



Budget Responsibility and National Audit Act 2011

2011 CHAPTER 4

U.K.

An Act to make provision for a Charter for Budget Responsibility and for the publication of Financial Statements and Budget Reports; to establish the Office for Budget Responsibility; to make provision about the Comptroller and Auditor General and to establish a body corporate called the National Audit Office; to amend Schedules 5 and 7 to the Government of Wales Act 2006 in relation to the Auditor General for Wales; and for connected purposes. [22nd March 2011]

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:—

PART 1 **U.K.**

BUDGET RESPONSIBILITY

Status: Point in time view as at 22/05/2011. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)

PART 2 U.K.

NATIONAL AUDIT

VALID FROM 01/11/2011

Comptroller and Auditor General

VALID FROM 01/04/2012

11 Office of Comptroller and Auditor General U.K.

- (1) The office of Comptroller and Auditor General (or, in Welsh, Rheolwr ac Archwilydd Cyffredinol) is to continue.
- (2) It is for Her Majesty by Letters Patent to appoint a person to be Comptroller and Auditor General.
- (3) Her Majesty's power is exercisable on an address of the House of Commons.
- (4) It is for the Prime Minister to move the motion for the address.
- (5) To do so the Prime Minister must have the agreement of the person who chairs the Committee of Public Accounts.
- (6) The person appointed holds office for 10 years.
- (7) The person may not be appointed again.

VALID FROM 01/04/2012

12 Status etc U.K.

- (1) The Comptroller and Auditor General continues by that name to be a corporation sole.
- (2) The Comptroller and Auditor General continues to be an officer of the House of Commons.

But section 4(4) of the House of Commons (Administration) Act 1978 (which provides for the application of provisions of that Act to staff employed in or for the purposes of the House of Commons) does not apply in relation to the office of Comptroller and Auditor General.
- (3) The person who is Comptroller and Auditor General may not be a member of the House of Lords.
- (4) The Comptroller and Auditor General is not to be regarded—

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- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (5) The person who is Comptroller and Auditor General may not hold any other office or position to which a person may be appointed, or recommended for appointment, by or on behalf of the Crown.

VALID FROM 01/01/2012

13 Remuneration arrangements **U.K.**

- (1) Before a person is appointed as Comptroller and Auditor General, remuneration arrangements are to be made in relation to the person jointly by the Prime Minister and the person who chairs the Committee of Public Accounts.
- (2) The remuneration arrangements—
 - (a) may make provision for a salary, allowances, arrangements for a pension and other benefits, and
 - (b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.
- (3) But no element is to be performance-based.
- (4) The arrangements may in particular make provision for the principal civil service pension scheme (as defined in section 2(10) of the Superannuation Act 1972) to apply to service as Comptroller and Auditor General as if it were service in employment in the civil service of the State.
- (5) Amounts payable by virtue of this section are to be charged on, and paid out of, the Consolidated Fund.
- (6) The Treasury may by statutory instrument make regulations for purposes supplementary to this section so far as it relates to arrangements for pensions.
- (7) Regulations under subsection (6) may provide for a statutory provision not to apply, or to apply with modifications, in relation to arrangements for a pension payable to the Comptroller and Auditor General, including, in a case where provision within subsection (4) has been made, for the principal civil service pension scheme to apply with modifications.
- (8) A statutory instrument containing regulations under subsection (6) is subject to annulment in pursuance of a resolution of the House of Commons.

VALID FROM 01/04/2012

14 Resignation or removal **U.K.**

- (1) The Comptroller and Auditor General may resign from office by giving written notice to the Prime Minister.

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- (2) Her Majesty may remove the Comptroller and Auditor General from office on an address of both Houses of Parliament.

VALID FROM 01/04/2012

15 Employment etc of former Comptroller and Auditor General **U.K.**

- (1) This section applies to a person who was appointed as Comptroller and Auditor General under this Part but who no longer holds that office.
- (2) Before—
- (a) taking up an office or position of a description specified by the Public Accounts Commission, or
 - (b) entering into an agreement or other arrangements of such a description, the person must consult such person as is specified by the Commission.
- (3) Subsections (4) and (5) apply for the period of 2 years starting with the day after that on which the person ceased to be Comptroller and Auditor General.
- (4) The person must not—
- (a) hold an office or position to which a person may be appointed, or recommended for appointment, by or on behalf of the Crown, or
 - (b) be a member, director, officer or employee of a body or other person whose accounts are required by a statutory provision to be audited or examined by, or to be open to the inspection of, the Comptroller and Auditor General.
- (5) The person must not, in any capacity, provide services to—
- (a) the Crown or any body or other person acting on behalf of the Crown, or
 - (b) a body or other person whose accounts are required by a statutory provision to be audited or examined by, or to be open to the inspection of, the Comptroller and Auditor General.
- (6) But subsections (4) and (5) do not prevent a person from holding any of the following offices—
- (a) Auditor General for Scotland;
 - (b) Auditor General for Wales;
 - (c) Comptroller and Auditor General for Northern Ireland.

VALID FROM 01/04/2012

16 Provision of services **U.K.**

The Comptroller and Auditor General may provide services to any person in any place within or outside the United Kingdom under agreements or other arrangements entered into by the Comptroller and Auditor General.

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VALID FROM 01/01/2012

17 How functions are to be exercised **U.K.**

- (1) The Comptroller and Auditor General has complete discretion in the carrying out of the functions of that office, including in determining whether to carry out an examination under Part 2 of the National Audit Act 1983 and as to the manner in which any such examination is carried out.
- (2) Subsection (1) is subject to—
 - (a) subsections (3) and (4), and
 - (b) any other statutory provision.
- (3) The Comptroller and Auditor General must aim to carry out functions efficiently and cost-effectively.
- (4) The Comptroller and Auditor General must, as the Comptroller and Auditor General considers appropriate, have regard to the standards and principles that an expert professional provider of accounting or auditing services would be expected to follow.
- (5) For further provision that affects the carrying out of the Comptroller and Auditor General's functions, see (in particular)—
 - (a) section 7A of the National Audit Act 1983 (inserted by section 18 of this Act), which requires the Comptroller and Auditor General to have regard to certain proposals made by the Committee of Public Accounts;
 - (b) section 20 and Schedule 2, which provide for the establishment of a body corporate called the National Audit Office and for the Comptroller and Auditor General to be one of the body's nine members and its chief executive;
 - (c) Schedule 3, which makes provision about the relationship between the National Audit Office and the Comptroller and Auditor General.

VALID FROM 01/04/2012

18 Economy, efficiency and effectiveness examinations **U.K.**

In Part 2 of the National Audit Act 1983 (economy, efficiency and effectiveness examinations), after section 7 insert—

“7A Proposals made by Committee of Public Accounts

In determining whether to carry out any examination under this Part, the Comptroller and Auditor General must have regard to any proposals made by the Committee of Public Accounts.”

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19 Auditing of companies **U.K.**

In section 25 of the Government Resources and Accounts Act 2000 (examinations by Comptroller and Auditor General), after subsection (10) insert—

“(11) Subsection (10)(c) does not apply to an order under subsection (6) if the only bodies to which the order relates are bodies which are companies as defined in section 1(1) of the Companies Act 2006.

See sections 475 and 482 of that Act for provision about the interaction between Part 16 of that Act (audit) and orders under subsection (6).

(12) An order to which subsection (10)(c) does not apply by virtue of subsection (11) is subject to annulment in pursuance of a resolution of either House of Parliament.”

VALID FROM 01/11/2011

National Audit Office

20 Incorporation of NAO **U.K.**

- (1) There is to be a body corporate called the National Audit Office (or, in Welsh, Y Swyddfa Archwilio Genedlaethol).
- (2) In this Part “NAO” means the National Audit Office.
- (3) Schedule 2 contains provision about NAO.

VALID FROM 01/04/2012

21 Efficiency etc **U.K.**

NAO must aim to carry out its functions efficiently and cost-effectively.

VALID FROM 01/01/2012

22 Relationship with Comptroller and Auditor General **U.K.**

Schedule 3 contains provision about the relationship between NAO and the Comptroller and Auditor General.

VALID FROM 01/01/2012

23 NAO's expenditure **U.K.**

- (1) NAO's expenditure is to be paid out of money provided by Parliament.

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(But see sections 13(5) and 24(1) and paragraph 6(2) of Schedule 2.)

- (2) For each financial year NAO and the Comptroller and Auditor General must jointly prepare an estimate of NAO's use of resources.
- (3) This must cover (in particular) the resources required for the purposes of paragraph 2(1) of Schedule 3 (which requires NAO to provide resources for the Comptroller and Auditor General's functions).
- (4) The person who chairs NAO and the Comptroller and Auditor General must jointly submit the estimate to the Public Accounts Commission.
- (5) The Commission must—
 - (a) review the estimate, and
 - (b) lay it before the House of Commons with such modifications (if any) as the Commission considers appropriate.
- (6) In doing this the Commission must have regard to any advice given by the Committee of Public Accounts or the Treasury.

VALID FROM 01/11/2011

Miscellaneous and supplementary

VALID FROM 01/04/2012

24 Indemnification **U.K.**

- (1) There is to be charged on and paid out of the Consolidated Fund any amount payable by an indemnified person in consequence of any liability for breach of duty (whether under a contract or otherwise) incurred by an indemnified person in relation to any audit, examination or inspection carried out as part of the Comptroller and Auditor General's functions.
- (2) The liability must not be to another indemnified person.
- (3) The following are indemnified persons—
 - (a) the Comptroller and Auditor General;
 - (b) NAO;
 - (c) a past or present member of NAO;
 - (d) a past or present employee of NAO.

25 Interpretation **U.K.**

- (1) In this Part—
 - “NAO” has the meaning given by section 20(2);
 - “Public Accounts Commission” means the body established by section 2 of the National Audit Act 1983;

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“statutory provision” means a provision of an Act or subordinate legislation (within the meaning of section 21(1) of the Interpretation Act 1978), whenever passed or made;

“use of resources” is to be read in accordance with section 27 of the Government Resources and Accounts Act 2000.

- (2) For the purposes of this Part each of the following is a financial year—
- (a) the period which begins with the appointed day and ends with the following 31 March;
 - (b) each successive period of 12 months.
- (3) In paragraph (a) of subsection (2) “the appointed day” means the day appointed for the purposes of that paragraph by an order made by the Treasury by statutory instrument.
- (4) Section 13 of the National Audit Act 1983 (interpretation of references to Committee of Public Accounts) applies for the purposes of this Part as it applies for the purposes of that Act.

VALID FROM 01/01/2012

26 Transitional provision and consequential amendments **U.K.**

- (1) Schedule 4 contains transitional provision.
- (2) Schedule 5 contains consequential amendments.

Auditor General for Wales

27 Powers of National Assembly for Wales **U.K.**

Schedule 6 contains provision amending the Government of Wales Act 2006.

PART 3 **U.K.**

FINAL PROVISIONS

28 Power to make consequential provision **U.K.**

- (1) The Treasury may by order make such provision as it considers appropriate in consequence of any provision of this Act.
- (2) An order under this section may—
 - (a) amend or revoke any provision of subordinate legislation made on or before the last day of the Session in which this Act is passed;
 - (b) include supplementary, incidental, transitional, transitory or saving provision.
- (3) An order under this section is to be made by statutory instrument.

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- (4) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section “subordinate legislation” has the meaning given by section 21(1) of the Interpretation Act 1978.

29 Commencement **U.K.**

- (1) This Part comes into force on the day on which this Act is passed.
- (2) Section 27 and Schedule 6 come into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (3) The other provisions of this Act come into force in accordance with provision made by order made by statutory instrument by the Treasury.
- (4) An order under subsection (3) may—
 - (a) make different provision for different purposes;
 - (b) include supplementary, incidental, consequential, transitional, transitory or saving provision.

30 Extent **U.K.**

- (1) Subject to subsection (2), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) The amendment or repeal of any enactment has the same extent as the enactment amended or repealed.

31 Short title **U.K.**

This Act may be cited as the Budget Responsibility and National Audit Act 2011.

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SCHEDULES

SCHEDULE 1 U.K.

Section 3

OFFICE FOR BUDGET RESPONSIBILITY

Membership

- 1 (1) The Office is to consist of—
- (a) a member to chair it, appointed by the Chancellor of the Exchequer with the consent of the Treasury Committee of the House of Commons,
 - (b) 2 other members appointed by the Chancellor of the Exchequer after consultation with the member appointed under paragraph (a) and with the consent of that Committee, and
 - (c) not fewer than 2 members nominated by the Office and appointed by the Chancellor of the Exchequer.
- (But see paragraph 3, which makes special provision about the appointment of the initial members of the Office.)
- (2) A person may be appointed under sub-paragraph (1)(a) or (b) only if the person has knowledge or experience likely to be relevant to the performance of the Office's duty under section 4.

Period of appointment and re-appointment

- 2 (1) An appointment under paragraph 1(1)(a) or (b) is to be for a period of 5 years (but see paragraph 3(5)).
- (2) An appointment under paragraph 1(1)(c) is to be for a period of no more than 5 years.
- (3) A person may not be appointed under paragraph 1 more than twice.

Appointment of initial members

- 3 (1) The consent of the Treasury Committee of the House of Commons is not required for the appointment under paragraph 1(1)(a) of a person who—
- (a) immediately before the person's appointment, was chairing the non-statutory Office for Budget Responsibility, and
 - (b) was appointed to do so by the Chancellor of the Exchequer with the consent of that Committee.
- (2) The period of the person's appointment under paragraph 1(1)(a) is to be taken to have begun with the appointment of that person to chair the non-statutory Office for Budget Responsibility.
- (3) The consent of the Treasury Committee of the House of Commons is not required for the appointment under paragraph 1(1)(b) of a person who—

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- (a) immediately before the person's appointment, was a member of the non-statutory Office for Budget Responsibility but not chairing it, and
 - (b) was appointed as such a member by the Chancellor of the Exchequer with the consent of that Committee.
- (4) The period of appointment under paragraph 1(1)(b) of each such person is to be taken to have begun with the appointment of that person as a member of the non-statutory Office for Budget Responsibility.
- (5) The first 2 appointments under paragraph 1(1)(b) may be for less than 5 years to secure that those appointments and the first appointment under paragraph 1(1)(a) each expire at different times.
- (6) The first 2 appointments under paragraph 1(1)(c) are to be made by the Chancellor of the Exchequer after consultation with the member appointed under paragraph 1(1)(a).

Remuneration

- 4 (1) The Office may, with the approval of the Treasury—
- (a) pay, or make provision for paying, to a member of the Office such remuneration as the Treasury may determine, and
 - (b) pay, or make provision for paying, to or in respect of a person who is or has been a member of the Office any such pension, allowances or gratuities as the Treasury may determine.
- (2) Where—
- (a) a person ceases to be a member of the Office otherwise than at the end of the period for which the person was appointed, and
 - (b) it appears to the Office and the Treasury that there are circumstances which make it right for the person to receive compensation,
- the Office may make a payment to the person of such amount as the Treasury may determine.

Other terms of appointment

- 5 The Chancellor of the Exchequer may determine other terms of an appointment under paragraph 1.

Termination of appointments

- 6 (1) A member of the Office may resign by giving written notice to the Chancellor of the Exchequer.
- (2) The Chancellor of the Exchequer may terminate the appointment of a member of the Office by giving the member written notice if—
- (a) the member has been absent from meetings of the Office without the Office's permission for a period of more than 3 months,
 - (b) the member has become bankrupt or has made an arrangement with creditors,
 - (c) the member's estate has been sequestrated in Scotland or the member has entered into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or

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has, under Scots law, made a composition or arrangement with, or granted a trust deed for, the member's creditors,

- (d) the member is unfit to continue the appointment because of misconduct,
- (e) the member has failed to comply with the terms of the appointment, or
- (f) the member is otherwise unable, unfit or unwilling to carry out the member's functions.

- (3) But the appointment of a member appointed under paragraph 1(1)(a) or (b) is not to be terminated without the consent of the Treasury Committee of the House of Commons.

Status of Office

- 7 (1) The functions of the Office are to be exercised on behalf of the Crown.
- (2) For the purposes of any civil proceedings arising out of those functions—
 - (a) the Crown Proceedings Act 1947 applies to the Office as if it were a government department, and
 - (b) the Crown Suits (Scotland) Act 1857 applies to it as if it were a public department.
- (3) The Office's property is to be regarded as held on behalf of the Crown.

Employees

- 8 (1) The Office may employ staff.
- (2) Staff are to be employed on such terms as to remuneration and other matters as the Office may, with the approval of the Minister for the Civil Service, determine.
- (3) Service as a member of staff of the Office is employment in the civil service of the State.
- (4) The Office must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of the increase in the sums payable out of money provided by Parliament that is attributable to the provision of pensions, allowances or gratuities under section 1 of the Superannuation Act 1972 payable to or in respect of persons who are or have been members of staff of the Office.

Committees

- 9 (1) The members appointed under paragraph 1(1)(a) and (b) constitute a committee of the Office to be known as the Budget Responsibility Committee.
- (2) The members appointed under paragraph 1(1)(c) constitute a committee of the Office to be known as the Non-executive Committee.
- 10 (1) The Office may establish other committees.
- (2) A committee established by the Office may establish sub-committees.
- (3) A committee or sub-committee established under this paragraph may consist of or include persons who are neither members of the Office nor members of its staff.

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- (4) Appointment as a member of such a committee or sub-committee of a person who is neither a member of the Office nor a member of its staff is to be on such terms as to remuneration and other matters as the Office may, with the approval of the Treasury, determine.

Procedure

- 11 (1) The Office may determine—
- (a) its own procedure, and
 - (b) the procedure of any committee or sub-committee established under paragraph 10.
- (2) A committee established by paragraph 9 may determine its own procedure.

Delegation of functions

- 12 (1) The Office may delegate functions to—
- (a) any of its members,
 - (b) any member of its staff, or
 - (c) any of its committees.
- (2) A committee established under paragraph 10 may delegate functions (including functions delegated to it) to a sub-committee.
- (3) The Budget Responsibility Committee is to perform the duties imposed by section 4(3) and (4).
- (4) Sub-paragraph (1) does not apply to those duties.
- (5) The delegation of a function under sub-paragraph (1) or (2) does not prevent the Office or the committee (as the case may be) from carrying out the function itself.

Review by Non-executive Committee

- 13 The Non-executive Committee must keep under review the way in which the Office's duty under section 4 is performed.

Documentary evidence

- 14 (1) The application of the Office's seal is to be authenticated by the signature of—
- (a) a member of the Office, or
 - (b) any person authorised (whether generally or specifically) for the purpose by a member of the Office.
- (2) A document purporting to be duly executed under the Office's seal or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is proved.
- (3) This paragraph does not extend to Scotland.

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Annual report

- 15 (1) The Office must prepare a report of the performance of its functions in each financial year.
- (2) The report must include, in particular, an assessment by the Non-executive Committee of the extent to which the Office's duty under section 4 has been performed in accordance with section 5(1) and (2).
- (3) The report relating to a financial year must be prepared as soon as possible after the end of the financial year.
- (4) The report must be sent to the Treasury.
- (5) The Treasury must lay the report before Parliament.
- (6) The Office must publish the report.
- (7) "Financial year" means—
- (a) the period which begins with the day on which this Schedule comes into force and ends with the following 31 March;
 - (b) each successive period of 12 months.

External review

- 16 (1) The Non-executive Committee must, at least once in every relevant 5-year period, appoint a person or body to review and report on such of the Office's reports as the Committee determines.
- (2) In sub-paragraph (1) "the Office's reports" means the reports which—
- (a) have been made in pursuance of the Office's duty under section 4, and
 - (b) have been published since the relevant date.
- (3) The "relevant date" is—
- (a) in the case of the first review carried out under this paragraph, 1 October 2010;
 - (b) in the case of subsequent reviews, the date of the last review carried out under this paragraph.
- (4) A person or body may be appointed under this paragraph only if the person or body has knowledge or experience likely to be relevant to the performance of the Office's duty under section 4.
- (5) The Office may, with the approval of the Treasury, make payments to the person or body in respect of the performance of the person's or body's functions under this paragraph.
- (6) The Office must—
- (a) publish each report prepared under this paragraph,
 - (b) lay it before Parliament, and
 - (c) send a copy of it to the Treasury.
- (7) In this paragraph "relevant 5-year period" means—
- (a) the period of 5 years beginning with 1 October 2010;
 - (b) each successive period of 5 years.

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Finance

- 17 (1) The Treasury may make to the Office such payments out of money provided by Parliament as the Treasury considers appropriate for the purpose of enabling the Office to meet its expenses.
- (2) Payments are to be made at such times, and subject to any such conditions, as the Treasury considers appropriate.

Accounts and audit

- 18 (1) The Office must—
- (a) keep proper accounts and proper records in relation to its accounts, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Treasury as to—
- (a) the information to be contained in it and the manner in which it is to be presented,
 - (b) the methods and principles according to which the statement is to be prepared, and
 - (c) the additional information (if any) which is to be provided for the information of Parliament.
- (3) The Office must send a copy of each statement of accounts to—
- (a) the Treasury, and
 - (b) the Comptroller and Auditor General,
- before the end of the month of June next following the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement of accounts, and
 - (b) send a copy of each report and certified statement to the Treasury.
- (5) The Treasury must lay before Parliament a copy of each such report and certified statement.
- (6) “Financial year” has the same meaning as in paragraph 15.
- 19 The Office must keep under review whether its internal financial controls secure the proper conduct of its financial affairs.

Powers

- 20 The Office may do anything calculated to facilitate, or conducive or incidental to, the carrying out of any of its functions.

Validity

- 21 The validity of anything done by the Office (or a committee or sub-committee of the Office) is not affected by—
- (a) a vacancy, or
 - (b) a defective appointment.

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Public records

- 22 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, insert at the appropriate place—

“Office for Budget Responsibility.”

Parliamentary Commissioner

- 23 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation), insert at the appropriate place— “ Office for Budget Responsibility. ”

Disqualification

- 24 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), insert at the appropriate place— “ The Office for Budget Responsibility. ”
- 25 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), insert at the appropriate place— “ The Office for Budget Responsibility. ”

Race relations

- 26 (1) In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and persons subject to general statutory duty), under the heading “*Regulatory, audit and inspection*” insert at the appropriate place— “ The Office for Budget Responsibility. ”
- (2) The amendment made by sub-paragraph (1) ceases to have effect when the repeal of that Act by Schedule 27 to the Equality Act 2010 has effect for all purposes.

Freedom of information

- 27 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which Act applies), insert at the appropriate place— “ The Office for Budget Responsibility. ”

Equality

- 28 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general), under the heading “*Industry, business, finance etc.*” insert at the appropriate place— “ The Office for Budget Responsibility. ”

References to Treasury Committee

- 29 (1) Any reference in this Schedule to the Treasury Committee of the House of Commons—
- (a) if the name of that Committee is changed, is to be treated as a reference to that Committee by its new name, and
 - (b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, is

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to be treated as a reference to the Committee by which those functions are exercisable.

(2) Any question arising under sub-paragraph (1) is to be determined by the Speaker of the House of Commons.

VALID FROM 01/11/2011	
SCHEDULE 2 U.K.	Section 20
NATIONAL AUDIT OFFICE	
.....	

VALID FROM 01/01/2012	
SCHEDULE 3 U.K.	Section 22
RELATIONSHIP BETWEEN NAO AND COMPTROLLER AND AUDITOR GENERAL	
.....	

VALID FROM 01/01/2012	
SCHEDULE 4 U.K.	Section 26
TRANSITIONAL PROVISION RELATING TO PART 2	
.....	

VALID FROM 01/04/2012	
SCHEDULE 5 U.K.	Section 26
CONSEQUENTIAL AMENDMENTS RELATING TO PART 2	
.....	

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 Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

SCHEDULE 6 U.K.

Section 27

POWERS OF NATIONAL ASSEMBLY FOR WALES: AUDITOR GENERAL FOR WALES

Introductory

1 In this Schedule “GOWA 2006” means the Government of Wales Act 2006.

Assembly Measures

2 Schedule 5 to GOWA 2006 (Assembly Measures) is amended as follows.

3 In Part 1 (matters), under Field 14 (public administration) insert—

“*Matter 14.1* The following provision relating to the Auditor General—

- (a) the following aspects of the Auditor General's terms of appointment—
 - (i) the period of the appointment;
 - (ii) salary, allowances and superannuation benefits;
 - (iii) pensions and gratuities payable after a person has ceased to be Auditor General;
- (b) the number of times a person may be appointed as Auditor General;
- (c) restrictions on the other offices and positions which may be held by the Auditor General;
- (d) activities of a person who has been (but no longer is) Auditor General;
- (e) provision requiring the Auditor General—
 - (i) to aim to do things efficiently and cost-effectively;
 - (ii) to have regard, as the Auditor General considers appropriate, to the standards and principles that an expert professional provider of accounting or auditing services would be expected to follow;
- (f) the authorisation of persons to exercise functions of the Auditor General on the Auditor General's behalf (including during a vacancy in the office);
- (g) the oversight or supervision of the Auditor General or of the exercise of the Auditor General's functions;
- (h) the provision or use of resources for the purposes of the Auditor General's functions including (in particular)—
 - (i) the employment and use of staff;
 - (ii) the procurement and use of services;
 - (iii) the holding of documents or information;
 - (iv) the keeping of records;
- (i) the charging of fees or other amounts in relation to functions of—
 - (i) the Auditor General, or
 - (ii) auditors appointed by the Auditor General under an enactment;
- (j) the restatement of any law relating to the Auditor General.”

4 (1) Part 2 (exceptions to matters and general restrictions) is amended as follows.

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- (2) In paragraph 3 (restrictions on modifying enactments other than GOWA 2006)—
- (a) the existing provision is renumbered as sub-paragraph (1), and
 - (b) after that sub-paragraph insert—
 - “(2) Sub-paragraph (1), so far as it applies in relation to sections 145, 145A and 146A(1) of the Government of Wales Act 1998, does not apply to a provision to which sub-paragraph (3) applies.
 - (3) This sub-paragraph applies to a provision of an Assembly Measure which—
 - (a) is a provision relating to matter 14.1,
 - (b) provides for the enforcement of a provision relating to matter 14.1 or is otherwise appropriate for making such a provision effective, or
 - (c) is otherwise incidental to, or consequential on, such a provision.”
- (3) In paragraph 6 (restrictions on amending GOWA 2006), after sub-paragraph (3) insert—
- “(4) Sub-paragraph (1) does not apply in relation to any provision to which paragraph 3(3) applies.
 - (5) But, subject to sub-paragraph (6), a provision to which paragraph 3(3) applies cannot modify, or confer power by subordinate legislation to modify, paragraph 3 of Schedule 8.
 - (6) Sub-paragraph (5) does not prevent the conferral of functions on a committee of the Assembly that—
 - (a) does not consist of or include any of the following persons—
 - (i) the First Minister or any person designated to exercise functions of the First Minister,
 - (ii) a Welsh Minister appointed under section 48,
 - (iii) the Counsel General or any person designated to exercise the functions of the Counsel General, or
 - (iv) a Deputy Welsh Minister, and
 - (b) is not chaired by an Assembly member who is a member of a political group with an executive role.”

Acts of the Assembly

- 5 Schedule 7 to GOWA 2006 (Acts of the Assembly) is amended as follows.
- 6 In Part 1 (subjects), in paragraph 14 (public administration), after “Public Services Ombudsman for Wales.” insert “ Auditor General for Wales. ”
- 7 (1) Part 2 (general restrictions) is amended as follows.
- (2) In paragraph 2 (restrictions on modifying enactments other than GOWA 2006), after sub-paragraph (2) insert—
- “(3) Sub-paragraph (1), so far as it applies in relation to sections 145, 145A and 146A(1) of the Government of Wales Act 1998, does not apply to a provision to which sub-paragraph (4) applies.

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- (4) This sub-paragraph applies to a provision of an Act of the Assembly which—
- (a) is a provision relating to the oversight or supervision of the Auditor General or of the exercise of the Auditor General's functions,
 - (b) provides for the enforcement of a provision falling within paragraph (a) or is otherwise appropriate for making such a provision effective, or
 - (c) is otherwise incidental to, or consequential on, such a provision.”
- (3) In paragraph 5 (restrictions on amending GOWA 2006)—
- (a) in sub-paragraph (2), at the end insert—
 - “(c) any provision of Schedule 8, other than paragraphs 1(1) to (3), 2(2) to (4) and 3.”, and
 - (b) after sub-paragraph (3) insert—
 - “(4) Sub-paragraph (1) does not apply in relation to a provision to which paragraph 2(4) applies.
 - (5) But, subject to sub-paragraph (6), a provision to which paragraph 2(4) applies cannot modify, or confer power by subordinate legislation to modify, paragraph 3 of Schedule 8.
 - (6) Sub-paragraph (5) does not prevent the conferral of functions on a committee of the Assembly that—
 - (a) does not consist of or include any of the following persons—
 - (i) the First Minister or any person designated to exercise functions of the First Minister,
 - (ii) a Welsh Minister appointed under section 48,
 - (iii) the Counsel General or any person designated to exercise the functions of the Counsel General, or
 - (iv) a Deputy Welsh Minister, and
 - (b) is not chaired by an Assembly member who is a member of a political group with an executive role.”

Status:

Point in time view as at 22/05/2011. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011.