a) for “Commission” substitute “ inspector ”, and
 - (b) for “it” substitute “ the inspector ”.
- 6 In section 15 (Secretary of State's powers)—
- (a) omit subsection (10), and
 - (b) in subsections (11) and (12) omit “or (10)”.
- 7 Omit section 22(1) (Audit Commission).

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- 8 In section 25(2) (coordination of inspections: persons to whom the section applies), for paragraph (a) substitute—
“(a) an inspector or assistant inspector appointed under section 10(1) or (2);”.
- 9 Omit section 26(3) (consultation with Audit Commission before issuing guidance).
- 10 In section 33 (grants to Audit Commission and Wales Audit Office) omit subsections (2) and (3)(a).
- 11 On the coming into force of the repeal (by the Welfare Reform Act 2012) of section 139D of the Social Security Administration Act 1992 omit—
(a) section 13(4A) of the Local Government Act 1999, and
(b) the amendments made to it by paragraph 5(7) of this Schedule.

SCHEDULE 11 E+W

Section 36

DISCLOSURE OF INFORMATION

Information to which this Schedule applies

- 1 (1) This Schedule applies to information relating to a particular body or person—
(a) that is obtained by a local auditor, or a person acting on behalf of a local auditor, under or by virtue of this Act or in the course of an audit under this Act, or
(b) that is obtained by an inspector or an assistant inspector, or a person acting on behalf of an inspector or an assistant inspector, under Part 1 of the Local Government Act 1999 (inspection of best value authorities) or in the course of an inspection under that Part.
- (2) This Schedule also applies to information relating to a particular body or person that is obtained by an authority within sub-paragraph (3) in connection with the exercise of the authority's functions under or by virtue of this Act.
- (3) Those authorities are—
(a) a recognised supervisory body,
(b) a recognised qualifying body,
(c) a body performing functions for the purposes of arrangements within paragraph 23(1) (independent monitoring of certain audits) or 24(1) (independent investigation of public interest cases) of Schedule 10 to the Companies Act 2006 as it has effect by virtue of Schedule 5,
(d) the Secretary of State, and
(e) a body designated by the Secretary of State under section 1252 of the Companies Act 2006 (delegation of the Secretary of State's functions) as it has effect by virtue of Schedule 5.

Commencement Information

I151 Sch. 11 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(e)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

1152 Sch. 11 para. 1 in force at 1.4.2015 in so far as not already in force by S.I. 2015/841, art. 3(v) (with Sch. para. 6) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

General bar on disclosure and exceptions

- 2 (1) Information to which this Schedule applies may not be disclosed except—
- (a) with the consent of the body or person to whom the information relates,
 - (b) for the purposes of any functions of a person under or by virtue of this Act or Part 1 of the Local Government Act 1999,
 - (c) for the purposes of any function of a person under or by virtue of Part 42 of the Companies Act 2006,
 - (d) in the case of information relating to a health service body, for the purposes of—
 - (i) the functions of the Secretary of State, [^{F52}NHS England] or the Comptroller and Auditor General under the National Health Service Act 2006, or
 - (ii) the functions of the Welsh Ministers under Chapter 4 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003,
 - (e) to Her Majesty's Chief Inspector of Education, Children's Services and Skills for the purposes of the Chief Inspector's functions under Chapter 4 of Part 8 of the Education and Inspections Act 2006,
 - (f) for the purposes of the functions of the Regulator of Social Housing under Part 2 of the Housing and Regeneration Act 2008,
 - (g) for the purposes of the functions of the Secretary of State relating to social security,
 - (h) for the purposes of any function of the Auditor General for Wales under the Public Audit (Wales) Act 2004,
 - (i) to the Mayor of London, where the information relates to the Greater London Authority or a functional body,
 - (j) for the purposes of the functions of the Public Services Ombudsman for Wales under Part 3 of the Local Government Act 2000, or
 - (k) for the purposes of the functions of a monitoring officer under that Part or regulations made under that Part.
- (2) This paragraph does not prohibit the disclosure of information if the information is or has been available to the public from any other source.
- (3) This paragraph does not limit the circumstances in which information may be disclosed apart from this Schedule (and see in particular section 17 of the Anti-terrorism, Crime and Security Act 2001 (extension of disclosure powers under other Acts: criminal proceedings and investigations)).

Textual Amendments

F52 Words in Sch. 11 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C6** Sch. 11 para. 2 disclosure powers extended by 2001 c. 24, s. 17 127 Sch. 4 para. 53F (as inserted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 48\(b\)](#); [S.I. 2015/841](#), art. 3(x))

Commencement Information

- I151** Sch. 11 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(e)
I153 Sch. 11 para. 2 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(v\)](#) (with [Sch. para. 6](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Further exceptions

- 3 (1) A person who is, or acts on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000 may also disclose information to which this Schedule applies unless the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the person by or under an enactment.
- (2) A local auditor, or a person acting on the auditor's behalf, may also disclose information to which this Schedule applies except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the auditor by or under an enactment.

Commencement Information

- I151** Sch. 11 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(e)
I154 Sch. 11 para. 3 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(v\)](#) (with [Sch. para. 6](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Disclosure with consent of local auditor

- 4 (1) A person who does not fall within paragraph 3 may also disclose information to which this Schedule applies in accordance with consent given by a local auditor under this paragraph.
- (2) A person requesting consent (“the applicant”) must make a request for consent which—
- is in writing,
 - states the name of the applicant and an address for correspondence,
 - describes the information in relation to which consent is requested, and
 - identifies the person to whom the information will be disclosed.
- (3) Consent must be given except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on a local auditor by or under an enactment.
- (4) Consent may be given or refused orally or in writing; but where it is given or refused orally the consent or refusal must be confirmed in writing.
- (5) A refusal (or, where the refusal is given orally, the confirmation of the refusal) must contain the reasons for the refusal.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) A local auditor to whom a request for consent is made must give or refuse consent not later than the twentieth working day following the day on which the request is received.
- (7) “Working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Commencement Information

I151 Sch. 11 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(e)

I155 Sch. 11 para. 4 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(v\)](#) (with [Sch. para. 6](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Offence of wrongful disclosure

- 5 (1) A person who discloses information in breach of this Schedule is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) If section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force on or before the day on which this Act is passed—
- section 85 of that Act (removal of limit on certain fines on conviction by magistrates' court) applies in relation to the offence in sub-paragraph (1) as if it were a relevant offence (as defined in section 85(3) of that Act), and
 - regulations described in section 85(11) of that Act may amend or otherwise modify sub-paragraph (1).

Commencement Information

I151 Sch. 11 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(e)

I156 Sch. 11 para. 5 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(v\)](#) (with [Sch. para. 6](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Meaning of “enactment”

- 6 In this Schedule “enactment” includes—
- an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
 - an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament, and
 - an enactment contained in, or in an instrument made under, Northern Ireland legislation.

Commencement Information

I151 Sch. 11 in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), art. 2(e)

I157 Sch. 11 para. 6 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(v\)](#) (with [Sch. para. 6](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 12 **E+W**

Section 45

RELATED AMENDMENTS

Public Health Act 1875 (c. 55)

- 1 In section 265 of the Public Health Act 1875 (protection of members etc of authorities: exception for liability under section 17 or 18 of the Audit Commission Act 1998), omit the words from “Provided that” to “Audit Commission Act 1998”.

Commencement Information

I158 Sch. 12 para. 1 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Prison Act 1952 (c. 52)

- 2 (1) Schedule A1 to the Prison Act 1952 (further provision about Her Majesty's Chief Inspector of Prisons) is amended as follows.
- (2) In paragraph 2(2) (duty to consult on inspection programme or inspection framework) omit paragraph (h) (the Audit Commission).
- (3) In paragraph 3(2) (power to prevent inspection by other person or body) omit paragraph (e) (the Audit Commission).
- (4) In paragraph 4 (duty to co-operate) omit paragraph (h) (the Audit Commission).
- (5) In paragraph 6 (assistance for other public authorities)—
- (a) after sub-paragraph (1) insert—
- “(1A) The Chief Inspector may do anything the Chief Inspector thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).”, and
- (b) for sub-paragraph (2) substitute—
- “(2) Anything done under this paragraph may be done on such terms (including terms as to payment) as the Chief Inspector thinks fit.”

Commencement Information

I159 Sch. 12 para. 2(1) in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), [art. 2\(l\)\(i\)](#)

I160 Sch. 12 para. 2(1) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(x\)](#)

I161 Sch. 12 para. 2(2)-(4) in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

I162 Sch. 12 para. 2(5) in force at 4.4.2014 by [S.I. 2014/900](#), [art. 2\(l\)\(i\)](#)

Transport Act 1968 (c. 73)

- 3 In section 14 of the Transport Act 1968 (accounts of Passenger Transport Executives), for the subsection (3) that extends to England and Wales substitute—
- “(3) As soon as the accounts of the Executive for any accounting period have been audited in accordance with the Local Audit and Accountability Act 2014,

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they must send a copy of the statement of accounts prepared by them for that period under section 3 of that Act, together with a copy of the auditor's opinion on that statement—

- (a) to the Secretary of State,
- (b) to the Authority, and
- (c) to each of the councils of the districts comprised in the county which is coterminous with or includes the Executive's area.”

Commencement Information

I163 Sch. 12 para. 3 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. paras. 1, 7](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Local Government Act 1972 (c. 70)

4 The Local Government Act 1972 is amended as follows.

Commencement Information

I164 Sch. 12 para. 4 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

5 In section 86(1)(b) (disqualifications from being local authority member that do not trigger a declaration of vacancy), for the words from “under the Audit Commission Act 1998” to “or by virtue of” substitute “under section 79 of the Local Government Act 2000 or section 34 of the Localism Act 2011 or by virtue of”.

Commencement Information

I165 Sch. 12 para. 5 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

6 In section 87(1)(d) (date of vacancy in local authority membership in case of disqualification under the Audit Commission Act 1998)—

- (a) for the words from “under the Audit Commission Act 1998” to “or by virtue of a” substitute “by virtue of a”, and
- (b) omit “relevant order or decision under that Act or (as the case may be) that”.

Commencement Information

I166 Sch. 12 para. 6 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

7 In section 137(7A) (requirement for separate account for expenditure under that section)—

- (a) for “section 14 of the Audit Commission Act 1998 (rights of inspection)” substitute “section 25 of the Local Audit and Accountability Act 2014 (inspection of statements of accounts etc)”, and
- (b) for “regulations under section 27” substitute “section 3(3)”.

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Commencement Information

I167 Sch. 12 para. 7 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 8 Section 246(15) of the Local Government Act 1972 continues to have effect with the amendment made by paragraph 5(5) of Schedule 5 to the Local Government Finance Act 1982, that is with the substitution for “Sections 154 to 168 above” of “Section 168 above”.

Commencement Information

I168 Sch. 12 para. 8 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

House of Commons Disqualification Act 1975 (c. 24)

- 9 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975—
- (a) omit the entry for the Controller of Audit appointed under paragraph 7(1) of Schedule 1 to the Audit Commission Act 1998, and
 - (b) omit the entry for any member of the Audit Commission for Local Authorities and the National Health Service in England in receipt of remuneration.

Commencement Information

I169 Sch. 12 para. 9 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

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

- 10 In section 2(7) of the Local Government, Planning and Land Act 1980 (recommended ways for local authorities to publish information), for paragraph (b) substitute—
- “(b) its inclusion in a statement of accounts prepared by an authority to which this section applies in accordance with section 3 of the Local Audit and Accountability Act 2014 or regulations under section 39 of the Public Audit (Wales) Act 2004 or in an abstract of accounts prepared by such an authority in accordance with regulations under section 105 of the Local Government (Scotland) Act 1973; or”.

Commencement Information

I170 Sch. 12 para. 10 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Building Act 1984 (c. 55)

- 11 In section 115 of the Building Act 1984 (protection of members etc of authorities) omit subsection (3) (exception for liability under section 17 or 18 of the Audit Commission Act 1998).

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Commencement Information

I171 Sch. 12 para. 11 in force at 1.4.2015 by S.I. 2015/841, art. 3(x)

Further Education Act 1985 (c. 47)

- 12 In section 3(4) of the Further Education Act 1985 (duty of local authorities to keep accounts in addition to accounts under Audit Commission Act 1998), for “section 27 of the Audit Commission Act 1998” substitute “ section 3 of the Local Audit and Accountability Act 2014 ”.

Commencement Information

I172 Sch. 12 para. 12 in force at 1.4.2015 by S.I. 2015/841, art. 3(x)

Transport Act 1985 (c. 67)

- 13 (1) Section 76 of the Transport Act 1985 (audit of accounts of public transport companies) is amended as follows.
- (2) For subsection (1) substitute—
- “(1A) In a case where a public transport company's controlling authority are—
- (a) a county council or county borough council in Wales, or
- (b) a composite authority of which both or all the constituent councils are county councils or county borough councils in Wales,
- it shall be the duty of the controlling authority to exercise their control over that company so as to ensure that the company appoints as auditors of the company only persons who, in addition to meeting the requirements of Part 42 of the Companies Act 2006 (statutory auditors), are approved for appointment as such auditors by the Auditor General for Wales.
- (1B) In any other case, it shall be the duty of a public transport company's controlling authority to exercise their control over that company so as to ensure that the company appoints as auditors of the company only persons who meet the requirements of Part 42 of the Companies Act 2006 (statutory auditors).”
- (3) In subsection (2), after “(1)” insert “ or (as the case may be) (1A) ”.

Commencement Information

I173 Sch. 12 para. 13 in force at 1.4.2015 by S.I. 2015/841, art. 3(x)

Housing Associations Act 1985 (c. 69)

- 14 In section 75 of the Housing Associations Act 1985 (general functions) omit subsections (1A) and (1B) (function of the Housing Corporation of giving assistance to the Audit Commission).

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Commencement Information

I174 Sch. 12 para. 14 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Local Government Act 1986 (c. 10)

- 15 In section 5(4) of the Local Government Act 1986 (separate account of expenditure on publicity: application of section 27(1)(e) of the Audit Commission Act 1998 to right of inspection) for “section 27(1)(e) of the Audit Commission Act 1998” substitute “ section 32(1)(e) of the Local Audit and Accountability Act 2014 ”.

Commencement Information

I175 Sch. 12 para. 15 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Airports Act 1986 (c. 31)

- 16 The Airports Act 1986 is amended as follows.

Commencement Information

I176 Sch. 12 para. 16 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 17 (1) Section 22 (other local authority capital controls in England and Wales) is amended as follows.

- (2) For subsection (5) substitute—

“(5) In a case where the controlling authority of a public airport company are—

- (a) a county council or county borough council in Wales, or
- (b) a composite authority of which both or all the constituent councils are county councils or county borough councils in Wales,

it shall be the duty of the controlling authority to exercise their control over the public airport company so as to ensure that the company appoints as auditors of the company only persons who, in addition to meeting the requirements of Part 42 of the Companies Act 2006 (statutory auditors), are approved for appointment as such auditors by the Auditor General for Wales.

(5A) In any other case, it shall be the duty of the controlling authority of a public airport company to exercise their control over the company so as to ensure that the company appoints as auditors of the company only persons who meet the requirements of Part 42 of the Companies Act 2006 (statutory auditors).”

- (3) In subsection (6), after “(5)” insert “ or (as the case may be) (5A) ”.

Commencement Information

I177 Sch. 12 para. 17 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 1](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

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- 18 In section 24(3)(a) (provision of services by principal council for public airport companies: requirement for separate account)—
- (a) for “section 14 of the Audit Commission Act 1998 (rights of inspection)” substitute “ section 25 of the Local Audit and Accountability Act 2014 (inspection of statements of accounts etc) ”, and
 - (b) for “regulations under section 27” substitute “ section 3(3) ”.

Commencement Information

I178 Sch. 12 para. 18 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Norfolk and Suffolk Broads Act 1988 (c. 4)

- 19 In section 17 of the Norfolk and Suffolk Broads Act 1988 (accounts and auditing), in the second subsection (11), for “section 27 of the Audit Commission Act 1998 (accounts and audit regulations)” substitute “ section 32 of the Local Audit and Accountability Act 2014 (accounts and audit regulations) ”.

Commencement Information

I179 Sch. 12 para. 19 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Education Reform Act 1988 (c. 40)

- 20 The Education Reform Act 1988 is amended as follows.

Commencement Information

I180 Sch. 12 para. 20 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 21 In section 124B, omit subsection (5) (duty of certain higher education corporations to consult Audit Commission before appointing auditor in respect of first financial year).

Commencement Information

I181 Sch. 12 para. 21 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 22 In paragraph 18 of Schedule 7 (higher education corporations)—
- (a) omit sub-paragraph (4) (duty of certain higher education corporations to consult Audit Commission before appointing auditor in respect of first financial year),
 - (b) in sub-paragraph (5) for “that sub-paragraph” substitute “ sub-paragraph (3) above ”, and
 - (c) in sub-paragraph (6) omit the definitions of “the first financial year” and “financial year” and insert—

““financial year” means—

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- (a) the period commencing with the date on which the corporation is established and ending with the second 31st March following that date, and
- (b) each successive period of twelve months.”

Commencement Information

I182 Sch. 12 para. 22 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Local Government and Housing Act 1989 (c. 42)

- 23 (1) Section 11 of the Local Government and Housing Act 1989 is amended as follows.
- (2) In subsection (1)—
- (a) omit “section 79 of the Local Government Act 1985 (public inspection of accounts etc) or in”, and
 - (b) for “(which makes corresponding provision for Scotland)” insert “ (public inspection of accounts etc) ”.
- (3) In subsection (3) (confidentiality of staff records: definitions), in the definition of “relevant body” omit—
- (a) “the Audit Commission Act 1998 or”, and
 - (b) “or, as the case may be, the Common Council of the City of London”.

Commencement Information

I183 Sch. 12 para. 23 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 24 (1) Until the coming into force of the repeal of Part 5 of the Local Government and Housing Act 1989 by section 216(1) of the Local Government and Public Involvement in Health Act 2007, section 70 of the Local Government and Housing Act 1989 (requirements for companies under control or subject to influence of local authorities) has effect with the following modifications.
- (2) In each of subsections (2) and (4), for “the Audit Commission Act 1998” substitute “ the Local Audit and Accountability Act 2014 ”.
- (3) In subsection (5) omit “or of the Audit Commission for Local Authorities and the National Health Service in England.”.

Commencement Information

I184 Sch. 12 para. 24 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Town and Country Planning Act 1990 (c. 8)

- 25 In section 2(6B) of the Town and Country Planning Act 1990 (application of certain provisions to joint planning boards) omit paragraph (a).

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Commencement Information

I185 Sch. 12 para. 25 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

Environmental Protection Act 1990 (c. 43)

- 26 In paragraph 5 of Schedule 3 to the Environmental Protection Act 1990 (protection of members etc of authorities) omit the words “(other than any liability under section 17 or 18 of the Audit Commission Act 1998 (powers of district auditor and court))”.

Commencement Information

I186 Sch. 12 para. 26 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

Social Security Administration Act 1992 (c. 5)

- 27 The Social Security Administration Act 1992 is amended as follows.

Commencement Information

I187 Sch. 12 para. 27 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

- 28 In section 123(8) (unauthorised disclosure of information relating to particular persons: “persons employed in audit” etc)—
- (a) after paragraph (jza) insert—
 - “(jzb) a local auditor within the meaning of the Local Audit and Accountability Act 2014;”, and
 - (b) omit paragraph (ja).

Commencement Information

I188 Sch. 12 para. 28 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 29 Omit section 139BA (interaction with Audit Commission).

Commencement Information

I189 Sch. 12 para. 29 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

Social Security Administration (Northern Ireland) Act 1992 (c. 8)

- 30 In section 117(8) of the Social Security Administration (Northern Ireland) Act 1992 (unauthorised disclosure of information relating to particular persons: Audit Commission)—
- (a) omit paragraph (gb), and
 - (b) after paragraph (gc) insert—

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- “(gd) a local auditor within the meaning of the Local Audit and Accountability Act 2014;
- (ge) the Auditor General for Wales and any member of the Auditor General's staff;
- (gf) any member of the staff of the Wales Audit Office, and any person providing services to that Office;”.

Commencement Information

I190 Sch. 12 para. 30 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Police Act 1996 (c. 16)

- 31 (1) Schedule 4A to the Police Act 1996 (further provisions about Her Majesty's Inspectors of Constabulary) is amended as follows.
- (2) In paragraph 2(2) (duty to consult on inspection programme or inspection framework) omit paragraph (h) (the Audit Commission).
 - (3) In paragraph 3(2) (power to prevent inspection by other person or body) omit paragraph (e) (the Audit Commission).
 - (4) In paragraph 4 (duty to co-operate) omit paragraph (h) (the Audit Commission).
 - (5) In paragraph 6 (assistance for other public authorities)—
 - (a) after sub-paragraph (1) insert—

“(1A) The chief inspector of constabulary may do anything the chief inspector thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).”, and
 - (b) for sub-paragraph (2) substitute—

“(2) Anything done under this paragraph may be done on such terms (including terms as to payment) as the chief inspector of constabulary thinks fit.”

Commencement Information

I191 Sch. 12 para. 31(1) in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), [art. 2\(1\)\(ii\)](#)

I192 Sch. 12 para. 31 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(x\)](#)

I193 Sch. 12 para. 31(2)-(4) in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

I194 Sch. 12 para. 31(5) in force at 4.4.2014 by [S.I. 2014/900](#), [art. 2\(1\)\(ii\)](#)

Noise Act 1996 (c. 37)

- 32 The Noise Act 1996 is amended as follows.

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Commencement Information

I195 Sch. 12 para. 32 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

- 33 In section 12 (protection of members etc of authorities) omit subsection (2) (exception for liability under section 17 or 18 of the Audit Commission Act 1998).

Commencement Information

I196 Sch. 12 para. 33 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

- 34 In section 14(4) (application of Act to Northern Ireland), in paragraph (g), for “for subsection (2) there is substituted” substitute “after subsection (1) there is inserted”.

Commencement Information

I197 Sch. 12 para. 34 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

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

- 35 (1) Section 8 of the Local Government (Contracts) Act 1997 (audit reviews) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “section 17 of the Audit Commission Act 1998” substitute “section 28 of the Local Audit and Accountability Act 2014”;
 - (b) omit paragraphs (b) and (c), and
 - (c) in the closing words, for “any of paragraphs (a) to (c)” substitute “that paragraph”.
- (3) Omit subsection (2).

Commencement Information

I198 Sch. 12 para. 35 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

Local Government Act 1999 (c. 27)

- 36 (1) Section 23 of the Local Government Act 1999 (accounts of best value authorities) is amended as follows.
- (2) In subsection (4) omit paragraph (a).
- (3) In subsection (7) for “an auditor appointed by the Audit Commission” substitute “a local auditor appointed in accordance with the Local Audit and Accountability Act 2014 or provision made under it”.

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Commencement Information

I199 Sch. 12 para. 36 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Greater London Authority Act 1999 (c. 29)

37 The Greater London Authority Act 1999 is amended as follows.

Commencement Information

I200 Sch. 12 para. 37 in force at 12.2.2015 for specified purposes by [S.I. 2015/223](#), [art. 2](#)

I201 Sch. 12 para. 37 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(x\)](#)

38 In section 7(b) (disqualifications from being an Assembly member that do not trigger a declaration of vacancy) omit sub-paragraph (i) (disqualification under the Audit Commission Act 1998).

Commencement Information

I202 Sch. 12 para. 38 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

39 In section 9(1)(f) (date of vacancy in Assembly membership in case of disqualification under the Audit Commission Act 1998)—
(a) omit “the Audit Commission Act 1998 or”, and
(b) omit “that Act of 1998 or”.

Commencement Information

I203 Sch. 12 para. 39 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

40 In section 14(a) (disqualifications from being Mayor that do not trigger a declaration of vacancy) omit sub-paragraph (i) (disqualification under the Audit Commission Act 1998).

Commencement Information

I204 Sch. 12 para. 40 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

41 In section 21(1)(e) (disqualification from election as Assembly member or the Mayor) omit sub-paragraph (ii) and the “or” immediately preceding that sub-paragraph (disqualification under the Audit Commission Act 1998).

Commencement Information

I205 Sch. 12 para. 41 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

42 In section 125(2) (certification of information)—
(a) omit “in one or both of the following ways”, and

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- (b) omit paragraph (b) and the “and” which precedes it.

Commencement Information

I206 Sch. 12 para. 42 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 43 (1) Section 134 (summary statement of accounts of Authority and other bodies) is amended as follows.
- (2) In subsection (4) (application of section 14 of the Audit Commission Act 1998 to summary statement of accounts)—
- (a) for “Section 14 of the Audit Commission Act 1998 (inspection of statements of accounts and auditors' reports)” substitute “ Section 25 of the Local Audit and Accountability Act 2014 (inspection of statements of accounts etc) ”, and
- (b) for “regulations under section 27” substitute “ section 3(3) ”.
- (3) In subsection (5) (disapplication of public inspection etc provisions in Audit Commission Act 1998 in relation to summary statement of accounts), for “Sections 15 to 24 of the Audit Commission Act 1998” substitute “ Sections 26 to 31 of the Local Audit and Accountability Act 2014, and Schedule 8 to that Act ”.
- (4) In subsection (6) (application of section 27 of the Audit Commission Act 1998 to summary statement of accounts)—
- (a) for “Section 27 of the Audit Commission Act 1998” substitute “ Section 32 of the Local Audit and Accountability Act 2014 ”, and
- (b) omit “accounts or”.

Commencement Information

I207 Sch. 12 para. 43(1)(4) in force at 12.2.2015 for specified purposes by [S.I. 2015/223](#), [art. 2](#)

I208 Sch. 12 para. 43(1) (4) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(x\)](#)

I209 Sch. 12 para. 43(2) (3) in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Crown Prosecution Service Inspectorate Act 2000 (c. 10)

- 44 (1) The Schedule to the Crown Prosecution Service Inspectorate Act 2000 (further provisions about Her Majesty's Chief Inspector of the Crown Prosecution Service) is amended as follows.
- (2) In paragraph 2(2) (duty to consult on inspection programme or inspection framework) omit paragraph (h) (the Audit Commission).
- (3) In paragraph 4 (duty to co-operate) omit paragraph (h) (the Audit Commission).
- (4) In paragraph 6 (assistance for other public authorities)—
- (a) after sub-paragraph (1) insert—
- “(1A) The Chief Inspector may do anything the Chief Inspector thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).”, and
- (b) for sub-paragraph (2) substitute—

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“(2) Anything done under this paragraph may be done on such terms (including terms as to payment) as the Chief Inspector thinks fit.”

Commencement Information

- I210** Sch. 12 para. 44(1) in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), [art. 2\(1\)\(iii\)](#)
I211 Sch. 12 para. 44(1) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(x\)](#)
I212 Sch. 12 para. 44(2) (3) in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)
I213 Sch. 12 para. 44(4) in force at 4.4.2014 by [S.I. 2014/900](#), [art. 2\(1\)\(iii\)](#)

Freedom of Information Act 2000 (c. 36)

- 45 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices to which the Act applies) omit the entry for the Audit Commission for Local Authorities and the National Health Service in England.

Commencement Information

- I214** Sch. 12 para. 45 in force at 1.4.2018 by [S.I. 2016/675](#), [art. 3](#)

Criminal Justice and Court Services Act 2000 (c. 43)

- 46 (1) Schedule 1A to the Criminal Justice and Court Services Act 2000 (further provisions about Her Majesty's Inspectorate of Probation) is amended as follows.
- (2) In paragraph 2(2) (duty to consult on inspection programme or inspection framework) omit paragraph (h) (the Audit Commission).
- (3) In paragraph 3(2) (power to prevent inspection by other person or body) omit paragraph (e) (the Audit Commission).
- (4) In paragraph 4 (duty to co-operate) omit paragraph (h) (the Audit Commission).
- (5) In paragraph 6 (assistance for other public authorities)—
- (a) after sub-paragraph (1) insert—
- “(1A) The chief inspector may do anything the chief inspector thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).”, and
- (b) for sub-paragraph (2) substitute—
- “(2) Anything done under this paragraph may be done on such terms (including terms as to payment) as the chief inspector thinks fit.”

Commencement Information

- I215** Sch. 12 para. 46(1) in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), [art. 2\(1\)\(iv\)](#)
I216 Sch. 12 para. 46(1) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(x\)](#)
I217 Sch. 12 para. 46(2)-(4) in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)
I218 Sch. 12 para. 46(5) in force at 4.4.2014 by [S.I. 2014/900](#), [art. 2\(1\)\(iv\)](#)

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Public Finance and Accountability (Scotland) Act 2000 (ASP 1)

- 47 (1) Section 26D of the Public Finance and Accountability (Scotland) Act 2000 (disclosure of results of data matching etc) is amended as follows.
- (2) In subsection (4) for paragraph (b) substitute—
- “(b) the Secretary of State,
 - (ba) the Minister for the Cabinet Office,
 - (bb) a local auditor within the meaning of the Local Audit and Accountability Act 2014.”.
- (3) In subsection (7) in the definition of “relevant NHS body” for paragraph (b) substitute—
- “(b) a body mentioned in paragraph (a), (b) or (c) of paragraph 4(12) of Schedule 9 to the Local Audit and Accountability Act 2014 (“relevant NHS body”);”.

Commencement Information

I219 Sch. 12 para. 47 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 48 In Part 1 of Schedule 4 to the Anti-terrorism, Crime and Security Act 2001 (extension of existing disclosure powers under other Acts)—
- (a) omit paragraph 41 (application to Audit Commission Act 1998), and
 - (b) after paragraph 53E insert—
- “53F Paragraph 2 of Schedule 11 to the Local Audit and Accountability Act 2014.”

Commencement Information

I220 Sch. 12 para. 48 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Local Government Act 2003 (c. 26)

- 49 The Local Government Act 2003 is amended as follows.

Commencement Information

I221 Sch. 12 para. 49 in force at 10.2.2015 for specified purposes by [S.I. 2015/179](#), [art. 2](#)

I222 Sch. 12 para. 49 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 50 (1) Section 21 (accounting practices) is amended as follows.
- (2) In subsection (4) (enactments to which definition of proper practices applies) omit paragraph (d) (the Audit Commission Act 1998).
- (3) For subsection (6) (local authorities to which the section applies) substitute—

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- “(6) In this section, “local authority” includes—
- (a) a parish council,
 - (b) a parish meeting of a parish which does not have a separate parish council,
 - (c) a community council,
 - (d) a Passenger Transport Executive,
 - (e) the London Waste and Recycling Board,
 - (f) charter trustees (within the meaning of the Local Audit and Accountability Act 2014),
 - (g) a port health authority for a port health district that is wholly in England,
 - (h) a conservation board established by order of the Secretary of State under section 86 of the Countryside and Rights of Way Act 2000,
 - (i) a chief constable for a police force for a police area in England,
 - (j) the Commissioner of Police of the Metropolis,
 - (k) an internal drainage board for an internal drainage district—
 - (i) wholly in England, or
 - (ii) partly in England and partly in Wales, and
 - (l) any other person or body which for the time being is a relevant authority for the purposes of the Local Audit and Accountability Act 2014 and—
 - (i) is not listed in paragraphs (a) to (k) or section 23(1),
 - (ii) is not a health service body (within the meaning of that Act),
 - (iii) is not specified in regulations under section 23(2), and
 - (iv) does not fall within a class of bodies so specified.”

Commencement Information

I223 Sch. 12 para. 50(1)(3) in force at 10.2.2015 for specified purposes by [S.I. 2015/179](#), [art. 2](#)

I224 Sch. 12 para. 50(1) (3) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(x\)](#)

I225 Sch. 12 para. 50(2) in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 51 In section 22 (meaning of “revenue account” for the purposes of certain enactments), for subsection (3) (local authorities to which the section applies) substitute—

- “(3) In this section, “local authority” includes—
- (a) a parish council,
 - (b) a parish meeting of a parish which does not have a separate parish council,
 - (c) a community council,
 - (d) a Passenger Transport Executive,
 - (e) the London Waste and Recycling Board,
 - (f) charter trustees (within the meaning of the Local Audit and Accountability Act 2014),
 - (g) a port health authority for a port health district that is wholly in England,

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- (h) a conservation board established by order of the Secretary of State under section 86 of the Countryside and Rights of Way Act 2000,
- (i) a chief constable for a police force for a police area in England,
- (j) the Commissioner of Police of the Metropolis,
- (k) an internal drainage board for an internal drainage district—
 - (i) wholly in England, or
 - (ii) partly in England and partly in Wales, and
- (l) any other person or body which for the time being is a relevant authority for the purposes of the Local Audit and Accountability Act 2014 and—
 - (i) is not listed in paragraphs (a) to (k) or section 23(1),
 - (ii) is not a health service body (within the meaning of that Act),
 - (iii) is not specified in regulations under section 23(2), and
 - (iv) does not fall within a class of bodies so specified.”

Commencement Information

I226 Sch. 12 para. 51 in force at 10.2.2015 for specified purposes by [S.I. 2015/179](#), **art. 2**

I227 Sch. 12 para. 51 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(x)**

- 52 In section 24 (by which, in the application of Part 1 to Wales, references to the Welsh Ministers are substituted for references to the Secretary of State), after subsection (1) insert—

“(1A) Subsection (1) does not apply to section 21 to the extent that it confers functions on the Secretary of State in relation to a person or body that—

- (a) is a relevant authority for the purposes of the Local Audit and Accountability Act 2014, and
- (b) exercises functions in relation to an area that is partly in England and partly in Wales.”

Commencement Information

I228 Sch. 12 para. 52 in force at 10.2.2015 for specified purposes by [S.I. 2015/179](#), **art. 2**

I229 Sch. 12 para. 52 in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), **art. 3(x)**

- 53 Omit section 99 (categorisation of English local authorities by reference to performance).

Commencement Information

I230 Sch. 12 para. 53 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 9\(1\)](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 54 (1) Section 100 (exercise of powers by reference to authorities' performance categories) is amended as follows.
- (2) Omit subsections (1) and (2).
- (3) In subsection (3), for “those powers” substitute “ certain powers ”.

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(4) Omit subsections (4) to (8).

Commencement Information

I231 Sch. 12 para. 54 in force at 1.4.2015 by S.I. 2015/841, art. 3(x) (with Sch. para. 9(2)) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

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

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

Commencement Information

I232 Sch. 12 para. 55 in force at 1.4.2015 by S.I. 2015/841, art. 3(x)

56 In section 95 (studies as to economy, efficiency etc), omit subsection (4).

Commencement Information

I233 Sch. 12 para. 56 in force at 1.4.2015 by S.I. 2015/841, art. 3(x)

57 In section 148 (interpretation of Part 2) omit the definition of “the Audit Commission”.

Commencement Information

I234 Sch. 12 para. 57 in force at 1.4.2015 by S.I. 2015/841, art. 3(x)

Audit and Accountability (Northern Ireland) Order 2003 (SI 2003/418 (NI 5))

58 (1) Article 4D of the Audit and Accountability (Northern Ireland) Order 2003 (disclosure of results of data matching etc) is amended as follows.

(2) In paragraph (2)(b) after “body”, in each place, insert “ or person ”.

(3) In paragraph (3) after “bodies” insert “ and persons ”.

(4) In that paragraph, for sub-paragraph (a) substitute—

“(a) the Secretary of State,

(aa) the Minister for the Cabinet Office,

(ab) a local auditor within the meaning of the Local Audit and Accountability Act 2014.”.

(5) In paragraph (4) after “body”, where it first occurs, insert “ or person ”.

(6) In paragraph (6)(b) for paragraph (ii) substitute—

“(ii) a body mentioned in paragraph (a), (b) or (c) of paragraph 4(12) of Schedule 9 to the Local Audit and Accountability Act 2014 (“relevant NHS body”).”.

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Commencement Information

I235 Sch. 12 para. 58 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Public Audit (Wales) Act 2004 (c. 23)

59 The Public Audit (Wales) Act 2004 is amended as follows.

Commencement Information

I236 Sch. 12 para. 59 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

60 Omit section 43 (co-operation with Audit Commission).

Commencement Information

I237 Sch. 12 para. 60 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

61 Omit section 57 (provision of information to Audit Commission).

Commencement Information

I238 Sch. 12 para. 61 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 62 (1) Section 62 (co-operation) is amended as follows.
- (2) Omit paragraph (b).
- (3) In the heading (in its original form and as substituted by paragraph 61(3) of Schedule 4 to the Public Audit (Wales) Act 2013 (anaw 3)) omit “ , Audit Commission ”.

Commencement Information

I239 Sch. 12 para. 62 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 63 (1) Section 64D (disclosure of results of data matching etc) is amended as follows.
- (2) In subsection (2)(b) after “body”, in each place, insert “ or person ”.
- (3) In subsection (3) after “bodies” insert “ and persons ”.
- (4) In that subsection, for paragraph (a) substitute—
- “(a) the Secretary of State,
(aa) the Minister for the Cabinet Office,
(ab) a local auditor within the meaning of the Local Audit and Accountability Act 2014,”.
- (5) In subsection (4) after “body”, where it first occurs, insert “ or person ”.
- (6) In subsection (6)(b) for sub-paragraph (ii) substitute—

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“(ii) a body mentioned in paragraph (a), (b) or (c) of paragraph 4(12) of Schedule 9 to the Local Audit and Accountability Act 2014 (“relevant NHS body”);”.

Commencement Information

I240 Sch. 12 para. 63 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

64 Omit sections 69 and 70 (transitional provision: local government bodies in Wales and Welsh NHS bodies).

Commencement Information

I241 Sch. 12 para. 64 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

65 (1) Schedule 3 (transfer schemes) is amended as follows.
(2) In paragraph 1(1), omit paragraph (b) and the “and” preceding it.
(3) In paragraph 2—
(a) at the end of paragraph (a) insert “ and ”,
(b) in paragraph (b) omit “in the case of an order containing a scheme within paragraph 1(1)(a),” and
(c) omit paragraph (c) and the “and” preceding it.

Commencement Information

I242 Sch. 12 para. 65 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

66 (1) The amendments of Schedule 3 to the Public Audit (Wales) Act 2004 by paragraph 65 do not affect—
(a) the transfers of property, rights and liabilities of the Audit Commission in accordance with a scheme under that Schedule, or
(b) the operation of that Schedule or of such a scheme in relation to those transfers.
(2) In this paragraph “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England.

Commencement Information

I243 Sch. 12 para. 66 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27)

67 In section 16 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 (grants to bodies concerned with accounting standards etc) after subsection (6) insert—

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“(6A) References in this section to Part 42 of the Companies Act 2006 or to paragraph 21, 22, 23(1) or 24(1) of Schedule 10 to that Act include that Part or paragraph as it has effect by virtue of Schedule 5 to the Local Audit and Accountability Act 2014 (which applies Part 42 with modifications in relation to audits of local authorities etc).

(6B) The reference in the definition of “professional accountancy body” in subsection (5) to section 1220 of the Companies Act 2006 includes a reference to section 1219 of that Act as it has effect by virtue of Schedule 5 to the Local Audit and Accountability Act 2014.”

Commencement Information

I244 Sch. 12 para. 67 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Children Act 2004 (c. 31)

68 In section 20(4) of the Children Act 2004 (joint area review: persons to whom that section applies) omit paragraph (e).

Commencement Information

I245 Sch. 12 para. 68 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Education and Inspections Act 2006 (c. 40)

69 (1) Schedule 13 to the Education and Inspections Act 2006 (interaction between Her Majesty's Chief Inspector of Education, Children's Services and Skills and other authorities) is amended as follows.

(2) In paragraph 1 (meaning of inspection authorities)—

(a) in sub-paragraph (2)—

(i) at the end of paragraph (d) insert “, and”, and

(ii) omit paragraph (h) and the “and” preceding it, and

(b) in sub-paragraph (3), for paragraph (f) substitute—

“(f) the Care Quality Commission.”

(3) In paragraph 8 (advice or assistance for other public authorities)—

(a) after sub-paragraph (1) insert—

“(1A) The Chief Inspector may do anything the Chief Inspector thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).”, and

(b) for sub-paragraph (2) substitute—

“(2) Anything done under this paragraph may be done on such terms as the Chief Inspector thinks fit.”

(4) In paragraph 10(a) (charges for advice or assistance) for “providing advice or assistance” substitute “doing anything”.

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Commencement Information

- I246** Sch. 12 para. 69(1) in force at 4.4.2014 for specified purposes by [S.I. 2014/900](#), [art. 2\(1\)\(v\)](#)
I247 Sch. 12 para. 69(1) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841](#), [art. 3\(x\)](#)
I248 Sch. 12 para. 69(2) in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)
I249 Sch. 12 para. 69(3)(4) in force at 4.4.2014 by [S.I. 2014/900](#), [art. 2\(1\)\(v\)](#)

National Health Service Act 2006 (c. 41)

70 The National Health Service Act 2006 is amended as follows.

Commencement Information

- I250** Sch. 12 para. 70 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

71 In Schedule 1A (clinical commissioning groups), in paragraph 17(5), for the words from “Audit Commission Act 1998” to the end substitute “ Local Audit and Accountability Act 2014 ”.

Commencement Information

- I251** Sch. 12 para. 71 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

72 Schedule 7 (constitution of public benefit corporations: auditors) is amended as follows.

Commencement Information

- I252** Sch. 12 para. 72 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 73 (1) Paragraph 23 is amended as follows.
- (2) In sub-paragraph (3)—
- (a) after “may be” insert “ an individual or a firm ”, and
 - (b) omit paragraphs (a) to (c).
- (3) In sub-paragraph (4)—
- (a) after paragraph (a) insert—
 - “(aa) eligible for appointment as a local auditor (see Part 4 of the Local Audit and Accountability Act 2014), or”,
 - (b) omit paragraph (b), and
 - (c) in paragraph (c) for “any other” substitute “ a ”.
- (4) Omit sub-paragraph (5).
- (5) In sub-paragraph (7)—
- (a) omit the definition of “the Audit Commission” (and the “and” which follows it), and
 - (b) in the definition of “firm” for “the Audit Commission Act 1998 (see section 51(3) of that Act)” substitute “ section 1261(1) of the Companies Act 2006 ”.

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Commencement Information

I253 Sch. 12 para. 73 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

74 (1) Paragraph 24 is amended as follows.

(2) After sub-paragraph (4) insert—

“(4A) The auditor must, in carrying out functions in relation to the accounts—

- (a) comply with the code of audit practice applicable to the accounts that is for the time being in force (see Schedule 6 to the Local Audit and Accountability Act 2014), and
- (b) have regard to guidance issued by the Comptroller and Auditor General under paragraph 9 of that Schedule (as it has effect by virtue of paragraph 10(6) of that Schedule).

(4B) The auditor of the accounts must comply with any directions given by the Secretary of State as to arrangements to monitor the standard of the work of auditors in the performance of audits under this paragraph (including arrangements to inspect that work).

(4C) The arrangements mentioned in sub-paragraph (4B) may include arrangements made by the regulator or by any other person the Secretary of State considers appropriate.”

(3) Omit sub-paragraph (5).

Commencement Information

I254 Sch. 12 para. 74 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

75 In Schedule 15 (accounts and audit of certain NHS bodies), in paragraph 4—

- (a) in sub-paragraph (2) for the words from “Audit Commission Act 1998” to the end substitute “Local Audit and Accountability Act 2014”, and
- (b) omit sub-paragraph (4).

Commencement Information

I255 Sch. 12 para. 75 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

76 (1) Until the repeal of Chapter 3 of Part 2 of the National Health Service Act 2006 by section 179 of the Health and Social Care Act 2012 is fully in force, Schedule 4 to the National Health Service Act 2006 (NHS trusts) has effect with the following modifications.

(2) In paragraph 12 (reports and other information)—

- (a) in sub-paragraph (2)(b) for “section 8 of the Audit Commission Act 1998 (c. 18) or paragraph 19 of Schedule 8 to the Government of Wales Act 2006 (c. 32)” substitute “paragraph 1 of Schedule 7 to the Local Audit and Accountability Act 2014”, and

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- (b) in sub-paragraph (2A) for “section 8 of the Audit Commission Act 1998” substitute “paragraph 1 of Schedule 7 to the Local Audit and Accountability Act 2014”.

Commencement Information

I256 Sch. 12 para. 76 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

National Health Service (Wales) Act 2006 (c. 42)

- 77 In paragraph 12(2)(b) of Schedule 3 to the National Health Service (Wales) Act 2006 (NHS trusts established under section 18 of that Act: reports and other information) omit “section 8 of the Audit Commission Act 1998 (c. 18) or”.

Commencement Information

I257 Sch. 12 para. 77 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Companies Act 2006 (c. 46)

- 78 In Part 1 of Schedule 11A to the Companies Act 2006 (specified persons for the purposes of the disclosure provisions in section 1224A of that Act), after paragraph 17 insert—
- “**17A** A recognised supervisory body as defined in section 1217(4) and Schedule 10 as they have effect by virtue of Schedule 5 to the Local Audit and Accountability Act 2014.
- 17B** A recognised qualifying body as defined in section 1219(13) as it has effect by virtue of that Schedule.
- 17C** A body designated by the Secretary of State under section 1252 (delegation of the Secretary of State's functions) as it has effect by virtue of that Schedule.
- 17D** A body with which a recognised supervisory body within the meaning of that Act is participating in arrangements for the purposes of paragraph 23 (independent monitoring of certain audits) or 24 (independent investigation of public interest cases) of Schedule 10 as it has effect by virtue of that Schedule.”

Commencement Information

I258 Sch. 12 para. 78 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Serious Crime Act 2007 (c. 27)

- 79 In paragraph 9 of Schedule 13 to the Serious Crime Act 2007 (modification of section 32D(8)(b) of the Audit Commission Act 1998 pending increase in magistrates' court sentencing powers) omit paragraph (a).

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Commencement Information

I259 Sch. 12 para. 79 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Local Government and Public Involvement in Health Act 2007 (c. 28)

80 The Local Government and Public Involvement in Health Act 2007 is amended as follows.

Commencement Information

I260 Sch. 12 para. 80 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

81 Omit section 148 (Benefit Fraud Inspectorate: transfers to the Audit Commission).

Commencement Information

I261 Sch. 12 para. 81 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

82 In section 212(7) (entities controlled by local authorities: definitions)—

- (a) in the definition of “English local authority” after “England” insert “, and includes a local authority which exercises functions in relation to an area which is partly in England and partly in Wales ”,
- (b) for the definition of “financial year” substitute—

““financial year” means a period for which—

 - (a) a statement of accounts of the local authority must be prepared by reason of section 3 of the Local Audit and Accountability Act 2014, or
 - (b) accounts of the local authority must be prepared by reason of section 13 of the Public Audit (Wales) Act 2004;”, and
- (c) in the definition of “local authority” for paragraph (b) substitute—

“(b) in the case of a body in Wales, is required to prepare statements of accounts by regulations made under section 39 of the Public Audit (Wales) Act 2004;”.

Commencement Information

I262 Sch. 12 para. 82 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

83 (1) Section 214 (further provision about orders under section 212) is amended as follows.

- (2) In subsection (1)—
 - (a) after “section 212” insert “ made by the Welsh Ministers ”,
 - (b) before “local authority” insert “ Welsh ”, and
 - (c) for “the appropriate person” substitute “ the Auditor General for Wales ”.
- (3) Omit subsection (2).
- (4) In subsection (9) after “qualifying person” insert— “ Welsh local authority; ”.

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(5) Omit subsection (10).

Commencement Information

I263 Sch. 12 para. 83 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

84 Omit Schedule 10 (Benefit Fraud Inspectorate: transfer schemes).

Commencement Information

I264 Sch. 12 para. 84 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 85 (1) The repeals of section 148 of and Schedule 10 to the Local Government and Public Involvement in Health Act 2007 by paragraphs 81 and 84 do not affect—
- (a) the transfers of property, rights and liabilities of the Secretary of State or a person authorised under section 139A of the Social Security Administration Act 1992 to the Audit Commission by a scheme under that section and that Schedule, or
 - (b) the operation of that section and that Schedule or of such a scheme in relation to those transfers.
- (2) Sub-paragraph (1) is subject to the provisions of a transfer scheme under paragraph 1 of Schedule 1 (transfer of property, rights and liabilities to Audit Commission).
- (3) In this paragraph “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England.

Commencement Information

I265 Sch. 12 para. 85 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Health and Social Care Act 2008 (c. 14)

86 The Health and Social Care Act 2008 is amended as follows.

Commencement Information

I266 Sch. 12 para. 86 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

87 Omit section 56 (role of Audit Commission in undertaking or promoting health care studies).

Commencement Information

I267 Sch. 12 para. 87 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 88 (1) Schedule 4 (interaction between Care Quality Commission and other authorities) is amended as follows.
- (2) In paragraph 1 (meaning of inspection authorities)—

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- (a) in sub-paragraph (2)—
 - (i) at the end of paragraph (d) insert “ , and ”, and
 - (ii) omit paragraph (g) and the “and” preceding it, and
 - (b) in sub-paragraph (3)—
 - (i) at the end of paragraph (d) insert “ , and ”, and
 - (ii) omit paragraph (g) and the “and” preceding it.
- (3) In paragraph 9 (advice or assistance for other public authorities)—
- (a) after sub-paragraph (1) insert—
 - “(1A) The Commission may do anything it thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).”, and
 - (b) for sub-paragraph (2) substitute—
 - “(2) Anything done under this paragraph may be done on such terms, including terms as to payment, as the Commission thinks fit.”

Commencement Information

- I268** Sch. 12 para. 88(1) in force at 4.4.2014 for specified purposes by [S.I. 2014/900, art. 2\(l\)\(vi\)](#)
I269 Sch. 12 para. 88(1) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/841, art. 3\(x\)](#)
I270 Sch. 12 para. 88(2) in force at 1.4.2015 by [S.I. 2015/841, art. 3\(x\)](#)
I271 Sch. 12 para. 88(3) in force at 4.4.2014 by [S.I. 2014/900, art. 2\(l\)\(vi\)](#)

Housing and Regeneration Act 2008 (c. 17)

- 89 The Housing and Regeneration Act 2008 is amended as follows.

Commencement Information

- I272** Sch. 12 para. 89 in force at 1.4.2015 by [S.I. 2015/841, art. 3\(x\)](#)

- 90 Omit section 106A (co-operation between the Regulator of Social Housing and the Audit Commission).

Commencement Information

- I273** Sch. 12 para. 90 in force at 1.4.2015 by [S.I. 2015/841, art. 3\(x\)](#)

- 91 In section 128(4)(a) (duty of local authority which is registered provider of social housing to send reports under section 8 of the Audit Commission Act 1998 to the Regulator), for “any immediate report under section 8 of the Audit Commission Act 1998 (immediate and other reports in the public interest)” substitute “ any report under paragraph 1 of Schedule 7 to the Local Audit and Accountability Act 2014 (public interest reports) ”.

Commencement Information

- I274** Sch. 12 para. 91 in force at 1.4.2015 by [S.I. 2015/841, art. 3\(x\)](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 92 In section 196(1) (duty of Regulator to consult listed bodies before setting standards etc) omit paragraph (d) (the Audit Commission).

Commencement Information

I275 Sch. 12 para. 92 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 93 In section 197(4) (duty of Secretary of State to consult listed bodies before giving direction to Regulator) omit paragraph (c).

Commencement Information

I276 Sch. 12 para. 93 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 94 In section 201 (arrangements by Regulator for inspections by third party) omit subsection (7A) (inspections treated as carried out by regulator for purposes of Schedule 2A to the Audit Commission Act 1998).

Commencement Information

I277 Sch. 12 para. 94 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

- 95 (1) Section 210A (extraordinary report: local authorities) is amended as follows.
- (2) In subsection (1), for the words from “the Audit Commission” to the end substitute “ the regulator may require the local authority to allow its accounts, so far as they relate to the provision of social housing, to be audited by a local auditor appointed by the regulator. ”
- (3) After subsection (1) insert—
- “(1A) The regulator may not appoint a local auditor to audit the accounts of a local authority if that person—
- (a) is the person (or one of the persons) appointed under or by virtue of the Local Audit and Accountability Act 2014 to audit the authority's accounts, or
- (b) was the person (or one of the persons) who carried out the most recent completed audit of the authority's accounts under or by virtue of that Act.
- (1B) Sections 20(1), (2), (5) and (6), 22 and 23 of the Local Audit and Accountability Act 2014 (local auditors' general duties and right to documents etc) apply in relation to an audit under this section as they apply in relation to an audit of the local authority under or by virtue of that Act.
- (1C) On completion of the audit under this section, the local auditor must report to the regulator about such matters and in such form as the regulator determines.”
- (4) Omit subsections (2) and (3).
- (5) In subsection (4) for “Audit Commission's costs of preparing the report” substitute “ costs of the audit (including the local auditor's remuneration) ”.

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(6) For subsection (5) substitute—

“(5) In this section—

“accounts” has the meaning given by section 4 of the Local Audit and Accountability Act 2014;

“local auditor” means a person who is eligible for appointment under or by virtue of the Local Audit and Accountability Act 2014 as an auditor of the local authority's accounts.”

(7) In the heading, for “report” substitute “audit”.

Commencement Information

I278 Sch. 12 para. 95 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 2](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

96 In section 249(1) (management transfer) after “section 210” insert “ or 210A ”.

Commencement Information

I279 Sch. 12 para. 96 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

97 Chapter 3 of Part 2 of the Local Democracy, Economic Development and Construction Act 2009 (audit of entities connected with local authorities) is amended as follows.

Commencement Information

I280 Sch. 12 para. 97 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

98 (1) Section 36 (overview of Chapter) is amended as follows.

(2) In subsection (1)—

(a) for “an audit authority” substitute “ the Auditor General for Wales ”, and

(b) omit “English or”.

(3) Omit subsections (2) and (4).

(4) In subsection (6)(b) omit “section 27 of the Audit Commission Act 1998 (c. 18) or”.

Commencement Information

I281 Sch. 12 para. 98 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

99 In section 37 (notification duties of local authorities) omit subsection (1).

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Commencement Information

I282 Sch. 12 para. 99 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 100 (1) Section 38 (power to appoint auditor) is amended as follows.
- (2) In subsection (1), for “an audit authority” substitute “ the Auditor General for Wales ”.
- (3) In subsection (3)(b)(ii)—
- (a) for “audit authority” substitute “ Auditor General for Wales ”, and
- (b) for “37(1)(a) or (2)(a)” substitute “ 37(2)(a) ”.
- (4) Omit subsection (4).
- (5) In subsection (6), for “appointing audit authority” substitute “ Auditor General for Wales ”.
- (6) Omit subsection (7).
- (7) In subsection (8), for “appointing audit authority” substitute “ Auditor General for Wales ”.

Commencement Information

I283 Sch. 12 para. 100 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 101 (1) Section 39 (power to appoint replacement auditor) is amended as follows.
- (2) In subsection (1) for “an audit authority” substitute “ the Auditor General for Wales ”.
- (3) For the remaining references to “audit authority” substitute “ Auditor General for Wales ”.

Commencement Information

I284 Sch. 12 para. 101 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 102 (1) Section 40 (exclusions from power to appoint auditor) is amended as follows.
- (2) In subsection (1), for “An audit authority” substitute “ The Auditor General for Wales ”.
- (3) In each of subsections (2) to (4), for “appointing audit authority” substitute “ Auditor General for Wales ”.
- (4) In subsection (5) for “audit authority” substitute “ Auditor General for Wales ”.

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Commencement Information

I285 Sch. 12 para. 102 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 103 In section 41(1) (persons who may be appointed as auditor)—
- (a) in paragraph (a), for “appointing audit authority” substitute “ Auditor General for Wales ”, and
 - (b) in paragraph (b), for “that authority” substitute “ the Auditor General for Wales ”.

Commencement Information

I286 Sch. 12 para. 103 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 104 (1) Section 42 (terms of appointment of auditor) is amended as follows.
- (2) In subsection (5), for “appointing audit authority” substitute “ Auditor General for Wales ”.
 - (3) Omit subsection (6).

Commencement Information

I287 Sch. 12 para. 104 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 105 (1) Section 43 (right of entity to appoint auditor to conduct statutory audit) is amended as follows.
- (2) In each of subsections (3), (5) and (7), for “audit authority” substitute “ Auditor General for Wales ”.
 - (3) In subsection (8)—
 - (a) for “an audit authority” substitute “ the Auditor General for Wales ”,
 - (b) in paragraph (a), for “audit authority” substitute “ Auditor General for Wales ”, and
 - (c) for paragraph (b) substitute—
“ (b) the Welsh Ministers.”

Commencement Information

I288 Sch. 12 para. 105 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 106 In section 44(5)(b) (functions of auditor not appointed to conduct statutory audit: duty to send report to appointing audit authority), for “appointing audit authority” substitute “ Auditor General for Wales ”.

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Commencement Information

I289 Sch. 12 para. 106 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 107 In section 45(4)(b) (duty of auditor to send public interest report to audit authority), for “audit authority” substitute “ Auditor General for Wales ”.

Commencement Information

I290 Sch. 12 para. 107 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 108 In section 46 (codes of practice) omit subsections (1) to (3).

Commencement Information

I291 Sch. 12 para. 108 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 109 (1) Section 50 (fees for appointment of auditor) is amended as follows.
- (2) Omit subsection (1).
 - (3) In subsection (3), for “Audit Commission or the Wales Audit Office (as the case may be)” substitute “ Wales Audit Office ”.
 - (4) Omit subsection (4).
 - (5) In subsection (5)—
 - (a) omit “(4) or”, and
 - (b) for “Audit Commission or the Wales Audit Office (as the case may be)” substitute “ Wales Audit Office ”.
 - (6) In subsection (6), for “Audit Commission or the Wales Audit Office (as the case may be)” substitute “ Wales Audit Office ”.
 - (7) Omit subsections (8) and (9).
 - (8) In subsection (12)—
 - (a) for “Audit Commission or the Wales Audit Office (as the case may be)” in each place it occurs substitute “ Wales Audit Office ”, and
 - (b) for “(4) or (4A) (as the case may be)” substitute “ (4A) ”.

Commencement Information

I292 Sch. 12 para. 109 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#) (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

- 110 (1) Section 51 (power of audit authority to require information) is amended as follows.
- (2) In the heading, for “audit authority” substitute “ Auditor General for Wales ”.

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(3) In subsection (1)—

- (a) for “appointing audit authority” substitute “ Auditor General for Wales ”, and
- (b) for “it” substitute “ the Auditor General for Wales ”.

(4) In subsection (2)—

- (a) for “an audit authority” substitute “ the Auditor General for Wales ”, and
- (b) for “authority” substitute “ Auditor General for Wales ”.

Commencement Information

I293 Sch. 12 para. 110 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

111 Omit section 52 (subsidiaries of Passenger Transport Executives).

Commencement Information

I294 Sch. 12 para. 111 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

112 (1) Section 53 (regulations) is amended as follows.

- (2) In subsection (1), for “36(4)(b) or (5)(b)” substitute “ 36(5)(b) ”.
- (3) Omit subsection (4).
- (4) In subsection (5) omit “made by the Welsh Ministers”.

Commencement Information

I295 Sch. 12 para. 112 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

113 In section 54(1) (interpretation) omit the definitions of “audit authority”, “Audit Commission” and “qualifying English local authority entity”.

Commencement Information

I296 Sch. 12 para. 113 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)** (with [Sch. para. 10](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Equality Act 2010 (c. 15)

114 In Part 1 of Schedule 19 to the Equality Act 2010 (general list of public authorities to whom public sector equality duty applies) omit the entry for the Audit Commission for Local Authorities and the National Health Service in England.

Commencement Information

I297 Sch. 12 para. 114 in force at 1.4.2015 by [S.I. 2015/841](#), **art. 3(x)**

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Police Reform and Social Responsibility Act 2011 (c. 13)

115 The Police Reform and Social Responsibility Act 2011 is amended as follows.

Commencement Information

I298 Sch. 12 para. 115 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

116 In section 18(7) (delegation of functions by police and crime commissioners: exceptions), after paragraph (f) insert—

- “(g) appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014;
- (h) deciding whether to enter into a liability limitation agreement under section 14 of that Act.”

Commencement Information

I299 Sch. 12 para. 116 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

117 In section 19(7) (delegation of functions by Mayor's Office for Policing and Crime: exceptions), after paragraph (h) insert—

- “(i) appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014;
- (j) deciding whether to enter into a liability limitation agreement under section 14 of that Act.”

Commencement Information

I300 Sch. 12 para. 117 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

Charities Act 2011 (c. 25)

118 The Charities Act 2011 is amended as follows.

Commencement Information

I301 Sch. 12 para. 118 in force at 1.4.2017 by [S.I. 2015/841](#), [art. 4](#)

119 (1) Section 149 (audit or examination of English NHS charity accounts) is amended as follows.

(2) In subsection (2) for “a person appointed by the Audit Commission” substitute “a person who—

- (a) is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006,
- (b) is eligible for appointment as a local auditor (see Part 4 of the Local Audit and Accountability Act 2014), or
- (c) is a member of a body for the time being specified in regulations under section 154 and is under the rules of that body eligible for appointment as auditor of the charity.”

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(3) In subsection (3)—

- (a) for “the Audit Commission” (where it first occurs) substitute “ the charity trustees ”,
- (b) in paragraph (a) for “a person appointed by the Audit Commission” substitute “ a person who is within subsection (2)(a), (b) or (c) ”, and
- (c) in paragraph (b) for “a person so appointed” substitute “ a person who is qualified to be an independent examiner ”.

(4) After subsection (3) insert—

“(3A) For the purposes of subsection (3)(b), a person is qualified to be an independent examiner if (and only if)—

- (a) the person is independent,
- (b) the charity trustees reasonably believe that the person has the requisite ability and practical experience to carry out a competent examination of the accounts, and
- (c) the person—
 - (i) falls within a description of person for the time being included in the list in section 145(3), or
 - (ii) is eligible for appointment as a local auditor (see Part 4 of the Local Audit and Accountability Act 2014).”

(5) Omit subsection (4).

(6) For subsection (5) substitute—

“(5) The Commission may—

- (a) give guidance to charity trustees of an English NHS charity in connection with the selection of a person for appointment as an independent examiner;
 - (b) give such directions as it thinks appropriate with respect to the carrying out of an examination in pursuance of subsection (3)(b);
- and any such guidance or directions may either be of general application or apply to a particular charity only.”

(7) Omit subsection (8).

Commencement Information

I302 Sch. 12 para. 119 in force at 1.4.2017 by S.I. 2015/841, art. 4 (with Sch. para. 11) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

120 (1) Section 151 (audit of accounts of larger groups) is amended as follows.

(2) In subsection (4)(b), for “a person appointed by the Audit Commission” substitute “ a person, appointed by the charity trustees of the parent charity, who is within section 149(2)(a), (b) or (c) ”.

(3) In subsection (6)—

- (a) for “Subsections (4) and (6) of section 149 apply” substitute “ Section 149(6) applies ”, and
- (b) for “they apply” substitute “ it applies ”.

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Commencement Information

I303 Sch. 12 para. 120 in force at 1.4.2017 by S.I. 2015/841, art. 4 (with Sch. para. 11) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

121 (1) Section 152 (examination of accounts an option for smaller groups) is amended as follows.

(2) In subsection (6)—

- (a) for the words from “the Audit Commission” (where it first occurs) to “so appointed” substitute “ the charity trustees of the parent charity be audited by a person, appointed by those trustees, who is within section 149(2)(a), (b) or (c); or examined by a person, appointed by those trustees, who is qualified to be an independent examiner ”,
- (b) for “(4) to (6)” substitute “ (3A), (5) and (6) ”, and
- (c) after “section 149(3)” insert “; except that in subsection (3A)(b) of that section the reference to “the charity trustees” is to be read as a reference to “the charity trustees of the parent charity”.”

Commencement Information

I304 Sch. 12 para. 121 in force at 1.4.2017 by S.I. 2015/841, art. 4 (with Sch. para. 11) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

122 In section 154(1) (regulations relating to audits and examinations) after paragraph (a) insert—

“(aa) specifying one or more bodies for the purposes of section 149(2)(c);”.

Commencement Information

I305 Sch. 12 para. 122 in force at 1.4.2017 by S.I. 2015/841, art. 4

Repeals and revocations in consequence of this Schedule

123 In consequence of the amendments made by this Schedule, the following provisions are repealed or revoked—

- (a) section 95(4) of the Traffic Management Act 2004;
- (b) paragraph 102 of Schedule 1 to the Fire and Rescue Services Act 2004;
- (c) paragraph 14 of Schedule 1 and paragraphs 9(2) and 20(b) of Schedule 2 to the Public Audit (Wales) Act 2004;
- (d) section 31(2) of the Legislative and Regulatory Reform Act 2006;
- (e) section 158 of and paragraph 5(6) of Schedule 14 to the Local Government and Public Involvement in Health Act 2007;
- (f) paragraphs 9 and 52 of Schedule 1 to the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (SI 2010/844);
- (g) paragraph 10(6) of Schedule 17 to the Localism Act 2011;
- (h) section 155(2) of the Health and Social Care Act 2012;

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- (i) paragraph 91(2) and (5) of Schedule 4 to the Public Audit (Wales) Act 2013 (anaw 3).

Commencement Information

I306 Sch. 12 para. 123 in force at 1.4.2015 by [S.I. 2015/841](#), [art. 3\(x\)](#)

SCHEDULE 13 E+W

Section 47

NHS TRUSTS AND TRUSTEES FOR NHS TRUSTS: TRANSITORY AND SAVING PROVISION

Operation of this Schedule

- 1 (1) This Act has effect in accordance with this Schedule until the coming into force of section 179(1) of the Health and Social Care Act 2012, subject to sub-paragraph (2) and any provision made under paragraph 2.
- (2) This Act has effect in accordance with this Schedule in relation to—
- (a) any body which continues to be constituted as an NHS trust by virtue of section 179(3) of that Act after the coming into force of subsection (1) of that section, and
 - (b) any trustees for such a body, appointed under paragraph 10 of Schedule 4 to the National Health Service Act 2006,
- until that body has ceased to be constituted as an NHS trust (by virtue of paragraph (a), (b) or (c) of section 179(3) of the Health and Social Care Act 2012).

Commencement Information

I307 Sch. 13 para. 1 in force at 16.12.2014 by [S.I. 2014/3319](#), [art. 2\(g\)\(i\)](#)

- 2 (1) The Secretary of State may by order make further transitory or saving provision for the purposes of this Schedule.
- (2) An order under this paragraph may, in particular, make provision about the audit of—
- (a) the accounts of an NHS trust prepared in respect of the period which includes the day on which the trust ceased to be constituted as an NHS trust;
 - (b) the accounts of the trustees for an NHS trust prepared in respect of the period which includes the day on which the trust ceased to be constituted as an NHS trust.
- (3) An order under this paragraph may—
- (a) amend the modifications of this Act made by this Schedule;
 - (b) further modify this Act.

Commencement Information

I308 Sch. 13 para. 2 in force at 16.12.2014 by [S.I. 2014/3319](#), [art. 2\(g\)\(i\)](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Audit and Accountability Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“Relevant authorities”, “health service bodies” and “accounts”

- 3 (1) The following are relevant authorities for the purposes of this Act—
- (a) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England, and
 - (b) any trustees for such a trust, appointed under paragraph 10 of Schedule 4 to the National Health Service Act 2006^[F53], if the trust for which they are trustees is not a charitable trust].
- (2) Accordingly, Schedule 2 is to be read as if it contained the following paragraphs—
- “24A An NHS trust all or most of whose hospitals, establishments and facilities are situated in England.
- 24B Any trustees for an NHS trust within paragraph 24A, appointed under paragraph 10 of Schedule 4 to the National Health Service Act 2006 (trustees for NHS trusts established under section 25 of that Act).
- [^{F54}NOTE: This Act applies to trustees for an NHS trust appointed under paragraph 10 of Schedule 4 to the National Health Service Act 2006 only if the trust of which they are trustees is not a charitable trust.”]

Textual Amendments

F53 Words in Sch. 13 para. 3(1)(b) inserted (1.4.2015) by [The Local Audit and Accountability Act 2014 \(Independent Trustees\) Amendment Order 2015 \(S.I. 2015/972\)](#), arts. 1, **2(2)**

F54 Words in Sch. 13 para. 3(2) inserted (1.4.2015) by [The Local Audit and Accountability Act 2014 \(Independent Trustees\) Amendment Order 2015 \(S.I. 2015/972\)](#), arts. 1, **2(3)**

Commencement Information

I309 Sch. 13 para. 3 in force at 16.12.2014 by [S.I. 2014/3319](#), **art. 2(g)(i)**

- 4 In section 3(9), the definition of “health service body” is to be read as if it contained the following paragraphs—
- “(c) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England;
 - (d) any trustees for such a trust, appointed under paragraph 10 of Schedule 4 to the National Health Service Act 2006.”

Commencement Information

I310 Sch. 13 para. 4 in force at 16.12.2014 by [S.I. 2014/3319](#), **art. 2(g)(i)**

- 5 (1) Section 4 is to be read as if after subsection (5) there were inserted—
- “(6) In relation to an NHS trust, or the trustees for an NHS trust, “accounts” means the annual accounts prepared under paragraph 3 of Schedule 15 to the National Health Service Act 2006.”
- (2) Accordingly, in section 44(1) the definition of “accounts” is to be read as if for “(5)” there were substituted “(6)”.

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Commencement Information

I311 Sch. 13 para. 5 in force at 16.12.2014 by S.I. 2014/3319, art. 2(g)(i)

Notice of appointment of local auditor

- 6 Section 8(4) (publication of notice of appointment of local auditor) is to be read as if it contained the following paragraphs—
- “(d) in the case of an NHS trust, it publishes the notice in such manner as it thinks is likely to bring the notice to the attention of persons to whom the trust provides services for the purposes of the health service in England;
 - (e) in the case of trustees for an NHS trust, they publish the notice in such manner as they think is likely to bring the notice to the attention of persons to whom that NHS trust provides services for the purposes of the health service in England.”

Commencement Information

I312 Sch. 13 para. 6 in force at 1.4.2015 by S.I. 2015/841, art. 3(y)

Functions of auditor panel

- 7 Section 10(10) (publication of advice of auditor panel) is to be read as if it contained the following paragraphs—
- “(d) in the case of an NHS trust, it publishes the advice in such manner as it thinks is likely to bring the advice to the attention of persons to whom the trust provides services for the purposes of the health service in England;
 - (e) in the case of trustees for an NHS trust, they publish the advice in such manner as they think is likely to bring the advice to the attention of persons to whom that NHS trust provides services for the purposes of the health service in England.”

Commencement Information

I313 Sch. 13 para. 7 in force at 1.4.2015 by S.I. 2015/841, art. 3(y)

Failure to appoint local auditor

- 8 (1) Section 12 does not apply in relation to an NHS trust mentioned in paragraph 3(1)(a), or the trustees for such a trust as mentioned in paragraph 3(1)(b).
- (2) Paragraph 9 applies in relation to such a body.

Commencement Information

I314 Sch. 13 para. 8 in force at 1.4.2015 by S.I. 2015/841, art. 3(y)

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- 9 (1) If an NHS trust fails, or the trustees for an NHS trust fail, to appoint an auditor in accordance with Part 3, the trust or (as the case may be) the trustees must immediately inform the National Health Service Trust Development Authority (“the Authority”) of that fact.
- (2) If it appears to the Authority that an NHS trust has, or the trustees for an NHS trust have, failed to appoint an auditor in accordance with Part 3, the Authority must inform the Secretary of State of that fact by the end of 25 March in the financial year preceding the financial year to which the accounts to be audited relate.
- (3) If the Secretary of State has been informed by the Authority under sub-paragraph (2), the Secretary of State may—
- (a) take either of the steps in sub-paragraph (4), or
 - (b) direct the Authority to take whichever of the steps in sub-paragraph (4) the Authority considers appropriate.
- (4) Those steps are—
- (a) to direct the trust or trustees to appoint an auditor named in the direction given under this paragraph, or
 - (b) to appoint an auditor on behalf of the trust or trustees.
- (5) An appointment under sub-paragraph (4)(b) takes effect—
- (a) as if it had been made by the trust or trustees, and
 - (b) on such terms as the Secretary of State or (as the case may be) the Authority may direct.
- (6) The Secretary of State or the Authority must—
- (a) inform the trust or trustees of the intention to give a direction or appoint an auditor under sub-paragraph (4) not less than 28 days before the direction is given or the appointment made, and
 - (b) consider any representations made by the trust or trustees regarding the proposed direction or appointment.
- (7) But the Secretary of State or the Authority may give a direction or make an appointment under sub-paragraph (4) without having complied with sub-paragraph (6) if the Secretary of State or the Authority thinks it is likely that an auditor would have to exercise a function under this Act in relation to the trust or trustees within the period of 60 days beginning with the day on which the direction is given or the appointment is made.
- (8) The National Health Service Trust Development Authority is the Special Health Authority established under the National Health Service Trust Development Authority (Establishment and Constitution) Order 2012 (SI 2012/901).

Commencement Information

I315 Sch. 13 para. 9 in force at 1.4.2015 by S.I. 2015/841, art. 3(y)

General duties of auditors

- 10 Section 21(3) (general duties of auditors of accounts of special trustees for a hospital) is to be read as if—

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- (a) for “accounts of special trustees for a hospital” there were substituted “accounts of a health service body other than a clinical commissioning group”, and
- (b) in paragraph (c)—
 - (i) for “the special trustees have” there were substituted “ the body has ”, and
 - (ii) for “their” there were substituted “ its ”.

Commencement Information

I316 Sch. 13 para. 10 in force at 1.4.2015 by S.I. 2015/841, art. 3(y)

Independence requirement: directors of NHS trusts

- 11 In Schedule 5, paragraph 5 (independence requirement: modification of section 1214 of the Companies Act 2006) is to be read as if the substitution for section 1214 of the Companies Act 2006 provided (in addition to its existing provision) that a director of an NHS trust may not act as a local auditor of—
- (a) that NHS trust, or
 - (b) the trustees for that NHS trust.

Commencement Information

I317 Sch. 13 para. 11 in force at 16.12.2014 by S.I. 2014/3319, art. 2(g)(ii)

Public interest reports and written recommendations

- 12 (1) Schedule 7 is to be read in accordance with the following sub-paragraphs.
- (2) In paragraph 2(3) (persons to whom written recommendations must be sent) after paragraph (c) insert—
- “(ca) where the relevant authority is an NHS trust or the trustees for an NHS trust, to the National Health Service Trust Development Authority,”.
- (3) In paragraph 3(2) (persons to whom public interest reports must be sent) after paragraph (c) omit “and” and insert—
- “(ca) where the relevant authority is an NHS trust or the trustees for an NHS trust, to the National Health Service Trust Development Authority, and”.
- (4) In paragraph 4(8) (means of publicising public interest reports and related notices) after paragraph (c) insert—
- “(d) in the case of an NHS trust, it publishes the notice in such manner as it thinks is likely to bring the notice to the attention of persons to whom the trust provides services for the purposes of the health service in England;
 - (e) in the case of trustees for an NHS trust, they publish the notice in such manner as they think is likely to bring the notice to the

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attention of persons to whom that NHS trust provides services for the purposes of the health service in England.”

- (5) In the modifications made by this paragraph, “National Health Service Trust Development Authority” is to be construed in accordance with paragraph 9(8).

Commencement Information

I318 Sch. 13 para. 12 in force at 1.4.2015 by S.I. 2015/841, art. 3(y)

Unlawful expenditure or activity

- 13 (1) Section 30(2) (referral of health service bodies to certain persons as regards unlawful expenditure or activity) is to be read as if, at the end of paragraph (b), there were inserted “, and
- (c) if the health service body is an NHS trust or the trustees for an NHS trust, notify the National Health Service Trust Development Authority of the matter.”
- (2) In the modification made by sub-paragraph (1), “National Health Service Trust Development Authority” is to be construed in accordance with paragraph 9(8).

Commencement Information

I319 Sch. 13 para. 13 in force at 1.4.2015 by S.I. 2015/841, art. 3(y)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 3(3) modified by [S.I. 2024/402 art. 10\(1\)](#)
- s. 43(6)(b) words omitted by [2016 c. 10 Sch. 1 para. 18\(f\)](#)
- s. 47 words omitted by [2016 c. 10 Sch. 1 para. 18\(h\)](#)
- Sch. 12 para. 45 coming into force by [S.I. 2015/841 art. 4](#) (This effect not applied to legislation.gov.uk. Art. 4 amended (27.6.2016) by [S.I. 2016/675, art. 2\(3\)](#))
- Sch. 13 para. 1(2)(b) and word omitted by [2016 c. 10 Sch. 1 para. 19\(2\)\(b\)](#)
- Sch. 13 para. 2(2)(b) omitted by [2016 c. 10 Sch. 1 para. 19\(2\)\(c\)](#)
- Sch. 13 para. 3(1)(b) and word omitted by [2016 c. 10 Sch. 1 para. 19\(2\)\(d\)](#)
- Sch. 13 para. 11(b) and word omitted by [2016 c. 10 Sch. 1 para. 19\(11\)](#)
- Sch. 13 para. 10 substituted by [2016 c. 10 Sch. 1 para. 19\(10\)](#)
- Sch. 13 para. 3(2) words omitted by [2016 c. 10 Sch. 1 para. 19\(3\)](#)
- Sch. 13 para. 4 words omitted by [2016 c. 10 Sch. 1 para. 19\(4\)](#)
- Sch. 13 para. 5(1) words omitted by [2016 c. 10 Sch. 1 para. 19\(5\)](#)
- Sch. 13 para. 6 words omitted by [2016 c. 10 Sch. 1 para. 19\(6\)](#)
- Sch. 13 para. 7 words omitted by [2016 c. 10 Sch. 1 para. 19\(7\)](#)
- Sch. 13 para. 8(1) words omitted by [2016 c. 10 Sch. 1 para. 19\(8\)](#)
- Sch. 13 para. 9(1) words omitted by [2016 c. 10 Sch. 1 para. 19\(9\)\(a\)](#)
- Sch. 13 para. 9(1) words omitted by [2016 c. 10 Sch. 1 para. 19\(9\)\(b\)](#)
- Sch. 13 para. 9(2) words omitted by [2016 c. 10 Sch. 1 para. 19\(9\)\(c\)](#)
- Sch. 13 para. 9(4)-(7) words omitted by [2016 c. 10 Sch. 1 para. 19\(9\)\(d\)](#)
- Sch. 13 para. 12(2) words omitted by [2016 c. 10 Sch. 1 para. 19\(12\)\(a\)](#)
- Sch. 13 para. 12(3) words omitted by [2016 c. 10 Sch. 1 para. 19\(12\)\(b\)](#)
- Sch. 13 para. 12(4) words omitted by [2016 c. 10 Sch. 1 para. 19\(12\)\(c\)](#)
- Sch. 13 para. 13(1) words omitted by [2016 c. 10 Sch. 1 para. 19\(13\)](#)
- Sch. 13 heading words omitted by [2016 c. 10 Sch. 1 para. 19\(2\)\(a\)](#)
- specified provision(s) amendment to earlier commencing [S.I. 2015/841](#) by [S.I. 2016/675 art. 2](#)