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WELSH STATUTORY INSTRUMENTS

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**2013 No. 1466**

**The Public Audit (Wales) Act 2013 (Commencement,  
Consequential Amendments, Transitional  
and Saving Provisions) (Wales) Order 2013**

**Title, commencement, application and interpretation**

1.—(1) The title of this Order is the Public Audit (Wales) Act 2013 (Commencement, Consequential Amendments, Transitional and Saving Provisions) (Wales) Order 2013 and it comes into force in accordance with articles 2 and 3.

(2) This Order applies in relation to Wales.

(3) In this Order “the Act” means the Public Audit (Wales) Act 2013.

**Provisions coming into force on 4 July 2013**

2. The following provisions of the Act come into force on 4 July 2013—

- (a) section 1 (overview);
- (b) section 8 (how functions are to be exercised), insofar as it is necessary to prepare the code of practice, code of audit practice, annual plan and estimate of income and expenditure for the financial year 2014-2015;
- (c) section 10 (code of audit practice);
- (d) section 12 (transfer etc of supervisory functions of Welsh Ministers: consultation);
- (e) section 13 (incorporation of Wales Audit Office) except in respect of provisions relating to employee members;
- (f) section 14 (powers);
- (g) section 15 (efficiency);
- (h) section 16 (relationship with the Auditor General);
- (i) section 17(2) and (3) (WAO to monitor and provide advice) insofar as it is necessary to prepare the code of practice, annual plan and estimate of income and expenditure for the financial year 2014-2015;
- (j) section 18 (delegation and joint exercise of functions of the Auditor General) insofar as it is necessary to prepare the delegation scheme;
- (k) section 20 (expenditure) only insofar as it relates to the financial year 2014-2015;
- (l) section 24 (scheme for charging fees);
- (m) section 25 (annual plan);
- (n) section 26 (annual plan: National Assembly);
- (o) section 27 (annual plan: effect);
- (p) section 28 (functions of the National Assembly);
- (q) section 29(1), (2), (3)(b) and (c) and (4) (indemnification);

- (r) section 31 (directions);
- (s) section 32 (interpretation);
- (t) section 33 (transitional, supplementary and saving provisions etc);
- (u) in Schedule 1 (incorporation of Wales Audit Office)—
  - (i) paragraph 1 (membership) except in respect of provisions relating to the employee members;
  - (ii) paragraph 2 (appointment of non-executive and employee members) except in respect of provisions relating to the employee members;
  - (iii) paragraph 3 (status) except in respect of provisions relating to the employee members;
  - (iv) paragraph 4 (appointment of non-executive members);
  - (v) paragraph 5 (appointment of chair of the WAO);
  - (vi) paragraph 6 (period of appointment and re-appointment);
  - (vii) paragraph 7 (remuneration arrangements);
  - (viii) paragraph 8 (other terms of appointment);
  - (ix) paragraph 9 (consultation);
  - (x) paragraphs 10, 11 and 12 (termination of appointments);
  - (xi) paragraph 13 (additional remuneration of the Auditor General);
  - (xii) paragraph 26 (disqualification as member of, or employee of, the WAO) except in respect of provisions relating to the employee members;
  - (xiii) paragraph 27 (general);
  - (xiv) paragraph 28 (quorum for WAO meetings);
  - (xv) paragraph 29(1) (committees);
  - (xvi) paragraph 30 (ballots);
  - (xvii) paragraph 31 (validity); and
  - (xviii) paragraph 32 (delegation of functions) except in relation to employee members and employees;
- (v) in Schedule 2 (relationship between the Auditor General and the WAO)—
  - (i) paragraph 1 (preparation and approval etc);
  - (ii) paragraph 2 (content); and
  - (iii) paragraphs 5 to 14 (temporary exercise of the functions of Auditor General by another person);
- (w) in Schedule 3 (transitional, supplementary and saving provisions)—
  - (i) paragraph 4 (WAO's procedural rules before rules are made under paragraph 27 of Schedule 1); and
  - (ii) paragraph 13 (indemnification); and
- (x) paragraph 79(2) of Schedule 4 (minor and consequential amendments) insofar as it relates to paragraph 12 of Schedule 8 to the Government of Wales Act 2006(1).

### Provisions coming into force on 1 April 2014

3.—(1) All other provisions of the Act come into force on 1 April 2014 insofar as they have not been commenced in accordance with article 2.

(2) The Schedule to this Order provides for consequential amendments which come into force on 1 April 2014.

### Transitional Provisions

4.—(1) In relation to the period where an auditor’s appointment under section 13 of the Public Audit (Wales) Act 2004(2) is continued by paragraph 2(2) of Schedule 3 to the Act, the following have effect as if they had not been amended by this Order—

- (a) the definition of “the auditor” in regulation 2 of the Local Authorities (Contracts) Regulations 1997(3);
- (b) regulation 6(5)(b) of the Education Standards Grants (Wales) Regulations 2002(4);
- (c) regulation 5(4)(b) of the Education (Capital Grants) (Wales) Regulations 2002(5);
- (d) regulation 6(6)(b) of the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002(6); and
- (e) the Accounts and Audit (Wales) Regulations 2005(7).

(2) The appointment of any person as an auditor under section 145B(5)(b) of the Government of Wales Act 1998(8) continues to have effect until the end of the period for which the appointment was made (subject to any earlier termination).

(3) The amendments made to article 4(2)(c)(v) of the Construction Contracts (England and Wales) Exclusion Order 1998(9) by this Order do not apply to contracts entered into on or before 31 March 2014.

### Saving Provision

5. Paragraphs 13, 14 and 15 of Schedule 8 to the Government of Wales Act 2006 are saved for the purposes of the accounts of the Auditor General for Wales for the financial year 2013-2014.

11 June 2013

*Jane Hutt*  
Minister for Finance, one of the Welsh Ministers

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(2) 2004 c. 23.  
(3) S.I. 1997/2862 as amended by S.I. 2005/761 (W. 65). There are other amending instruments which are not relevant to this Order.  
(4) S.I. 2002/438 (W. 56) as amended by S.I. 2005/761 (W. 65).  
(5) S.I. 2002/679 (W. 76) as amended by S.I. 2005/761 (W. 65).  
(6) S.I. 2002/1857 (W. 181) as amended by S.I. 2005/761 (W. 65). There are other amending instruments which are not relevant to this Order.  
(7) S.I. 2005/368 (W. 34) to which there are amendments not relevant to this Order.  
(8) 1998 c. 38.  
(9) S.I. 1998/648 as amended by S.I. 2005/757 (W. 62). There is another amending instrument which is not relevant to this Order.