



Audit (Miscellaneous Provisions) Act 1996

1996 CHAPTER 10

An Act to extend the functions of the Audit Commission for Local Authorities and the National Health Service in England and Wales; to alter the financial year of that Commission and of the Accounts Commission for Scotland; to make provision about the manner of publication of certain information required to be published in pursuance of a direction of either Commission; and to repeal paragraph 5(4) of Schedule 3 to the Local Government Finance Act 1982. [29th April 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Audit Commission: extension of functions, etc.

1 Collaborative studies of social services

(1) After section 28 of the Local Government Finance Act 1982 insert—

“28AA Collaborative studies of social services

- (1) At the request of the Secretary of State, the Commission may assist the Secretary of State in any study designed to improve economy, efficiency, effectiveness and quality of performance in the discharge of social services functions by local authorities.
- (2) In this section “social services functions” means—
 - (a) any function under any enactment for the time being specified in Schedule 1 to the Local Authority Social Services Act 1970; and

- (b) any function for the time being designated by an order made by the Secretary of State under section 2(2) of the 1970 Act as being appropriate for discharge through a local authority's social services committee.
- (3) In the following provisions of this section "study" means a study of a description mentioned in subsection (1) above.
- (4) If the Commission require—
 - (a) any local authority included in a study, or
 - (b) any officer or member of such an authority,
 to supply the Commission or an authorised person with such information as is needed for the purposes of the study, the authority or officer or member shall supply the information.
- (5) If the Commission require any local authority included in a study to make available for inspection by the Commission or an authorised person documents which relate to the authority and are needed for the purposes of the study, the authority shall make the documents available.
- (6) Any information obtained under a requirement under subsection (4) or (5) above may be disclosed by the Commission to the Secretary of State for the purposes of any functions of his which are connected with the discharge of social services functions by local authorities.
- (7) In subsections (4) and (5) above "authorised person" means a person authorised by the Commission for the purposes of this section.
- (8) Any report of a study in which the Commission assists the Secretary of State shall be published by the Secretary of State in conjunction with the Commission.
- (9) The Commission shall not provide assistance under subsection (1) above unless before it does so the Secretary of State has agreed to pay the Commission an amount equal to the full costs incurred by the Commission in providing the assistance."
- (2) This section shall come into force at the end of the period of two months beginning with the day on which this Act is passed.

2 Consequential amendments

- (1) In section 30 of the Local Government Finance Act 1982 (restriction of disclosure of information) after subsection (1) insert—
 - "(1A) Subsection (1) above is subject to section 28AA(6)."
- (2) In Schedule 3 to the 1982 Act (the Audit Commission) in paragraph 9(2) (income and expenditure with respect to functions in relation to health service bodies and in relation to other bodies to be managed separately) for the words from "the functions" to the end substitute "—
 - (a) the functions of the Commission under section 28AA of this Act in relation to the discharge of social services functions;
 - (b) its functions in relation to health service bodies; and
 - (c) its other functions."

Financial years of the Commissions

3 Financial year of Audit Commission

- (1) In section 36 of the Local Government Finance Act 1982 (interpretation of Part III of the Act) after subsection (1) insert—

“(1A) In this Part of this Act “financial year” means the period of 12 months ending with 31st October in any year.”
- (2) At the beginning of subsection (2) of that section (application of certain interpretation provisions of Local Government Act 1972) insert “Subject to subsection (1A) above”.
- (3) In Schedule 3 to the 1982 Act (the Audit Commission)—
 - (a) in paragraph 10(6) (date by which certain accounts must be sent to Comptroller and Auditor General) for “November” substitute “March”; and
 - (b) in paragraph 12(3) (date by which certain other accounts must be sent to Comptroller and Auditor General) for “30th November” substitute “31st March”.
- (4) Subsections (1) to (3) shall have effect in relation to the year ending with 31st October 1998 and subsequent years ending with 31st October.
- (5) In relation to the period beginning on 1st April 1997 and ending with 31st October 1997—
 - (a) Part III of the 1982 Act (the Audit Commission) shall have effect as if “financial year” meant that period;
 - (b) paragraph 10(6) of Schedule 3 to that Act shall have effect so as to require the account there mentioned to be sent not later than 31st March 1998;
 - (c) paragraph 12(3) of Schedule 3 to that Act shall have effect so as to require the statement there mentioned to be transmitted on or before 31st March 1998.

4 Financial year of Accounts Commission for Scotland

- (1) In section 98 of the Local Government (Scotland) Act 1973 (expenses and accounts of Accounts Commission for Scotland)—
 - (a) in subsection (5), for the words “30th November” substitute “31st March”; and
 - (b) after subsection (6) add—

“(7) In this section, “financial year” means the period of twelve months ending with 31st October in any year.”
- (2) In section 235(1) of the 1973 Act (interpretation), in the definition of “financial year”, after the word “has” insert “, except in section 98,”.
- (3) Subsections (1) and (2)—
 - (a) shall first have effect in relation to—
 - (i) such year; or
 - (ii) such greater or lesser period than a year,ending, in either case, with 31st October, as the Secretary of State may by order made by statutory instrument specify; and
 - (b) shall thereafter have effect in relation to years so ending,

and as respects any period specified under paragraph (a)(ii) the subsection added by subsection (1)(b) shall be construed as if referring to that period and not to a period of twelve months.

Miscellaneous and supplementary

5 Publication at direction of either Commission

- (1) In section 1 of the Local Government Act 1992 (direction of Audit Commission or Accounts Commission for Scotland requiring certain bodies to publish information about performance) in subsection (2)(b) (method of publication) for the words “in a newspaper circulating in the area of that body” substitute “and by one of the methods permitted by section 1A below”.
- (2) After section 1 of that Act insert—

“1A Permitted methods of publishing information

- (1) The permitted methods of publication referred to in section 1(2)(b) above are as follows.
- (2) The relevant body may publish the information in a newspaper printed for sale and circulating in their area.
- (3) If the relevant body ensure that the distribution condition is satisfied with respect to the information, they may publish the information in a newspaper or periodical publication which is produced and distributed by another person (other than a local authority company) and which is free of charge to the recipient.
- (4) For the purposes of subsection (3) above, a relevant body ensure that the distribution condition is satisfied with respect to information if—
 - (a) they take all reasonable steps to secure that a copy of a publication containing the information is distributed to each dwelling in their area; and
 - (b) in a case where they consider that the information is of concern to persons carrying on business in their area, they take such steps as they consider reasonable and practicable to secure that a copy of a publication containing the information is distributed to business premises in their area.
- (5) For the purposes of subsection (3) above a local authority company is any company under the control of a local authority; and section 68(1) of the Local Government and Housing Act 1989 (company under control of local authority) shall have effect for the purposes of this subsection as it has effect for the purposes of Part V of that Act.”

6 Remuneration etc. of members of Audit Commission

- (1) In paragraph 5 of Schedule 3 to the Local Government Finance Act 1982, subparagraph (4) (determination of remuneration etc. of members of Audit Commission requires Treasury consent) shall be omitted.

- (2) This section shall apply to any determination made after the expiry of the period of two months beginning with the day on which this Act is passed.

7 Short title and extent

- (1) This Act may be cited as the Audit (Miscellaneous Provisions) Act 1996.
- (2) This Act, apart from this section and sections 4 and 5, does not extend to Scotland.
- (3) This Act does not extend to Northern Ireland.