



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 757 (Cy.62)

2005 No. 757 (W.62)

**ARCHWILIO CYHOEDDUS,
CYMRU**

**PUBLIC AUDIT,
WALES**

**Gorchymyn Deddf Archwilio
Cyhoeddus (Cymru) 2004
(Diwygiadau Canlyniadol)
(Cymru) 2005**

**The Public Audit (Wales) Act 2004
(Consequential Amendments)
(Wales) Order
2005**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn diwygio, o ran Cymru, ddau offeryn statudol er mwyn eu gwneud yn unol â darpariaethau Deddf Archwilio Cyhoeddus (Cymru) 2004 ("y Ddeddf").

This Order amends, in relation to Wales, two statutory instruments in order to bring them into accord with the provisions of the Public Audit (Wales) Act 2004 ("the Act").

Mae'r Ddeddf yn rhoi nifer o swyddogaethau newydd i Archwilydd Cyffredinol Cymru. Effaith mwyaf arwyddocaol y swyddogaethau newydd yw mai'r Archwilydd Cyffredinol, pan fydd y Ddeddf mewn grym yn llwyr, fydd yn arfer y rhan fwyaf o'r swyddogaethau a arferir ar hyn o bryd yng Nghymru gan y Comisiwn Archwilio ar gyfer Awdurdodau Lleol a'r Gwasanaeth Iechyd Gwladol yng Nghymru a Lloegr ("y Comisiwn Archwilio").

The Act confers a number of new functions on the Auditor General for Wales. The most significant effect of the new functions is that the Auditor General will, when the Act is fully in force, exercise most of the functions currently exercised in Wales by the Audit Commission for Local Authorities and the National Health Service in England and Wales ("the Audit Commission").

Mae'r diwygiadau a wneir gan y Gorchymyn hwn o ganlyniad i'r newid hwnnw.

The amendments made by this Order are consequential upon that change.

Mae erthygl 2 yn diwygio Gorchymyn Awdurdodau Lleol (Cwmnïau) 1995, er mwyn sicrhau bod awdurdodau lleol yng Nghymru yn cael cydsyniad Archwilydd Cyffredinol Cymru, yn hytrach na'r Comisiwn Archwilio, i benodi person i archwilio cyfrifon cwmnïau o dan eu rheolaeth o fewn ystyr adran 68 o Ddeddf Llywodraeth Leol a Thai 1989.

Article 2 amends the Local Authorities (Companies) Order 1995, so as to ensure that local authorities in Wales obtain the consent of the Auditor General for Wales, rather than of the Audit Commission, to the appointment of a person to audit the accounts of companies under their control within the meaning of section 68 Local Government and Housing Act 1989.

Mae erthygl 3 yn diwygio Gorchymyn Eithrio Contractau Adeiladu (Cymru a Lloegr) 1998, o ran Cymru, er mwyn darparu bod cyrff y mae eu cyfrifon yn ddarostyngedig i archwiliad gan Archwilydd Cyffredinol Cymru yn cyflawni un o'r amodau ar gyfer cymhwyster i ymrwymo i gontract o dan y fenter cyllid preifat.

Article 3 amends the Construction Contracts (England and Wales) Exclusion Order 1998, in relation to Wales, so as to provide that bodies whose accounts are subject to audit by the Auditor General for Wales fulfil one of the conditions for eligibility to enter into a contract under the private finance initiative.

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The Public Audit (Wales) Act 2004
(Consequential Amendments)
(Wales) Order
2005

Wedi'i wneud 15 Mawrth 2005
Yn dod i rym 1 Ebrill 2005

Made 15 March 2005
Coming into force 1 April 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan y deddfiadau a bennir yn yr Atodlen i'r offeryn hwn, drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred by the enactments specified in the Schedule to this instrument, hereby makes the following Order:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r gorchymyn hwn yw Gorchymyn Deddf Archwilio Cyhoeddus 2004 (Cymru) (Diwygiadau Canlyniadol) (Cymru) 2005 a daw i rym ar 1 Ebrill 2005.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru yn unig.

Citation, commencement and application

1.-(1) This Order may be cited as the Public Audit (Wales) Act 2004 (Consequential Amendments) (Wales) Order 2005 and comes into force on 1 April 2005.

(2) This Order applies in relation to Wales only.

Diwygio is-ddeddfwriaeth

2.-(1) Diwygir Gorchymyn Awdurdodau Lleol (Cwmnïau) 1995(1) fel a ganlyn:

(2) Yn erthygl 9, hepgorer y geiriau o "the Audit Commission's consent" hyd at y diwedd, ac yn eu lle rhodder "the consent of-

"-

- (a) where the company is under the control of one or more local authorities, all of which are local government bodies in Wales within the meaning of section 12 of the Public Audit (Wales) Act 2004, the Auditor General for Wales;
- (b) in any other case, the Audit Commission, to the appointment of that person."

Subordinate legislation amended

2.-(1) The Local Authorities (Companies) Order 1995(1) is amended as follows.

(2) In article 9, omit the words from "the Audit Commission's consent" to the end, and substitute "the consent of -

"-

- (a) where the company is under the control of one or more local authorities, all of which are local government bodies in Wales within the meaning of section 12 of the Public Audit (Wales) Act 2004, the Auditor General for Wales;
- (b) in any other case, the Audit Commission, to the appointment of that person."

(1) O.S. 1995/849.

(1) S.I. 1995/849.

3.-(1) Diwygir Gorchymyn Eithrio Contractau Adeiladu (Cymru a Lloegr) 1998(1) fel a ganlyn:

(2) Yn erthygl 4(2)(c)(v), ar y diwedd, mewnosoder y geiriau "or the Auditor General for Wales".

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2).

15 Mawrth 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

3.-(1) The Construction Contracts (England and Wales) Exclusion Order 1998(1) is amended as follows.

(2) In article 4(2)(c)(v), at the end, insert the words "or the Auditor General for Wales".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

15 March 2005

The Presiding Officer of the National Assembly

(1) O.S. 1998/648.

(2) 1998 p.38.

(1) S.I. 1998/648.

(2) 1998 c.38.

YR ATODLEN

THE SCHEDULE

Rhaglith

Preamble

Deddfiadau sy'n rhoi pwerau a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru gan Orchymyn Trosglwyddo Swyddogaethau (Cynulliad Cenedlaethol Cymru) 1999(1)

Enactments conferring powers now vested in the National Assembly for Wales by the Transfer of Functions (National Assembly for Wales) Order 1999(1)

Deddf Llywodraeth Leol a Thai 1989(2) Adran 70(1) a (5) (fel y'i diwygiwyd, yn achos is-adran (5), gan Ddeddf Archwilio Cyhoeddus 2004(3), adran 66 ac Atodlen 2, paragraffau 10 a 12(1) a (4)).

Local Government and Housing Act 1989(2) Section 70(1) and (5) (as amended, in the case of subsection (5), by the Public Audit (Wales) Act 2004(3), section 66 and Schedule 2, paragraphs 10 and 12(1) and (4)).

Deddf Grantiau Tai, Adeiladu ac Adfywio 1996(4) Adrannau 106(1)(b) a 146(1).

Housing Grants, Construction and Regeneration Act 1996(4) Sections 106(1)(b) and 146(1).

(1) O.S.1999/672.

(2) 1989 p. 42.

(3) 2004 p. 23.

(4) 1996 p.53.

(1) S.I.1999/672.

(2) 1989 c. 42.

(3) 2004 c. 23.

(4) 1996 c.53.

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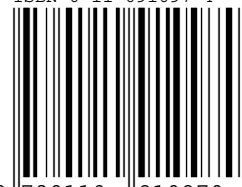
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