



# Government of Wales Act 1998

## 1998 CHAPTER 38

### PART VI

#### REFORM OF WELSH PUBLIC BODIES

##### *The Welsh Development Agency*

#### 126 Extension of functions.

- (1) Section 1 of the <sup>M1</sup>Welsh Development Agency Act 1975 (functions of Agency and purposes for which they may be exercised) is amended as follows.
- (2) In subsection (2) (purposes for which functions may be exercised)—
  - (a) in paragraph (a) (furtherance of economic development of Wales or a part of Wales), after “economic” insert “ and social ”, and
  - (b) in paragraph (b) (promotion of industrial efficiency in Wales), for “industrial efficiency” substitute “ efficiency in business ”.
- (3) In subsection (3) (functions)—
  - (a) in paragraph (a) (promotion of Wales as location of industrial development), for “of industrial development” substitute “ for businesses ”,
  - (b) in paragraphs (b), (c), (f), (g) and (j) (functions relating to industrial undertakings), for “industrial undertakings” (in each place) substitute “ businesses ”,
  - (c) in paragraph (d) (promotion etc. of an industry or an undertaking in an industry), for “an industry or any undertaking in an industry” substitute “ businesses, or a particular business or particular businesses ”, and
  - (d) after that paragraph insert—

“(da) to make land available for development;”.
- (4) In subsection (8) (power to make grants not to be used in connection with functions of providing finance for carrying on of industrial undertakings), for “shall not be used in connection with those functions” substitute “ may only be exercised in connection

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with those functions in accordance with a programme approved by the Secretary of State under subsection (15) below ”.

#### Marginal Citations

M1 1975 c. 70.

### 127 Land acquisition and disposal etc.

Schedule 13 (amendments of Welsh Development Agency Act 1975 and other enactments for conferring on Welsh Development Agency functions relating to the acquisition of land etc.) has effect.

### 128 Other amendments.

Schedule 14 (other amendments relating to Welsh Development Agency) has effect.

#### *The Development Board for Rural Wales*

### 129 Cessation of functions.

- (1) The functions of the Development Board for Rural Wales shall cease to exist.
- (2) Schedule 15 (amendments of enactments relating to that Board in consequence of subsection (1)) has effect.

### 130 Transfer of property, staff etc. to Welsh Development Agency.

- (1) There shall be transferred to and vest in the Welsh Development Agency by virtue of this subsection all property, rights and liabilities to which the Development Board for Rural Wales is entitled or subject when the functions of that Board cease to exist.
- (2) A certificate issued by the Secretary of State that any property has been transferred by subsection (1) shall be conclusive evidence of the transfer.
- (3) Subsection (1) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (4) Subsection (1) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of the Development Board for Rural Wales.
- (5) An order under subsection (4) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

#### Commencement Information

II S. 130 wholly in force; s. 130 not in force at Royal Assent see s. 158; s. 130(1)-(3) in force at 1.10.2000 by S.I. 1998/2244, art. 4; s. 130(4)(5) in force at 2.9.2000 by S.I. 1998/2244, art. 3

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### 131 Transitional provisions.

- (1) Nothing in section 129 or Schedule 15, or in any repeal made by this Act, affects the validity of anything done by or in relation to the Development Board for Rural Wales before its functions cease to exist.
- (2) There may be continued by or in relation to the Welsh Development Agency anything (including legal proceedings) which—
  - (a) relates to any of the functions of the Development Board for Rural Wales or to any property, rights or liabilities transferred by section 130(1), and
  - (b) is in the process of being done by or in relation to that Board when its functions cease to exist.
- (3) Anything which—
  - (a) was done by the Development Board for Rural Wales for the purpose of or in connection with any of its functions or any property, rights or liabilities transferred by section 130(1), and
  - (b) is in effect immediately before its functions cease to exist,shall have effect as if done by the Welsh Development Agency.
- (4) The Welsh Development Agency shall be substituted for the Development Board for Rural Wales in any instruments, contracts or legal proceedings which—
  - (a) relate to any of the functions of that Board or to any property, rights or liabilities transferred by section 130(1), and
  - (b) are made or commenced before its functions cease to exist.

### 132 Winding-down.

F1 .....

#### Textual Amendments

- F1 S. 132 omitted (23.11.2005) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), art. 7(1), [Sch. 2 Pt. 1 para. 11](#) (with art. 3(1))

### 133 Abolition etc.

- (1) The Development Board for Rural Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 132 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
  - (a) the continuance of the Development Board for Rural Wales for the purpose of exercising its functions under section 132, or
  - (b) the continued operation for that purpose of any enactment relating to the Development Board for Rural Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—

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- (a) the functions of the Development Board for Rural Wales ceasing to exist under section 129,
  - (b) the transfer of property, rights and liabilities of that Board by section 130(1),
  - (c) the abolition of that Board, or
  - (d) the repeal by this Act of any provision of the <sup>M2</sup>Development of Rural Wales Act 1976.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of any of sections 129 to 132, Schedule 15 or any other enactment.

#### Commencement Information

**I2** [S. 133](#) wholly in force; [s. 133](#) not in force at Royal Assent see [s. 158](#); [s. 133\(3\)\(4\)](#) in force at 2.9.1998 and [s. 133\(1\)\(2\)](#) in force at 1.10.1998 by [S.I. 1998/2244](#), [arts. 3, 4](#)

#### Marginal Citations

**M2** [1976 c. 75](#).

### *The Land Authority for Wales*

#### 134 Cessation of functions.

The functions of the Land Authority for Wales shall cease to exist.

#### 135 Consequential amendments.

- (1) The following amendments relating to the Land Authority for Wales have effect in consequence of section 134.
- (2) In—
- (a) paragraph 1(2)(xxiv) of Schedule 25 to the <sup>M3</sup>Water Act 1989,
  - (b) paragraph 1(1)(iv) of Schedule 16 to the <sup>M4</sup>Electricity Act 1989, and
  - (c) paragraph 2(1)(xxviii) of Schedule 4 to the <sup>M5</sup>Gas Act 1995,
- (which deem persons to be statutory undertakers for the purposes of certain enactments), for “Parts XII and” substitute “ Part ”.
- (3) In section 31(1)(c) of the <sup>M6</sup>Acquisition of Land Act 1981 (acquisition under certain provisions of statutory undertakers’ land without a certificate), for “said Act of” substitute “ Local Government, Planning and Land Act ”.

#### Marginal Citations

**M3** [1989 c. 15](#).

**M4** [1989 c. 29](#).

**M5** [1995 c. 45](#).

**M6** [1981 c. 67](#).

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### **136 Transfer of property, staff etc. to Welsh Development Agency.**

- (1) There shall be transferred to and vest in the Welsh Development Agency by virtue of this subsection all property, rights and liabilities to which the Land Authority for Wales is entitled or subject when the functions of that Authority cease to exist.
- (2) A certificate issued by the Secretary of State that any property has been transferred by subsection (1) shall be conclusive evidence of the transfer.
- (3) Subsection (1) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (4) Subsection (1) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of the Land Authority for Wales.
- (5) An order under subsection (4) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

#### **Commencement Information**

- I3** S. 136 wholly in force; s. 136 not in force at Royal Assent see s. 158; s. 136(4)(5) in force at 2.9.1998 and s. 136(1)-(3) in force at 1.10.1998 by S.I. 1998/2244, arts. 3, 4

### **137 Transitional provisions.**

- (1) Nothing in section 134 or 135, or in any repeal made by this Act, affects the validity of anything done by or in relation to the Land Authority for Wales before its functions cease to exist.
- (2) There may be continued by or in relation to the Welsh Development Agency anything (including legal proceedings) which—
  - (a) relates to any of the functions of the Land Authority for Wales or to any property, rights or liabilities transferred by section 136(1), and
  - (b) is in the process of being done by or in relation to that Authority when its functions cease to exist.
- (3) Anything which—
  - (a) was done by the Land Authority for Wales for the purpose of or in connection with any of its functions or any property, rights or liabilities transferred by section 136(1), and
  - (b) is in effect immediately before its functions cease to exist,shall have effect as if done by the Welsh Development Agency.
- (4) The Welsh Development Agency shall be substituted for the Land Authority for Wales in any instruments, contracts or legal proceedings which—
  - (a) relate to any of the functions of that Authority or to any property, rights or liabilities transferred by section 136(1), and
  - (b) are made or commenced before its functions cease to exist.

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## 138 Winding-down.

F2 .....

### Textual Amendments

- F2** S. 138 omitted (23.11.2005) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), art. 7(1), **Sch. 2 Pt. 1 para. 11** (with art. 3(1))

## 139 Abolition etc.

- (1) The Land Authority for Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 138 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
  - (a) the continuance of the Land Authority for Wales for the purpose of exercising its functions under section 138, or
  - (b) the continued operation for that purpose of any enactment relating to the Land Authority for Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
  - (a) the functions of the Land Authority for Wales ceasing to exist under section 134,
  - (b) the transfer of the property, rights and liabilities of that Authority by section 136(1), or
  - (c) the abolition of that Authority.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of any of sections 134 to 138 or any other enactment.

### Commencement Information

- I4** S. 139 wholly in force; s. 139 not in force at Royal Assent see s. 158; s. 139(3)(4) in force at 2.9.1998 and s. 139(1)(2) in force at 1.10.1998 by [S.I. 1998/2244](#), **arts. 3, 4**

## *Housing for Wales*

## 140 Transfer of functions, property, staff etc. to Secretary of State.

- (1) The functions of Housing for Wales shall be transferred to the Secretary of State in accordance with the provisions of Schedule 16 which amends the enactments relating to that body for the purpose of—
  - (a) transferring its functions to the Secretary of State, and
  - (b) making provision consequential on the transfer.
- (2) There shall be transferred to and vest in the Secretary of State for Wales by virtue of this subsection all property, rights and liabilities to which Housing for Wales is entitled

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or subject when its functions are transferred to the Secretary of State in accordance with the provisions of Schedule 16.

- (3) A certificate issued by the Secretary of State that any property has been transferred by subsection (2) shall be conclusive evidence of the transfer.
- (4) Subsection (2) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (5) Subsection (2) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of Housing for Wales.
- (6) An order under subsection (5) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

#### Commencement Information

- I5** S. 140 wholly in force; s. 140 not in force at Royal Assent see s. 158; s. 140(5)(6) in force at 2.9.1998 and s. 140(1)-(4) in force at 1.11.1998 by S.I. 1998/2244, arts. 3, 5

#### 141 Transitional provisions.

- (1) Nothing in section 140 or Schedule 16, or in any repeal made by this Act, affects the validity of anything done by or in relation to Housing for Wales before its functions are transferred.
- (2) There may be continued by or in relation to the Secretary of State for Wales anything (including legal proceedings) which—
  - (a) relates to any of the functions of Housing for Wales or to any property, rights or liabilities transferred by section 140(2), and
  - (b) is in the process of being done by or in relation to Housing for Wales when its functions are transferred.
- (3) Anything which—
  - (a) was done by Housing for Wales for the purpose of or in connection with any of its functions or by Housing for Wales or the Housing Corporation for the purpose of or in connection with any property, rights or liabilities transferred by section 140(2), and
  - (b) is in effect immediately before its functions are transferred,shall have effect as if done by the Secretary of State for Wales.
- (4) The Secretary of State for Wales shall be substituted—
  - (a) for Housing for Wales in any instruments, contracts or legal proceedings which relate to any of the functions of Housing for Wales and are made or commenced before its functions are transferred, and
  - (b) for Housing for Wales or the Housing Corporation in any instruments, contracts or legal proceedings which relate to any property, rights or liabilities transferred by section 140(2) and are so made or commenced.

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## 142 Winding-down.

- (1) Housing for Wales shall give to the Secretary of State all the information, prepare all the documents and do all other things which appear to the Secretary of State appropriate for the purpose of facilitating—
  - (a) the carrying into effect of sections 140, 141 and 143 and Schedule 16, or
  - (b) the exercise of any functions transferred to the Secretary of State by Schedule 16 or conferred or imposed on him by this section;
 and Housing for Wales may do anything else which appears to it appropriate for that purpose.
- (2) Housing for Wales shall comply with section 78(1) and (2) (annual reports) and section 97(1) to (3) (accounts) of the <sup>M7</sup>Housing Associations Act 1985—
  - (a) in relation to the last financial year ending before its functions are transferred (if it has not done so before then), and
  - (b) in relation to the period between the end of that financial year and the time when its functions are transferred (to which period those provisions shall apply as if it were a financial year).
- (3) As from the time when the functions of Housing for Wales are transferred, the Secretary of State shall make available to Housing for Wales such facilities as it may reasonably require for exercising its functions under this section.
- (4) Section 78(3) of the <sup>M8</sup>Housing Associations Act 1985 (duty of Secretary of State to lay reports before Parliament) shall apply in relation to a report made pursuant to subsection (2).
- (5) Section 97(4) of that Act (duty of Secretary of State to prepare accounts) shall, so far as it relates to Housing for Wales, apply in relation to the period between—
  - (a) the end of the last financial year before its functions are transferred, and
  - (b) the time when its functions are transferred,
 as if it were a financial year.
- (6) The Secretary of State may pay to members of Housing for Wales—
  - (a) any remuneration which he considers appropriate in respect of the performance of their duties as members of Housing for Wales after the time when its functions are transferred, and
  - (b) any allowances which he determines should be paid to them in respect of expenses properly incurred by them in the performance of those duties after that time.
- (7) The Secretary of State may determine that, as from the time when the functions of Housing for Wales are transferred or any later time, the number of members of Housing for Wales shall be reduced to a number which he considers appropriate (and may, accordingly, remove any such members from office).
- (8) The Secretary of State shall meet the costs of remunerating auditors and any other costs incurred by Housing for Wales in connection with the exercise of any of its functions under this section.



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#### Commencement Information

**I6** S. 142 wholly in force; s. 142 not in force at Royal Assent see s. 158; s. 142(1)(7)(8) in force at 2.9.1998 and s. 142(2)-(6) in force at 1.11.1998 by S.I. 1998/2244, arts. 3, 5

#### Marginal Citations

**M7** 1985 c. 69.

**M8** 1985 c. 69.

### 143 Abolition etc.

- (1) Housing for Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 142 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
  - (a) the continuance of Housing for Wales for the purpose of exercising its functions under section 142, or
  - (b) the continued operation for that purpose of any enactment relating to Housing for Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
  - (a) the transfer of functions, property, rights and liabilities of Housing for Wales by section 140(1) and (2) and Schedule 16, or
  - (b) the abolition of Housing for Wales.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of sections 140 to 142, Schedule 16 or any other enactment.

#### Commencement Information

**I7** S. 143 wholly in force; s. 143 not in force at Royal Assent see s. 158; s. 143(3)(4) in force at 2.9.1998 and s. 143(1)(2) in force at 1.10.1998 by S.I. 1998/2244, art. 3, 5

### Accountability

### 144 Accounts, audit and reports.

- (1) The Secretary of State may by order make provision about—
  - (a) the accounts of any body specified in Part I or II of Schedule 17,
  - (b) the audit of any such body's accounts, or
  - (c) reports by any such body on its exercise of its functions.
- (2) An order under subsection (1) may not make any provision about, or about the audit of, [F<sup>3</sup>any accounts kept or prepared in pursuance of [F<sup>4</sup>paragraph 2 or 3 of Schedule 9 to the National Health Service (Wales) Act 2006] (requirement for Welsh NHS bodies to keep accounts or prepare annual accounts)] by any body specified in Part II of Schedule 17.

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- (3) An order under subsection (1) may include provision imposing, varying or abolishing requirements in respect of any accounts or reports or the audit of any accounts and, in particular, may provide for—
- (a) designating accounting officers and specifying their responsibilities,
  - (b) the preparation by a body of accounts extending to financial affairs and transactions of any undertaking (as defined in section 259(1) of the <sup>M9</sup>Companies Act 1985) of which the body is (or, if it were an undertaking as so defined, would be) a parent undertaking (within the meaning of section 258 of that Act),
  - (c) the granting to auditors, and persons considering reports by any auditor or body, of rights of access to documents and of rights to obtain information, explanations and assistance from persons holding or accountable for documents,
  - (d) the giving of directions by the Assembly (or, before the first ordinary election, by the Secretary of State), and
  - (e) the publication and public inspection of documents.
- (4) The Secretary of State may by order make provision for designating accounting officers of any body specified in Part III of Schedule 17 and specifying their responsibilities.
- (5) An order under subsection (1) or (4) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (6) An Order in Council under section 22 may include any provision that may be included in an order under subsection (1) or (4).
- (7) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
- (a) on behalf of the Committee of Public Accounts take evidence from a person designated in pursuance of subsection (3)(a) or (4) as an accounting officer of a body specified in Schedule 17, and
  - (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.
- (8) The Secretary of State may by order amend any of the Parts of Schedule 17 by—
- (a) adding any public body (other than the Auditor General for Wales, [<sup>F5</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], [<sup>F6</sup>the Public Services Ombudsman for Wales] , [<sup>F7</sup>the Wales Centre for Health],[<sup>F8</sup>the Children’s Commissioner for Wales], [<sup>F9</sup>the Commissioner for Older People in Wales],[<sup>F10</sup> . . . a county council, a county borough council or a community council) whose functions relate exclusively to Wales or an area of Wales,
  - (b) omitting any body, or
  - (c) altering the description of any body.
- [<sup>F11</sup>(8A) The Assembly may, with the consent of the Secretary of State, by order amend any of the Parts of Schedule 17 in the manner mentioned in paragraph (a) or (c) of subsection (8).]
- (9) In this section—

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- (a) “audit”, in relation to any accounts, includes their examination and certification and reporting on them or on any examination of them,<sup>F12</sup> . . .
- (b) “body” includes office; <sup>F13</sup>and
- (c) “ public body ” means—
  - (i) a body exercising functions of a public nature, or
  - (ii) a body entirely or substantially funded from public money.]

#### Textual Amendments

- F3** Words in s. 144(2) substituted (1.2.2007 for W.) by [Health Act 2006 \(c. 28\)](#), ss. 80, 83, [Sch. 8 para. 43](#) (with saving in [S.I. 2006/2603](#), art. 6); [S.I. 2007/204](#), [art. 4\(b\)](#) (with art. 5)
- F4** Words in s. 144(2) substituted (1.3.2007) by [Health Act 2006 \(c. 28\)](#)ss. 80, 83, [Sch. 8 para. 43](#) (as amended by [National Health Service \(Consequential Provisions\) Act 2006 c. 43](#), Sch. 1 para. 298 (with Sch. 3, Pt. 1)); 2006 c. 43, s. 8(2)
- F5** Words in s. 144(8)(a) substituted (1.1.2001) by [2000 c. 21 s. 73\(3\)\(a\)](#); [S.I. 2000/3230](#), art. 2, [Sch.](#)
- F6** Words in s. 144(8)(a) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, [Sch. 6 para. 66\(a\)](#); [S.I. 2005/2800](#), [art. 5\(1\)](#)
- F7** Words in s. 144(8)(a) inserted (1.4.2005) by [Health \(Wales\) Act 2003 \(c. 4\)](#), ss. 7, 10(2), [Sch. 3 para. 11](#); [S.I. 2003/2660](#), [art. 3\(2\)](#)
- F8** Words in s. 144(8)(a) inserted (13.11.2000) by [2000 c. 14](#), s. 72, [Sch. 2 para. 18](#); [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)
- F9** Words in s. 144(8)(a) inserted (14.10.2006 for W.) by [Commissioner for Older People \(Wales\) Act 2006 \(c. 30\)](#), ss. 1, 23, [Sch. 1 para. 20](#); [S.I. 2006/2699](#), [art. 2](#)
- F10** Words in s. 144(8)(a) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, [Sch. 6 para. 66\(b\)](#), [Sch. 7](#); [S.I. 2005/2800](#), [art. 5\(1\)](#)
- F11** S. 144(8A) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 65(2), 73; [S.I. 2005/558](#), art. 2, [Sch. 1](#)
- F12** Word in s. 144(9) repealed (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 72, 73, [Sch. 4](#); [S.I. 2005/558](#), art. 2, [Sch. 1](#) (subject to [Sch. 2](#))
- F13** S. 144(9)(c) and word added (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 65(3), 73; [S.I. 2005/558](#), art. 2, [Sch. 1](#)

#### Marginal Citations

- M9** [1985 c. 6](#).

### 145 Examinations into use of resources.

- (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which a body or office specified in Schedule 17 has used its resources in discharging its functions.
- (2) Subsection (1) shall not be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of any body or office in respect of which an examination is carried out.
- (3) In determining how to exercise his functions under this section, the Auditor General for Wales shall take into account the views of the Audit Committee (or, before the first ordinary election, the views of the Secretary of State) as to the examinations which he should carry out under this section.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this section.

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(5) <sup>F14</sup> .....

(6) The Comptroller and Auditor General shall—

- (a) consult the Auditor General for Wales, and
- (b) take into account any relevant work done or being done by the Auditor General for Wales,

before he carries out an examination under section 6 or 7 of the <sup>M10</sup>National Audit Act 1983 (economy etc. examinations) in respect of a body or office specified in Schedule 17.

[<sup>F15</sup>(7) This section is without prejudice to the power conferred on the Auditor General for Wales by section 96(3)(b).]

#### Textual Amendments

**F14** S. 145(5) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 72, 73, Sch. 2 para. 47(1)(2), Sch. 4; S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

**F15** S. 145(7) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 73, Sch. 2 para. 47(1)(3); S.I. 2005/558, art. 2, Sch. 1

#### Marginal Citations

**M10** 1983 c. 44.

#### [<sup>F16</sup>145A Studies for improving economy etc in services

- (1) The Auditor General for Wales may undertake or promote studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of any relevant body or bodies.
- (2) The Auditor General for Wales may also undertake or promote other studies relating to the provision of services by any relevant body or bodies.
- (3) Subsections (1) and (2) do not entitle the Auditor General for Wales to question the merits of the policy objectives of any relevant body.
- (4) In determining how to exercise his functions under this section, the Auditor General for Wales shall take into account the views of the Audit Committee as to the studies which he should undertake or promote under this section.
- (5) For the purposes of this section each of the following is a “relevant body”—
  - (a) a person who prepares auditable accounts within the meaning given in section 95(7);
  - (b) any other person (other than a local government body in Wales) in relation to whom, by virtue of provision made by or under this or any other Act, the Auditor General for Wales carries out examinations or studies relating to the economy, efficiency and effectiveness with which that person has used his resources in discharging his functions;
  - (c) a person (other than a registered social landlord in Wales) in respect of whom the Auditor General for Wales has functions by virtue of provision made under section 146A.

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- (6) Where the Auditor General for Wales undertakes or promotes a study under this section he may arrange for a report containing—
- (a) the results of the study, and
  - (b) his recommendations (if any),
- to be laid before the Assembly.
- (7) In this section—
- “local government body in Wales” has the meaning given in section 12(1) of the Public Audit (Wales) Act 2004; and
  - “registered social landlord in Wales” has the meaning given in section 146A(2).]

#### Textual Amendments

**F16** S. 145A inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 3, 73; S.I. 2005/558, art. 2, Sch. 1

#### [<sup>F17</sup>145B Studies at request of educational bodies

- (1) The Auditor General for Wales may undertake studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of a body specified in the first column of the Table, if requested to do so by the body (or one of the bodies) specified in relation to it in the second column of the Table.

<i>Subject of study</i>	<i>Requesting body</i>
The governing body of an institution in Wales within the higher education sector.	The governing body or the Higher Education Funding Council for Wales.
[ <sup>F18</sup> The governing body of an institution in Wales receiving financial support under section 86 of the Education Act 2005 from the Higher Education Funding Council for Wales.	The governing body or the appropriate funding agency.
A training provider (within the meaning of Part 3 of the Education Act 2005) receiving financial support under section 78 of that Act from the Training and Development Agency for Schools, except where that financial support is wholly derived from grants made to the Agency by the Secretary of State.	The training provider or the Training and Development Agency for Schools.]
The governing body of an institution in Wales within the further education sector.	The governing body or [ <sup>F19</sup> the Assembly] .

[ The Auditor General for Wales may, if requested to do so by the Training and Development Agency for Schools, undertake studies designed to enable him to

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- make recommendations for improving economy, efficiency and effectiveness in the discharge by the Agency of their functions relating to Wales.]
- (2) [<sup>F21</sup>Subsections (1) and (1A) do] not entitle the Auditor General for Wales to question the merits of the policy objectives of a body.
- (3) Where the Auditor General for Wales undertakes a study under subsection (1) [<sup>F22</sup>or (1A)] he may, with the consent of the body that requested the study, arrange for a report containing—
- (a) the results of the study, and
  - (b) his recommendations (if any),
- to be laid before the Assembly.
- (4) The Auditor General for Wales may, at the request of the Higher Education Funding Council for Wales, give the council advice in connection with the discharge of the council's functions under section 124B(2)(b) of the Education Reform Act 1988 or paragraph 18(2)(b) of Schedule 7 to that Act.
- (5) The Auditor General for Wales may, at the request of a higher education corporation or further education corporation in Wales—
- (a) advise them in connection with the appointment of persons to audit their accounts;
  - (b) arrange for their accounts for a financial year to be audited by one or more members of the staff of the Auditor General for Wales appointed by the corporation.
- (6) In subsection (5)—
- (a) “higher education corporation” and “further education corporation” have the same meaning as in the Further and Higher Education Act 1992;
  - (b) references to the accounts of a higher education corporation include references to a statement of accounts prepared by the corporation under section 124B of the Education Reform Act 1988 or paragraph 18 of Schedule 7 to that Act.
- (7) This section must be construed as one with the Education Act 1996; and references in any enactment to the Education Acts include this section.]

#### Textual Amendments

- F17** S. 145B inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 4, 73; S.I. 2005/558, art. 2, Sch. 1
- F18** S. 145B(1) Table: entry substituted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125, Sch. 14 para. 21(2)
- F19** Words in s. 145B(1) Table substituted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), arts. 1, 9(1), Sch. 1 para. 43 (with art. 7)
- F20** S. 145B(1A) inserted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125, Sch. 14 para. 21(3)
- F21** Words in s. 145B(2) substituted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125, Sch. 14 para. 21(4)
- F22** Words in s. 145B(3) inserted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125, Sch. 14 para. 21(5)

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### [<sup>F23</sup>145C Studies relating to registered social landlords

- (1) The Assembly and the Auditor General for Wales may agree on one or more programmes of studies designed to enable the Auditor General for Wales to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of registered social landlords in Wales.
- (2) If a programme is agreed, the Auditor General for Wales shall ensure that studies giving effect to the programme are undertaken by him or on his behalf.
- (3) It shall be a term of every such programme that the Assembly make good to the Auditor General for Wales the full costs incurred by him in undertaking the programme.
- (4) This section does not entitle the Auditor General for Wales to question the merits of the policy objectives of a registered social landlord in Wales.
- (5) Where a study is undertaken under this section by the Auditor General for Wales or on his behalf, he may arrange for a report containing—
  - (a) the results of the study, and
  - (b) his recommendations (if any),to be laid before the Assembly.
- (6) A person commits an offence if without reasonable excuse he fails to comply with a requirement imposed under section 95(3)(a) or (b) in relation to a study under this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) The Auditor General for Wales may disclose to the Assembly information obtained by him or a person acting on his behalf in the course of a study under this section.
- (9) “Registered social landlord in Wales” means a body which is—
  - (a) registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996, and
  - (b) mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act.]

#### Textual Amendments

**F23** S. 145C inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 5, 73**; [S.I. 2005/558](#), **art. 2**, [Sch. 1](#)

VALID FROM 31/01/2008

### [<sup>F24</sup>145D Advice and assistance for registered social landlords

- (1) The Auditor General for Wales may, if he thinks it appropriate to do so, provide advice or assistance to a registered social landlord in Wales for the purpose of the exercise by the registered social landlord of its functions.
- (2) Advice or assistance under this section may be provided on such terms and conditions, including conditions as to payment, as the Auditor General for Wales thinks fit.

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- (3) This section has effect without prejudice to paragraph 21 of Schedule 8 to the Government of Wales Act 2006 (arrangements between Auditor General for Wales and certain bodies).
- (4) In this section, “registered social landlord in Wales” means a body which is—
- (a) registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996, and
  - (b) mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act.]

#### Textual Amendments

- F24** S. 145D inserted (E.W.) (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 166, 245; S.I. 2008/172, art. 2(g) (as amended by S.I. 2008/337, art. 3)

### 146 Transfer etc. of functions of Comptroller and Auditor General.

- (1) The Secretary of State may by order provide for any function of the Comptroller and Auditor General, so far as relating to a body or office falling within subsection (2), to be transferred to, or become a function also of, the Auditor General for Wales.
- (2) The bodies and offices falling within this subsection are—
- (a) any body or office specified in Schedule 17, and
  - (b) any body or office (other than one specified in Schedule 17) whose functions relate exclusively to Wales or an area of Wales (but not the Auditor General for Wales, [<sup>F25</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], [<sup>F26</sup>the Public Services Ombudsman for Wales] , <sup>F27</sup> . . . a county council, a county borough council or a community council).
- (3) An order under subsection (1) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (4) An Order in Council under section 22 may include any provision that may be included in an order under subsection (1).

#### Textual Amendments

- F25** Words in s. 146(2)(b) substituted (1.1.2001) by 2000 c. 21, s. 73(3)(a); S.I. 2000/3230, art. 2, Sch.
- F26** Words in s. 146(2)(b) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 67(a); S.I. 2005/2800, art. 5(1)
- F27** Words in s. 146(2)(b) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 67(b), Sch. 7; S.I. 2005/2800, art. 5(1)

### [<sup>F28</sup>146A Transfer etc of functions of Assembly

- (1) The Assembly may, with the consent of the Auditor General for Wales, by order provide for any of its supervisory functions in respect of a public body or a registered social landlord in Wales—
- (a) to be exercised on its behalf by the Auditor General for Wales, or



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- (b) to be transferred to the Auditor General for Wales.
- (2) In this section—
- “public body” means—
- (a) a body exercising functions of a public nature, or
- (b) a body entirely or substantially funded from public money,
- (and for this purpose “body” includes office);
- “registered social landlord in Wales” means a body which is—
- (a) registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996, and
- (b) mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act;
- “supervisory functions”, in respect of a public body or a registered social landlord in Wales, means functions of examining, inspecting, reviewing or studying the financial or other management of the public body or registered social landlord or the way in which it discharges any of its functions.
- (3) The Assembly may direct the Auditor General for Wales to prepare a report on his exercise, generally or in respect of a specific body or matter, of any function transferred to him by an order under subsection (1)(b).
- (4) The Auditor General for Wales must lay before the Assembly any report prepared by him in accordance with a direction under subsection (3).
- (5) An order under subsection (1) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).]

#### Textual Amendments

**F28** S. 146A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 1, 73**; [S.I. 2005/558](#), **art. 2**, [Sch. 1](#)

## 147 Environment Agency.

- (1) The Secretary of State may by order—
- (a) make provision for any function of the Comptroller and Auditor General relating to the Environment Agency to become a function also of the Auditor General for Wales so far as it relates to any of the Agency’s Welsh functions or to any funding provided to the Agency by the Assembly, or
- (b) make provision about reports to the Assembly by the Environment Agency on the Agency’s activities in exercise of its Welsh functions (including provision for the giving of directions by the Assembly about such reports).
- (2) An order under subsection (1) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (3) An Order in Council under section 22 may include any provision that may be included in an order under subsection (1).
- (4) In this section references to the Environment Agency’s Welsh functions are to its functions so far as exercisable in relation to Wales or to a cross-border body, or an

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English border area, in relation to which environmental functions of the Assembly are exercisable; and “environmental functions of the Assembly” means functions of the Assembly in a field in which the Environment Agency also has functions.

### Miscellaneous

#### 148 Health Authorities.

F29

##### Textual Amendments

**F29** S. 148 repealed (1.10.2002 for E.W.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), s. 37, [Sch. 8 para. 27](#), [Sch. 9 Pt. 3](#); S.I. 2002/2478, arts. 2(1), [3\(1\)\(e\)\(ii\)](#) (subject to art. 3(3) and with transitional provisions in art. 4) (S.I. 2002/2532, arts. 1(3), 2, [Sch.](#) purports to bring Sch. 8 para. 27 of the repealing Act into force on 10.10.2002 in relation to Wales only)

#### 149 Agricultural wages committees.

In section 2 of the <sup>M11</sup>Agricultural Wages Act 1948 (agricultural wages committees for counties and combinations of counties), in the proviso to subsection (1) (exceptions to proposition that there be one committee for each county in England and Wales), at the end insert “and

- (c) there may, if the Minister thinks it expedient, be established as aforesaid a committee for the combination of all the counties in Wales instead of separate committees for counties or combinations of counties in Wales.”

##### Marginal Citations

**M11** 1948 c. 47.

#### 150 Abolition of Residuary Body for Wales.

- (1) Paragraph 18 of Schedule 13 to the <sup>M12</sup>Local Government (Wales) Act 1994 (provisions for winding up of Residuary Body for Wales) is amended as follows.
- (2) In sub-paragraph (2) (meaning of “the transitional period” within which the Residuary Body must try to complete its work and at the end of which it is to be wound up), for “period of five years beginning with the establishment of the Residuary Body” substitute “period beginning with the establishment of the Residuary Body and ending with 31st March 1999”.
- (3) Omit—
  - (a) in sub-paragraph (3), “Subject to sub-paragraph (4),”, and
  - (b) sub-paragraph (4),
 (under which the Secretary of State may specify a period longer than the transitional period as the period at the end of which the Residuary Body is to be wound up).

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(4) For sub-paragraphs (5) to (7) (duty of Residuary Body to submit scheme for its winding up and to make arrangements for transfers etc. and power of Secretary of State to make orders) substitute—

“(5) The Residuary Body shall, before the end of the period of three months beginning with the day on which the Government of Wales Act 1998 is passed, submit to the Secretary of State a scheme for the winding up of the Residuary Body.

(6) The scheme shall include in relation to the Residuary Body’s remaining functions, property, rights and liabilities—

- (a) a statement of arrangements made by the Residuary Body for their transfer by the Residuary Body to another body or bodies,
- (b) proposals for their transfer by the Secretary of State to another body or bodies, or
- (c) such a statement in relation to some of them and such proposals in relation to the rest.

(7) The Secretary of State may by order make provision for giving effect to the scheme (with or without modifications) and for the transfer of functions, property, rights and liabilities of the Residuary Body to another body or bodies (whether or not as proposed in the scheme).”

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**Marginal Citations**

M12 1994 c. 19.

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