

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2013, PART 2. (See end of Document for details)

SCHEDULE 1 **E+W**

INCORPORATION OF WALES AUDIT OFFICE

PART 2 **E+W**

NON-EXECUTIVE MEMBERS

Appointment of non-executive members

- 4 (1) Non-executive members are to be appointed by the National Assembly.
- (2) Appointments made under sub-paragraph (1) must be based on the conclusions of a fair and open competition.

Commencement Information

- II** Sch. 1 para. 4 in force at 4.7.2013 by S.I. 2013/1466, art. 2(u)(iv)

Appointment of chair of the WAO

- 5 (1) The chair of the WAO is to be appointed by the National Assembly from amongst the non-executive members.
- (2) But no appointment can be made until the First Minister has been consulted.
- (3) The National Assembly may extend an appointment under this paragraph in accordance with the procedure required for the original appointment.
- (4) An extension of an appointment counts as a separate appointment for the purposes of paragraphs 6 to 8.

Commencement Information

- I2** Sch. 1 para. 5 in force at 4.7.2013 by S.I. 2013/1466, art. 2(u)(v)

Period of appointment and re-appointment

- 6 (1) An appointment under this Part of this Schedule is to be for a period of no more than 4 years.
- (2) A person may not be appointed under this Part of this Schedule more than twice.

Commencement Information

- I3** Sch. 1 para. 6 in force at 4.7.2013 by S.I. 2013/1466, art. 2(u)(vi)

Remuneration arrangements

- 7 (1) The National Assembly may make remuneration arrangements in relation to the person who chairs the WAO (subject to sub-paragraph (2) and paragraph 9).

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- (2) But no arrangements can be made until the First Minister has been consulted.
- (3) Amounts payable by virtue of sub-paragraph (1) are to be charged on, and paid out of, the Welsh Consolidated Fund.
- (4) The National Assembly may make remuneration arrangements in relation to any other non-executive member.
- (5) Amounts payable under sub-paragraph (4) are to be paid by the WAO.
- (6) Remuneration arrangements under this paragraph—
 - (a) may provide for a salary, allowances, gratuities, and other benefits to cover expenses properly and necessarily incurred, but not for a pension, and
 - (b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.
- (7) But no element is to be performance-based.

Commencement Information

I4 Sch. 1 para. 7 in force at 4.7.2013 by S.I. 2013/1466, art. 2(u)(vii)

Other terms of appointment

- 8 (1) The National Assembly may determine other terms for an appointment under this Part of this Schedule (subject to paragraph 9).
- (2) Those terms may include restrictions on—
 - (a) the offices or positions (including offices and positions to which persons may be appointed, or recommended or nominated for appointment, by or on behalf of the Crown, the National Assembly, or the National Assembly Commission)—
 - (i) that the non-executive member may hold while, or after ceasing to be, a member;
 - (ii) that the chair of the WAO may hold while, or after ceasing to be, chair, and
 - (b) the agreements or other arrangements (including agreements and arrangements with the Crown, the National Assembly or the National Assembly Commission or bodies or other persons acting on behalf of the Crown, the National Assembly or the National Assembly Commission)—
 - (i) to which the non-executive member may be a party while, or after ceasing to be, a member;
 - (ii) to which the chair of the WAO may be a party while, or after ceasing to be, chair.
- (3) But restrictions may only be imposed while a person is a non-executive member and for a maximum of 2 years afterwards, starting with the day on which the person ceases to be a non-executive member.

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I5 Sch. 1 para. 8 in force at 4.7.2013 by S.I. 2013/1466, art. 2(u)(viii)

Consultation

- 9 (1) No arrangements under paragraph 7 or determination under paragraph 8 may be made unless there has been consultation with an appropriate person with oversight of public appointments.
- (2) Consultation required under sub-paragraph (1) is in addition to the consultation required under paragraph 7(2).

Commencement Information

I6 Sch. 1 para. 9 in force at 4.7.2013 by S.I. 2013/1466, art. 2(u)(ix)

Termination of appointments

- 10 (1) The person who chairs the WAO may resign from the position of chair by giving written notice to the National Assembly.
- (2) A non-executive member may resign by giving written notice to the National Assembly.
- (3) The term of appointment of a person who resigns in accordance with sub-paragraphs (1) or (2) ends when the resignation is accepted.

Commencement Information

I7 Sch. 1 para. 10 in force at 4.7.2013 by S.I. 2013/1466, art. 2(u)(x)

- 11 (1) The National Assembly may terminate the appointment of a non-executive member by giving the member written notice if—
- (a) the member has been absent from meetings of the WAO without the WAO's permission for a period or periods totalling 3 months or more in any 12 month period,
 - (b) the member has become bankrupt or has made an arrangement with creditors,
 - (c) the member's estate has been sequestrated in Scotland or the member has entered into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 as the debtor or has, under Scots law, made a composition or arrangement with, or granted a trust deed for, the member's creditors,
 - (d) the member is unfit to continue the appointment because of misconduct,
 - (e) the member has failed to comply with the terms of the appointment, or
 - (f) the member is otherwise unable, unfit or unwilling to carry out the member's functions.
- (2) If a non-executive member whose appointment is terminated under sub-paragraph (1) is the chair of the WAO, that person's appointment as chair is also terminated.

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Commencement Information

18 Sch. 1 para. 11 in force at 4.7.2013 by S.I. 2013/1466, art. 2(u)(x)

- 12 (1) The National Assembly may terminate the appointment of a non-executive member as chair of the WAO.
- (2) But before an appointment can be terminated the First Minister must be consulted.
- (3) The National Assembly may terminate the appointment if the chair of the WAO—
- (a) has failed to comply with the terms of appointment, or
 - (b) is otherwise unwilling to carry out the functions of chairing the WAO.

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Commencement Information

19 Sch. 1 para. 12 in force at 4.7.2013 by S.I. 2013/1466, art. 2(u)(x)

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