



# Public Audit (Wales) Act 2004

## 2004 CHAPTER 23

### PART 2

#### LOCAL GOVERNMENT BODIES IN WALES

### CHAPTER 2

#### STUDIES AND PERFORMANCE STANDARDS

##### *Performance standards*

#### **46 Performance standards: relevant bodies**

- (1) Each of these local government bodies in Wales is a relevant body for the purposes of sections 47 to 49—
  - (a) a local authority in Wales;
  - (b) a committee of a local authority in Wales (including a joint committee of two or more local authorities in Wales);
  - [<sup>F1</sup>(ba) a corporate joint committee;]
  - (c) a National Park authority for a National Park in Wales;
  - (d) a [<sup>F2</sup>police and crime commissioner] for a police area in Wales;
  - (e) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies.
- (2) [<sup>F3</sup>the Welsh Ministers] may by order provide for sections 47 to 49 to have effect as if any other local government body in Wales were a relevant body for the purposes of those sections.
- (3) In this section “local authority in Wales” does not include a community council.

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*Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Cross Heading: Performance standards. (See end of Document for details)*

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### Textual Amendments

- F1** S. 46(1)(ba) inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), **3(2)**
- F2** Words in s. 46(1)(d) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 339**; S.I. 2012/2892, art. 2(i)
- F3** Words in s. 46(2) substituted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), **Sch. 4 para. 50** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)

## 47 Publication of information as to standards of performance

- (1) The Auditor General for Wales must give any directions which he thinks fit for requiring relevant bodies to publish the information mentioned in subsection (2).
- (2) The information is information relating to their activities in a financial year which will, in the opinion of the Auditor General for Wales, facilitate the making of appropriate comparisons—
  - (a) between the standards of performance achieved by different relevant bodies in the financial year, or
  - (b) between the standards of performance achieved by relevant bodies in different financial years.
- (3) The comparisons are to be made by reference to the criteria of cost, economy, efficiency and effectiveness.
- (4) If a relevant body is required by a direction under this section to publish information in relation to a financial year, it must—
  - (a) make arrangements for collecting and recording the information which secure that the information is available for publication and (so far as practicable) that everything published in pursuance of the direction is accurate and complete,
  - (b) publish the information in accordance with the direction and in a method permitted under section 48 before the end of the period of 9 months starting immediately after the end of the financial year, and
  - (c) [<sup>F4</sup>in the case of a relevant body which is not a corporate joint committee,] keep a document containing any information published in pursuance of the direction available for inspection by local government electors for its area.
- (5) [<sup>F5</sup>The Welsh Ministers] may by order vary the period specified in subsection (4)(b).
- (6) The period specified in an order under subsection (5) must not be longer than 9 months starting immediately after the end of the financial year in question.
- (7) A local government elector for the area of a relevant body may—
  - (a) at all reasonable times and without payment, inspect and make copies of the whole or any part of a document kept available for inspection by the body under subsection (4)(c);
  - (b) require copies of the whole or part of any such document to be delivered to him on payment of a reasonable sum for each copy.
- (8) A person who has custody of a document kept available for inspection under subsection (4)(c) commits an offence if—
  - (a) he obstructs a person in the exercise of his rights under subsection (7), or

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- (b) he refuses to comply with a requirement under subsection (7)(b).
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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**Textual Amendments**

- F4** Words in s. 47(4)(c) inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), **3(3)**
- F5** Words in s. 47(5) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), **Sch. 4 para. 51** (with [Sch. 3 paras. 2, 3](#)); [S.I. 2013/1466](#), art. 3(1)

## 48 Permitted methods of publishing information under section 47

- [<sup>F6</sup>(1) The permitted methods of publication referred to in section 47(4)(b) are—
- (a) in the case of a relevant body which is a corporate joint committee, electronic publication;
  - (b) in the case of a relevant body which is not a corporate joint committee, the methods mentioned in subsections (2) and (3).]

(2) The relevant body may publish the information in a newspaper which is—

    - (a) printed for sale, and
    - (b) circulating in its area.

(3) If the relevant body ensures that the distribution condition is met with respect to the information, it may publish the information in a newspaper or periodical publication which—

    - (a) is produced and distributed by another person (other than a local authority company), and
    - (b) is free of charge to the recipient.

(4) A relevant body ensures that the distribution condition is met with respect to information if—

    - (a) in any case, the body takes all reasonable steps to secure that a copy of a publication containing the information is distributed to each dwelling house in its area;
    - (b) in a case where the body considers that the information is of concern to persons carrying on business in its area, the body takes such steps as it considers reasonable and practicable to secure that a copy of a publication containing the information is also distributed to business premises in its area.

(5) A local authority company is a company under the control of a local authority.

(6) Section 68(1) of the Local Government and Housing Act 1989 (c. 42) (company under control of local authority) has effect for the purposes of subsection (5) as it has effect for the purposes of Part 5 of that Act.

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**Textual Amendments**

- F6** [S. 48\(1\)](#) substituted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), **3(4)**

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#### **49 Directions under section 47**

- (1) A direction under section 47 requiring the publication of information must—
  - (a) identify the financial year or years in relation to which the information is to be published,
  - (b) specify or describe the activities to which the information is to relate, and
  - (c) make provision as to the matters to be contained in the information and as to the form in which it is to be published.
- (2) A direction under section 47—
  - (a) may be given so as to apply either to all relevant bodies or to all relevant bodies of a description specified in the direction;
  - (b) may be varied or revoked by a subsequent direction under that section.
- (3) Before giving a direction under section 47 which imposes a new requirement on a relevant body as to the publication of any information the Auditor General for Wales must consult—
  - (a) any associations of relevant bodies he thinks fit, and
  - (b) any other persons he thinks fit.
- (4) A direction under section 47 imposing a new requirement on a relevant body as to the publication of any information must not be given later than the 31 December in the financial year which precedes the relevant financial year.
- (5) The relevant financial year is the financial year in relation to which the information is to be published.
- (6) If the Auditor General for Wales gives a direction under section 47 he must—
  - (a) publish the direction in the manner he considers appropriate for bringing it to the attention of members of the public, and
  - (b) send a copy of the direction to every relevant body on which duties are imposed by virtue of the direction.
- (7) References in this section to the imposition of a new requirement on a relevant body as to the publication of information are to—
  - (a) the imposition of a requirement by the first direction under section 47 to apply to the body;
  - (b) any subsequent extension of or addition to—
    - (i) the matters to be contained in the information which the body is required to publish in relation to a financial year in pursuance of directions under section 47, or
    - (ii) the activities to which any such information is to relate.

**Changes to legislation:**

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