
STATUTORY INSTRUMENTS

1987 No. 460

The Audit (Northern Ireland) Order 1987

PART III

ECONOMY, EFFICIENCY AND EFFECTIVENESS EXAMINATIONS

Northern Ireland departments, public bodies, etc.

8.—(1) The Comptroller and Auditor General may carry out examinations into the economy, efficiency and effectiveness with which any department, authority or other body to which this Article applies has used its resources in discharging its functions.

(2) Paragraph (1) shall not be construed as entitling the Comptroller and Auditor General to question the merits of the policy objectives of any department, authority or body in respect of which an examination is carried out.

(3) Subject to paragraphs (4) and (5), this Article applies to—

- (a) any department in respect of which appropriation accounts are required to be prepared under the Act of 1921;
- (b) any body required to keep accounts under Article 90 of the Health and Personal Social Services (Northern Ireland) Order 1972;
- (c) any other authority or body whose accounts are required to be examined and certified by, or are open to the inspection of, the Comptroller and Auditor General by virtue of any statutory provision, including a statutory provision passed or made after the making of this Order; and
- (d) any authority or body which does not fall within Article 9 and whose accounts are required to be examined and certified by, or are open to the inspection of, the Comptroller and Auditor General by virtue of any agreement made, whether before or after the making of this Order, between that authority or body and a Northern Ireland department.

(4) Where the functions of the Comptroller and Auditor General in relation to any authority or body falling within paragraph (3)(c) or (d) are by the statutory provision or agreement in question restricted to particular activities of the authority or body, any examination under this Article in respect of that authority or body shall be correspondingly restricted.

(5) No examination shall be carried out under this Article by the Comptroller and Auditor General in respect of an authority or body falling within paragraph (3)(d) unless the carrying out of such an examination is included (expressly or by implication) in the functions exercisable by him under the agreement in question; but where—

- (a) the agreement was made by a Northern Ireland department before the appointed day and is not such as to allow any such examination; or
- (b) a Northern Ireland department makes an agreement after the appointed day for the exercise by the Comptroller and Auditor General in respect of any authority or body of any such functions as are mentioned in paragraph (3)(d),

that Department shall, if so requested by the Comptroller and Auditor General, use its best endeavours to secure from the authority or body in question such rights as will enable examinations under this Article to be carried out in respect of that authority or body.

(6) In this Article—

“authority” includes any person holding a public office;

“policy”, in relation to any Northern Ireland department, includes any government policy so far as relating to the functions of that department; and references to an agreement made by a Northern Ireland department include references to conditions imposed by it in pursuance of any statutory power in that behalf, whether in connection with the provision of financial assistance or otherwise.

Other bodies mainly supported by public funds

9.—(1) If the Comptroller and Auditor General has reasonable cause to believe that any authority or body to which this Article applies has in any of its financial years received more than half its income from public funds he may carry out an examination into the economy, efficiency and effectiveness with which it has in that year used its resources in discharging its functions.

(2) Paragraph (1) shall not be construed as entitling the Comptroller and Auditor General to question the merits of the policy objectives of any authority or body in respect of which an examination is carried out.

(3) In determining for the purposes of paragraph (1) whether the income of an authority or body is such as to bring it within that paragraph the Comptroller and Auditor General shall consult that authority or body and the Department.

(4) This Article applies to any authority or body appointed, or whose members are required to be appointed, by or on behalf of the Crown except—

- (a) the Northern Ireland Electricity Service;
- (b) the Northern Ireland Transport Holding Company.

(5) For the purposes of this Article money is received from public funds if it is paid—

- (a) by a Northern Ireland department out of moneys appropriated by Measure or as a loan from the Consolidated Fund;
- (b) by an authority or body which itself falls within paragraph (1), including an authority or body falling within that paragraph by virtue of this sub-paragraph;

but, in either case, there shall be disregarded any money paid as consideration for the acquisition of property or the supply of goods or services or as remuneration, expenses, pensions, allowances or similar benefits for or in respect of a person as the holder of an office.

(6) In this Article “income” includes capital receipts and “authority” has the same meaning as in Article 8.

Right to obtain documents and information

10.—(1) Subject to paragraph (2), the Comptroller and Auditor General shall have a right of access at all reasonable times to all such documents as he may reasonably require for carrying out any examination under Article 8 or 9 and shall be entitled to require from any person holding or accountable for any such document such information and explanation as are reasonably necessary for that purpose.

(2) Paragraph (1) applies only to documents in the custody or under the control of the department, authority or body to which the examination relates.

Reports to the Assembly

11.—(1) The Comptroller and Auditor General may report to the Assembly the results of any examination carried out by him under Article 8 or 9.

(2) Subject to paragraph (3), during the interim period paragraph (1) shall have effect as if for the words “the Assembly” there were substituted the words “the House of Commons”.

(3) During any period for which an Order is in force under section 2(1)(b) of the Northern Ireland Act 1982, paragraph (2) shall not apply to any report relating only to specified matters or the specified Department within the meaning of part II of Schedule 1 to that Act.