

# **PUBLIC AUDIT (WALES) ACT 2013**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 3: Miscellaneous and general**

##### ***Section 28 – Functions of the National Assembly***

45. This section provides authority for the Assembly to make provision (within its Standing Orders) as to how the functions set out in this Act falling to the Assembly (other than its functions of approving legislation) are to be exercised. The intention is that relying on this provision the Assembly could make provision in its Standing Orders so that one or more of its committees could exercise those functions relating to the oversight and supervision of the AGW. For example, the Assembly could provide that the function of appointing the non-executive members of the WAO will be exercised by a committee of the Assembly rather than by the Assembly acting in Plenary session.

##### ***Section 29 – Indemnification***

46. **Section 29** provides that any compensation to a third party for a breach of a duty (for example in contract or negligence) by an AGW appointed under this Act, a person providing services to the AGW or WAO (for example under section 19), the WAO's former or current members or employees is to be charged on and paid from the WCF (as such it is not to be subject to the approval of the Assembly in a Budget resolution). See also paragraph 13 of Schedule 3 to the Act.

##### ***Section 30 – Orders***

47. This section makes general provision about other powers in the Act that enable subordinate legislation to be made (namely orders). Such legislation is to be made by statutory instrument. Subsections (2) and (3) establish the Assembly procedure for making those orders. Subsection (4) is a technical provision which ensures the powers in the Act to make such subordinate legislation are wide enough to make certain types of provision such as supplemental provisions.

##### ***Section 31 – Directions***

48. **Section 31** makes general provision in respect of the powers in the Act to issue directions.

##### ***Section 32 – Interpretation***

49. This section provides the meaning of various terms used throughout the Act

##### ***Section 33 – Transitional, supplementary and saving provisions etc***

50. **Section 33(1)** gives effect to Schedule 3 to the Act which sets out the principal transitional etc. provisions.

*These notes refer to the Public Audit (Wales) Act 2013 (c.3)  
which received Royal Assent on 29 April 2013*

51. [Section 33\(2\)](#) enables the Welsh Ministers, by order, to make further transitional, transitory or saving etc. provisions in connection with the coming into force of the Act or to give full effect to the Act when enacted.
52. [Section 33\(4\)](#) enables an order under subsection (2) to modify the transitional etc. provisions set out in Schedule 3. This provision is a safety net provision to ensure adjustments can be made to the detailed provisions set out in Schedule 3 should the circumstances at the time the Act comes into force dictate.

***Section 34 – Minor and consequential amendments***

53. [Section 34](#) gives effect to Schedule 4 (minor and consequential amendments).