

Public Audit (Amendment) (Wales) Bill

[DRAFT]

CONTENTS

[TO INSERT]

Public Audit (Amendment) (Wales) Bill

[DRAFT]

1 An Act of the National Assembly for Wales to make provision in relation to the charging of
2 fees by the Wales Audit Office; to make provision in relation to the quorum for meetings of
3 the Wales Audit Office; to make provision in relation to the reporting requirements of the
4 Auditor General and chair of the Wales Audit Office; and for connected purposes.

5 **Having been passed by the National Assembly for Wales and having received the assent**
6 **of Her Majesty, it is enacted as follows:**

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Introduction

9 **1 Overview**

10 (1) The main provisions of this Act amend the Public Audit (Wales) Act 2013 so as
11 to—

12

13 (a) remove the prohibition on the Wales Audit Office (the “WAO”) charging
14 fees that exceed the full cost of exercising the function to which the fee
15 relates;

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17 (b) require the WAO to include in a fees scheme a provision that seeks to
18 ensure that the sum of the fees charged for work undertaken under
19 specified enactments, taken together and taking one year with another, is
20 broadly equivalent to all of its expenditure in connection with that work;

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22 (c) remove the requirement that the rules in relation to quoracy for WAO
23 meetings cannot be met unless there is a majority of non-executive
24 members;

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26 (d) remove the requirement for the Auditor General and the chair of the
27 WAO to jointly prepare and lay interim reports before the National
28 Assembly on the exercise of their functions;

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30 (e) co-ordinate the laying of the annual report on the exercise of functions of
31 the Auditor General and the WAO with the laying of the audited accounts
32 of the WAO.

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34 *Amendments to the Public Audit (Wales) Act 2013*

35 **2 Fees for provision of services**

36 (1) Section 19 of the Public Audit (Wales) Act 2013 is amended as follows.

37 (2) After subsection (6) insert—

38 “(6A) The WAO may charge a fee in relation to any services provided or
39 functions exercised under this section.”.

40 (3) Omit subsection (8).

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42 **3 General provision relating to fees**

43 (1) Section 23 of the Public Audit (Wales) Act 2013 is amended as follows.

44 (2) Omit paragraph (d) of subsection (3).

45 (3) Omit paragraphs (b) and (c) of subsection (5).

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47 **4 Scheme for charging of fees**

48 (1) Section 24 of the Public Audit (Wales) Act 2013 is amended as follows.

49 (2) In subsection (2)(a) at the end insert “and which may only be charged in
50 accordance with this scheme”.

51 (3) In subsection (2) after paragraph (d) insert—

52 “(e) provision that the WAO must seek to ensure that the sum of the fees
53 charged for all of the work undertaken under the enactments mentioned
54 in subparagraph (a), taken together and taking one year with another, is
55 broadly equivalent to all of its expenditure in connection with that
56 work.”.

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58 **5 Quorum for WAO meetings**

59 (1) Paragraph 28 of Schedule 1 of the Public Audit (Wales) Act 2013 is amended as
60 follows.

61 (2) Omit sub-paragraph (3).

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63 **6 Interim reports**

64 (1) Paragraph 3 of Schedule 2 of the Public Audit (Wales) Act 2013 is amended as
65 follows.

66 (2) Omit sub-paragraphs (3) – (5) and 6(b).

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69 **7 Laying of reports etc. before Assembly**

70 (1) The Public Audit (Wales) Act 2013 is amended as follows.

71 (2) In paragraph 35 of Schedule 1, in sub-paragraph (2)(b) after “report on it”
72 insert—

73 “and the annual report provided by the Auditor General and the chair of the
74 WAO in accordance with paragraph 3 of Schedule 2”.

- 75 (3) In paragraph 3(6) of Schedule 2, for sub-paragraph (a) substitute—
76 “(a) provide the annual report as soon as practicable to the auditor appointed
77 under paragraph 34 of Schedule 1 and in any event no later than 5 months
78 after the end of the financial year to which the annual report relates.”.

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*General*81 **8 Consequential amendments**

82 Schedule 1 (consequential amendments) has effect.

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84 **9 Short title and commencement**85 (1) This Act comes into force on the day after the day on which this Act receives
86 Royal Assent.

87 (2) The short title of this Act is the Public Audit (Amendment) (Wales) Act 2018.

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SCHEDULE 1

(Introduced by section 10)

CONSEQUENTIAL AMENDMENTS

Education Act 1997 (c. 44)

1 In subsection (6) of section 41A of the Education Act 1997 omit the words from
“(which” to the end of that subsection.

Government of Wales Act 1998 (c. 38)

2 (1) The Government of Wales Act 1998 is amended as follows.

(2) In subsection 145C(3) omit the words “(which may not exceed the full cost
incurred in undertaking the programme)”.

(3) In section 145D, omit subsection (2A).

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

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

(2) In section 20, omit subsection (5A).

(3) In subsection 45(8), omit the words from “(but” to the end of that subsection.

(4) In section 64F, omit subsection (10).

(5) In section 67A, omit subsection (3).

Government of Wales Act 2006 (c. 32)

4 In subsection 144(2) of the Government of Wales Act 2006, omit subparagraph (g).

Local Government (Wales) Measure 2009 (nawm 2)

5 In section 27 of the Local Government (Wales) Measure 2009, omit subsection (4A).

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

116 6 In subsection (4A) of section 50 of the Local Democracy, Economic Development and
117 Construction Act 2009, omit the words from “But” to the end of that subsection.