

Status: Point in time view as at 31/01/2008.

Changes to legislation: There are currently no known outstanding effects for the Audit Commission Act 1998 (repealed), Part 2. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 2A

INTERACTION WITH OTHER AUTHORITIES

Textual Amendments

- F1** Sch. 2A inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), Sch. 11; S.I. 2008/172, art. 2(1)(a)

PART 2

EXERCISE OF FUNCTIONS

Inspection programmes and inspection frameworks

- 4 (1) The Commission must from time to time, or at such times as the Secretary of State may specify by order, prepare—
- (a) a document setting out what Audit Commission inspections it proposes to carry out (an “inspection programme”);
 - (b) a document setting out the way in which it proposes to carry out its functions of inspecting and reporting so far as they relate to Audit Commission inspections (an “inspection framework”).
- (2) Before preparing an inspection programme or an inspection framework, the Commission must consult—
- (a) the Secretary of State,
 - (b) the inspection authorities, and
 - (c) any other person or body specified by an order made by the Secretary of State,
- and it must send to each of the persons or bodies referred to in paragraph (a), (b) or (c) a copy of each programme or framework once it is prepared.
- (3) Sub-paragraph (2) does not require the Commission to consult, or to send copies of documents to, a person or body mentioned in paragraph (b) or (c) of that sub-paragraph in cases or circumstances in relation to which the Commission and that person or body have agreed to waive the requirement.
- (4) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks must take.

Inspections by other inspectors of organisations within the Commission's remit

- 5 (1) If—

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- (a) a specified inspector is proposing to carry out an inspection that would involve inspecting a specified organisation, and
- (b) the Commission considers that the proposed inspection would impose an unreasonable burden on the specified organisation, or would do so if carried out in a particular way,

the Commission must, subject to sub-paragraph (6), give a notice to the specified inspector requiring the inspector not to carry out the proposed inspection, or not to carry it out in that way.

- (2) In this paragraph “specified inspector” means—
 - (a) an inspection authority;
 - (b) a section 139A inspector; or
 - (c) any other person or body specified by order made by the Secretary of State.
- (3) In this paragraph “specified organisation” means a person or body specified by order made by the Secretary of State.
- (4) A person or body may be specified under sub-paragraph (3) in relation to particular functions.
- (5) In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge by that person or body of any of the functions in relation to which it is specified.
- (6) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (7) Where a notice is given under this paragraph, the proposed inspection must not be carried out, or (as the case may be) must not be carried out in the way mentioned in the notice; but this is subject to sub-paragraph (8).
- (8) The Secretary of State, if satisfied that the proposed inspection—
 - (a) would not impose an unreasonable burden on the specified organisation in question, or
 - (b) would not do so if carried out in a particular way,
 may give consent to the inspection being carried out, or being carried out in that way.
- (9) The Secretary of State may by order make provision supplementing this paragraph, including in particular provision—
 - (a) about the form of notices;
 - (b) prescribing the period within which notices are to be given;
 - (c) prescribing circumstances in which notices are, or are not, to be made public;
 - (d) for revising or withdrawing notices;
 - (e) for setting aside notices not validly given.

Co-operation

- 6 The Commission must co-operate with—
 - (a) the inspection authorities,
 - (b) section 139A inspectors, and
 - (c) any other public authority specified by order made by the Secretary of State,

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where it is appropriate to do so for the efficient and effective discharge of any of its relevant functions.

Joint action

- 7 The Commission may act jointly with—
- (a) an inspection authority, and
 - (b) a section 139A inspector,
- where it is appropriate to do so for the efficient and effective discharge of any of its relevant functions.

Delegation of functions

- 8 (1) The Commission may delegate any of its relevant functions (to such extent as it may determine) to—
- (a) an inspection authority;
 - (b) any other public authority specified by an order made by the Secretary of State.
- (2) If the carrying out of an Audit Commission inspection, or any study referred to in the definition of “national studies functions” in paragraph 3, is delegated under sub-paragraph (1) it is nevertheless to be regarded for the purposes of any enactment as carried out by the Commission.

Advice or assistance for other public authorities

- 9 (1) The Commission may, if it thinks it appropriate to do so, provide advice or assistance to another public authority for the purpose of the exercise by that authority of its functions.
- (2) Advice or assistance under this paragraph may be provided on such terms, including terms as to payment, as the Commission thinks fit.
- (3) In sub-paragraph (1), the reference to another public authority includes a public authority outside the United Kingdom.

Inspections carried out under arrangements

- 10 (1) The Commission may make arrangements with an inspection authority to carry out, on behalf of that authority, inspections in England of any institution or matter which the Commission is not required or authorised to carry out by virtue of any other enactment.
- (2) Inspections under this paragraph may be carried out on such terms, including terms as to payment, as the Commission thinks fit.]

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