



Constitutional Reform and Governance Act 2010

2010 CHAPTER 25

PART 5

TRANSPARENCY OF GOVERNMENT FINANCIAL REPORTING TO PARLIAMENT

43 Inclusion in departmental estimates of resources used by designated bodies

- (1) The Government Resources and Accounts Act 2000 is amended as follows.
- (2) After section 4 insert—

“Departmental estimates

4A Inclusion in departmental estimates of resources used by designated bodies

- (1) An estimate for a government department for approval by the House of Commons in respect of a financial year must be prepared in accordance with directions issued by the Treasury.
- (2) The Treasury may direct that the estimate is to include information relating to resources expected to be used by any body that is a designated body in relation to the department.
- (3) For the purposes of this section a body is a “designated” body in relation to a government department if—
 - (a) it is designated in relation to the department by an order made by the Treasury, or
 - (b) it falls within a description of body designated in relation to the department by such an order.

Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Section 43. (See end of Document for details)

- (4) A body, or a description of body, may be designated in relation to a government department for a particular financial year or generally.
- (5) Subsections (6) and (7) apply if the Treasury—
 - (a) expect the use of resources by a body in a financial year to involve payments out of a devolved Consolidated Fund to or for the benefit of the body, but
 - (b) do not expect the use of resources by the body in the year to involve payments out of the Consolidated Fund of the United Kingdom to or for the benefit of the body.
- (6) If an order is in force under which the body would (but for this subsection) be a designated body for the year in relation to a government department—
 - (a) the Treasury must notify the department that the conditions in subsection (5) are met in the case of the body for the year, and
 - (b) the body is to be treated as if it were not designated for the year in relation to the department.
- (7) If no such order is in force, the Treasury may not make one.
- (8) Before designating a body, or a description of body, the Treasury must, where they think it appropriate, consult—
 - (a) the Scottish Ministers,
 - (b) the Department of Finance and Personnel for Northern Ireland, or
 - (c) the Welsh Ministers.
- (9) In determining for any purpose whether a body has a particular relationship with a government department (for example, whether it is controlled by, or otherwise dependent on, the department), the following must be disregarded—
 - (a) the fact that an estimate for the department in respect of a financial year includes information relating to the body, and
 - (b) the fact that the department's resource accounts for a financial year prepared under section 5 include information relating to the body.
- (10) An order under subsection (3) is to be made by statutory instrument.
- (11) A statutory instrument containing an order under that subsection is subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) In this section “a devolved Consolidated Fund” means—
 - (a) the Scottish Consolidated Fund,
 - (b) the Consolidated Fund of Northern Ireland, or
 - (c) the Welsh Consolidated Fund.”
- (3) In section 5(1) (resource accounts: preparation), for paragraphs (a) and (b) substitute—
 - “(a) resources acquired, held or disposed of during the year by—
 - (i) the department, or
 - (ii) any body that is a designated body under section 4A in relation to the department for the year, and
 - (b) the use of resources during the year by the department or any such body.”

Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Section 43. (See end of Document for details)

(4) In section 6(1) (resource accounts: scrutiny by the Comptroller and Auditor General), for paragraph (d) substitute—

“(d) that—

- (i) the financial transactions of the department, and
- (ii) the financial transactions of any body that is a designated body under section 4A in relation to the department for the year in question,

are in accordance with any relevant authority.”

Commencement Information

II S. 43 in force at 11.11.2010 by S.I. 2010/2703, art. 2(c)

Changes to legislation:

There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Section 43.