

## SCHEDULES

### SCHEDULE 6

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

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- (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.
  - (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—

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“(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.

(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.”