STATUTORY INSTRUMENTS

2015 No. 184

The Local Audit (Smaller Authorities) Regulations 2015

PART 4

Invitation to become an opted in authority

Issuing of invitation to smaller authorities

10.—(1) Before every compulsory appointing period begins, a relevant specified person must issue an invitation in accordance with this regulation to all authorities which it reasonably believes—

(a) to be smaller authorities, and

(b) to fall within the class of authorities in relation to which the person has been specified under regulation 3(2).

(2) The invitation must be published in such manner as the relevant specified person thinks is likely to bring it to the attention of the principal authorities concerned.

(3) The invitation must contain the following details—

(a) the length of the compulsory appointing period, specifying the financial year or years to which it relates;

(b) the closing date for the giving of notice to the specified person by an authority within the class giving its response to the invitation (and that date must allow at least eight weeks for the response beginning on the date the invitation is published);

(c) a statement that the specified person will not be under a duty to appoint a local auditor to a full audit authority or any other authority which does not become an opted in authority;

(d) an explanation of the procedures by which an authority—

(i) becomes an opted in authority; or

(ii) may reject the invitation.

(4) An invitation may not relate to a financial year which commences before 1st April 2017.

(5) In these Regulations "invitation" means an invitation to become an opted in authority for the duration of the compulsory appointing period.

Opting in

11.—(1) A smaller authority which is within the class of authorities to whom an invitation relates, may accept that invitation by giving notice to that effect to the relevant specified person on or before the closing date mentioned in regulation 10(3)(b).

(2) A smaller authority which gives notice under paragraph (1) becomes an opted in authority on the date on which the notice is received by the relevant specified person.

(3) A smaller authority which is within the class of authorities to whom an invitation relates but which does not either give the notice referred to in either paragraph (1) or regulation 12 becomes an opted in authority on the day after the closing date mentioned in regulation 10(3)(b).

(4) An authority which has become an opted in authority under this regulation is an opted in authority only for the duration of the compulsory appointing period specified in the invitation.

Opting out

12.—(1) A smaller authority, which is within the class of authorities to whom an invitation relates, may reject that invitation by giving notice to that effect to the relevant specified person, on or before the closing date mentioned in regulation 10(3)(b).

(2) Subject to regulation 15, an authority which gives notice under paragraph (1) does not become an opted in authority.

Invitation to non-qualifying authorities: duty to notify

13.—(1) If an authority which is within the class of authorities to whom an invitation relates—

    (a) is a full audit authority, it must give notice to the specified person that it is a full audit authority;

    (b) does not fall within the class of authorities in relation to which the specified person is the relevant specified person, it must give notice to the specified person that it does not fall within the class; and

in each case, notice must be given as soon as practicable and in any event on or before the closing date mentioned in regulation 10(3)(b).

(2) Paragraph (3) applies where an authority fails to give notice to the relevant specified person as required by paragraph (1).

(3) The specified person may recover from the authority any reasonable costs incurred in relation to that authority by—

    (a) the specified person; or

    (b) a local auditor appointed to the authority by the specified person,

until the date when the authority notifies the specified person as required by paragraph (1).