
WELSH STATUTORY INSTRUMENTS

2021 No. 349 (W. 101)

LOCAL GOVERNMENT, WALES

**The Public Audit (Wales) Act 2004 (Amendment)
(Local Government Bodies in Wales) Order 2021**

Made - - - - 17 March 2021

Coming into force - - 1 April 2021

The Welsh Ministers, in exercise of the power conferred on the National Assembly for Wales⁽¹⁾ by section 12(2) of the Public Audit (Wales) Act 2004⁽²⁾, and now vested in them, and the powers conferred on the Welsh Ministers by section 58 of that Act⁽³⁾, make the following Order.

A draft of this instrument was laid before and approved by a resolution of Senedd Cymru in accordance with paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006.

Title and coming into force

1.—(1) The title of this Order is the Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021.

(2) This Order comes into force on 1 April 2021.

Amendment of the Public Audit (Wales) Act 2004

2.—(1) The Public Audit (Wales) Act 2004 is amended as follows.

(2) In section 12(1) (local government bodies in Wales), after paragraph (b) insert—

“(ba) a corporate joint committee;”.

(3) In section 25 (procedure for consideration of reports and recommendations), after subsection (8) insert—

“(8A) Where a duty imposed on a body by this section is imposed on a corporate joint committee, the duty may not be discharged on behalf of the corporate joint committee by—

(a) a sub-committee of the corporate joint committee, or

(1) 1998 c. 38. The power in question was conferred on the National Assembly for Wales established by section 1 of the Government of Wales Act 1998 (c. 38), that Assembly was superseded by the National Assembly for Wales established by section 1 of the Government of Wales Act 2006 (c. 32) and now renamed Senedd Cymru or the Welsh Parliament by virtue of section 2 of the Senedd and Elections (Wales) Act 2020 (anaw 1).

(2) 2004 c. 23. The power conferred on the National Assembly for Wales by section 12(2) is now vested in the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) Section 58 was amended by paragraphs 20 and 58 of Schedule 4 to the Public Audit (Wales) Act 2013 (anaw 3).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) any other person.”

(4) In section 59 (interpretation of Part 2), after subsection (8) insert—

“(9) “Corporate joint committee” means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021.”

17 March 2021

Julie James
Minister for Housing and Local Government,
one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

The Public Audit (Wales) Act 2004 (c. 23) confers additional functions on the Auditor General for Wales, (the office of Auditor was established by section 90 of the Government of Wales Act 1998 (c. 38) – now superseded by section 145 of the Government of Wales Act 2006 (c. 32)), including making provision about the audit of accounts of public bodies in Wales.

Section 12(1) of the 2004 Act lists the local government bodies in Wales to which Part 2 of that Act applies. Section 12(2) of that Act enables the Welsh Ministers, by Order, to amend that list.

This Order adds corporate joint committees established by Regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 to the list in section 12(1) of the 2004 Act. The Order also makes minor consequential and supplementary provision.

Corporate joint committees are bodies corporate consisting of such local authorities in Wales as are specified in Regulations establishing a corporate joint committee and, in some circumstances, National Park authorities in Wales if those Regulations make provision to that effect.

This Order is connected with Regulations which establish certain corporate joint committees under Part 5 of the Local Government and Elections (Wales) Act 2021. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the Regulations which establish corporate joint committees and connected orders and regulations. As a result a regulatory impact assessment has been prepared. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.