



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 6

PERFORMANCE AND GOVERNANCE OF PRINCIPAL
COUNCILS [F1 AND CORPORATE JOINT COMMITTEES]

CHAPTER 1

PERFORMANCE, PERFORMANCE ASSESSMENTS
AND INTERVENTION [F1: PRINCIPAL COUNCILS]

Special inspections by Auditor General for Wales

99 Auditor General's powers of entry and inspection etc.: notice and evidence of identity

- (1) An inspector may enter the premises of a principal council in exercise of the powers under section 98(1) (powers to enter council premises and do things for the purposes of a special inspection) only if—
 - (a) an inspector has given notice in writing to the council, and
 - (b) there are at least three working days between the day on which the inspector gives the notice and the day on which the inspector enters the premises.
- (2) An inspector may exercise the powers under section 98(2) (powers to require documents, facilities and assistance) only if—
 - (a) an inspector has given notice in writing to the council, and
 - (b) there are at least three working days between the day on which the inspector gives the notice and the day on which the council is required to provide the document, facilities or assistance.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 99. (See end of Document for details)

- (3) The requirements in subsections (1) and (2) do not apply if an inspector considers that giving notice to a principal council would, or would be likely to, prejudice a special inspection of that council.
- (4) An inspector may exercise the power under section 98(3) (power to require persons to attend before an inspector) only if—
- (a) an inspector has given notice in writing to the person, and
 - (b) between the day on which the inspector gives the notice and the day on which the person is required to attend before the inspector there are at least—
 - (i) three working days if the person is a member of a principal council or a member of the staff of a principal council, or
 - (ii) seven working days in any other case.
- (5) Notice under subsection (1) or (2) to a principal council may be given by—
- (a) leaving the notice at the principal office of the council;
 - (b) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the principal office of the council;
 - (c) sending the notice to any e-mail address which the council has specified to the Auditor General for Wales for the purposes of receiving notices under this section.
- (6) Notice under subsection (4) to a member of a principal council or a member of the staff of a principal council may be given by—
- (a) leaving the notice at the principal office of the council;
 - (b) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the principal office of the council;
 - (c) handing the notice to the person;
 - (d) leaving the notice at the last known residence of the person;
 - (e) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the last known residence of the person.
- (7) Notice under subsection (4) to a person other than a member of a principal council or a member of the staff of a principal council may be given by—
- (a) handing the notice to the person;
 - (b) leaving the notice at the last known residence or place of business of the person;
 - (c) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the last known residence or place of business of the person.
- (8) An inspector must produce evidence that they are an inspector if requested to do so by a person in respect of whom the inspector attempts to exercise a power under section 98 (and if the inspector does not produce that evidence the power is not exercisable).

Commencement Information

II S. 99 in force at 1.4.2021 by [S.I. 2021/297](#), [art. 2\(b\)](#)

Changes to legislation:

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