



Public Audit (Wales) Act 2004

2004 CHAPTER 23

PART 2

LOCAL GOVERNMENT BODIES IN WALES

CHAPTER 2

STUDIES AND PERFORMANCE STANDARDS

Studies

41 Studies for improving economy etc in services

- (1) The Auditor General for Wales must for each financial year undertake ^{F1}... studies designed to enable him to make recommendations—
- (a) for improving economy, efficiency and effectiveness in the discharge of the functions of ^{F2}—
 - (i) county councils and county borough councils in Wales;
 - (ii) fire and rescue authorities in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (iii) National Park authorities for National Parks in Wales;
 - (b) for improving economy, efficiency and effectiveness in the provision of services provided by other local government bodies in Wales;
 - (c) for improving the financial or other management of local government bodies in Wales.
- (2) The studies which the Auditor General for Wales is required to undertake ^{F1}... under subsection (1) include in particular—
- (a) studies designed to enable the Auditor General for Wales to determine what directions he should give under section 47;

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

- (b) studies of information published in pursuance of section 47 which are designed to enable the Auditor General for Wales to determine, in relation to each financial year, what comparative information to publish himself about the standards of performance achieved by bodies which are relevant bodies for the purposes of that section.
- (3) The Auditor General for Wales may undertake ^{F1}... other studies relating to the provision of services by local government bodies in Wales.
- (4) Where the Auditor General for Wales undertakes ^{F1}... a study under this section, he must publish or otherwise make available—
- (a) the results of the study, and
 - (b) any recommendations made by him.
- (5) Before undertaking ^{F1}... a study under this section, other than a study of a kind mentioned in paragraph (a) or (b) of subsection (2), the Auditor General for Wales must consult—
- (a) any associations of local government bodies in Wales which appear to him to be concerned, and
 - (b) any associations of employees which appear to him to be appropriate.
- (6) The Auditor General for Wales and [^{F3}the Welsh Ministers] must co-operate with each other with respect to the exercise of their respective functions under this section and [^{F4}sections 149A and 149B of the Social Services and Well-being (Wales) Act 2014 (reviews of studies and research and other reviews relating to local authority social services functions carried out by the Welsh Ministers).]
- [^{F5}(7) Subsection (8) applies in respect of the discharge of social services functions by local authorities in Wales.
- (8) The Auditor General and the Social Care Wales must co-operate with each other with respect to the exercise of their respective functions under this section and section 70 of the Regulation and Inspection of Social Care (Wales) Act 2016 (studies by SCW as to economy etc.).
- (9) In subsection (7) “social services functions” has the same meaning as in the Social Services and Well-being (Wales) Act 2014.]

Textual Amendments

- F1** Words in s. 41(1)-(5) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 46\(2\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F2** Words in s. 41(1)(a) substituted (1.4.2021) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/296\)](#), regs. 1(2), [6\(2\)](#)
- F3** Words in s. 41(6) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 46\(4\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F4** Words in s. 41(6) substituted (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 22](#); S.I. 2019/864, art. 2(3)(d), [Sch. \(with arts. 3-13\)](#)
- F5** S. 41(7)-(9) inserted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 48](#); S.I. 2017/309, art. 2(j) (with arts. 3, 4, [Sch.](#))

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42 Studies on impact of statutory provisions etc

- (1) The Auditor General for Wales must undertake ^{F6}... studies designed to enable him to prepare reports as to the impact of —
 - (a) the operation of any statutory provisions, or
 - (b) any directions or guidance given by [^{F7}the Welsh Ministers] (whether or not under a statutory provision),on economy, efficiency and effectiveness in the discharge of the functions of local government bodies in Wales.
- (2) The Auditor General for Wales must from time to time lay before [^{F8}the National Assembly for Wales] a report of any matters which, in his opinion—
 - (a) arise out of studies under this section, and
 - (b) ought to be drawn to the attention of [^{F8}the National Assembly for Wales].
- (3) Before undertaking ^{F9}... a study under this section, the Auditor General for Wales must consult—
 - (a) any associations of local government bodies in Wales which appear to him to be concerned, and
 - (b) any associations of employees which appear to him to be appropriate.
- (4) The Auditor General for Wales and the [^{F10}Welsh Ministers] must co-operate with each other with respect to the exercise of their respective functions under this section and [^{F11}sections 149A and 149B of the Social Services and Well-being (Wales) Act 2014 (reviews of studies and research and other reviews relating to local authority social services functions carried out by the Welsh Ministers).]

Textual Amendments

- F6** Words in s. 42(1) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(2\)\(a\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F7** Words in s. 42(1)(b) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(2\)\(b\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F8** Words in s. 42(2) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(3\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F9** Words in s. 42(3) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(4\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F10** Words in s. 42(4) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(5\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F11** Words in s. 42(4) substituted (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 23](#); S.I. 2019/864, art. 2(3)(d), [Sch.](#) (with arts. 3-13)

^{F12}43 Co-operation with Audit Commission

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Textual Amendments

- F12** S. 43 omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 60](#); S.I. 2015/841, art. 3(x)

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

44 Studies at request of local government bodies in Wales

- (1) The Auditor General for Wales may, at the request of a local government body in Wales, undertake ^{F13}... studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of the body.
- (2) Before making the request the body must consult any associations of employees which appear to it to be appropriate.

Textual Amendments

F13 Words in s. 44(1) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 48](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)

45 Benefit administration studies for Secretary of State

- (1) The Auditor General for Wales may, at the request of the Secretary of State, conduct, or assist the Secretary of State in conducting, benefit administration studies.
- (2) Benefit administration studies are studies designed to enable recommendations to be made for improving economy, efficiency, and effectiveness and quality of performance in the discharge by one or more local authorities in Wales of functions relating to the administration of housing benefit or council tax benefit (or both).
- (3) Any information obtained in the course of a benefit administration study may be disclosed by the Auditor General for Wales to the Secretary of State for the purposes of any functions of the Secretary of State which are connected with housing benefit or council tax benefit.
- (4) The Auditor General for Wales must send to the Secretary of State a copy of a report of a benefit administration study carried out by the Auditor General for Wales.
- (5) The Secretary of State or the Auditor General for Wales may send a copy of a report of a benefit administration study to any local authority to which the study relates.
- (6) The Secretary of State may publish a report of a benefit administration study in conjunction with the Auditor General for Wales.
- (7) The Auditor General for Wales may conduct, or assist the Secretary of State in conducting, a benefit administration study only if the Secretary of State has made arrangements for the payment to [^{F14}the Wales Audit Office] of a fee in respect of the study.
- (8) The amount of the fee must be a reasonable amount agreed between the Secretary of State and [^{F15}the Wales Audit Office, (but may not exceed the full cost incurred by the Auditor General for Wales in conducting, or assisting the Secretary of State to conduct, the study)].
- [^{F16}(9) A fee payable under this section must be charged in accordance with a scheme for charging fees prepared under section 24 of the Public Audit (Wales) Act 2013.]

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Textual Amendments

- F14** Words in s. 45(7) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 49(2)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F15** Words in s. 45(8) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 49(3)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F16** S. 45(9) inserted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 49(4)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)

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