



# Public Audit (Wales) Act 2013

2013 anaw 3

## PART 3

### MISCELLANEOUS AND GENERAL

#### 28 Functions of the National Assembly

- (1) The National Assembly may by standing orders make provision regarding the exercise of the functions conferred upon it by or under this Act.
- (2) Such provision includes, but is not limited to, delegating functions to the Presiding Officer, the Deputy Presiding Officer, a committee or sub-committee of the National Assembly or the chair of such a committee or sub-committee.
- (3) This section does not apply to the National Assembly's functions under section 30 (orders).

#### Commencement Information

**II** S. 28 in force at 4.7.2013 by [S.I. 2013/1466](#), [art. 2\(p\)](#)

#### 29 Indemnification

- (1) There is to be charged on and paid out of the Welsh Consolidated Fund any amount payable by an indemnified person in consequence of any liability for a breach of duty.
- (2) The liability must not be to another indemnified person.
- (3) The following are indemnified persons—
  - (a) a former or current Auditor General appointed under this Act;
  - (b) the WAO;
  - (c) a former or current member of the WAO;
  - (d) a former or current employee of the WAO;

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- (e) a person who is providing, or has provided, services to the Auditor General or to the WAO under arrangements made by the WAO.
- (4) A breach of duty for the purposes of subsection (1) means a breach of duty (whether under a contract or agreement or otherwise, and whether by reason of an act or omission) incurred by an indemnified person in exercising functions that fall to be exercised by that person in accordance with the provision of an enactment.

#### Commencement Information

- I2** S. 29(1)(2)(3)(b)(c)(4) in force at 4.7.2013 by [S.I. 2013/1466, art. 2\(q\)](#)
- I3** S. 29(3)(a)(d)(e) in force at 1.4.2014 by [S.I. 2013/1466, art. 3\(1\)](#)

### [<sup>F1</sup>29A Working with the Public Services Ombudsman for Wales

- (1) Where the Public Services Ombudsman for Wales consults the Auditor General under section 68 of the Public Services Ombudsman (Wales) Act 2019 (anaw 3), the Ombudsman and the Auditor General may—
- (a) co-operate with each other in relation to the matter,
  - (b) conduct a joint investigation into the matter, and
  - (c) prepare and publish a joint report in relation to the investigation.]

#### Textual Amendments

- F1** [S. 29A](#) inserted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\), s. 77\(1\), Sch. 5 para. 4; S.I. 2019/1096, reg. 2](#)

## 30 Orders

- (1) A power of the Welsh Ministers to make an order under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order under section 33 (transitional, supplementary etc provision) that contains a provision amending, repealing or otherwise modifying an enactment (other than an enactment contained in subordinate legislation) or prerogative instrument may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly.
- (3) Any other statutory instrument containing an order under this Act, apart from an instrument containing only an order under section 35 (commencement), is subject to annulment in pursuance of a resolution of the National Assembly.
- (4) Any power of the Welsh Ministers to make an order under this Act (apart from an order under section 35 (commencement)) includes power—
- (a) to make different provision for different cases or classes of case, or for different purposes;
  - (b) to make provision generally or subject to specific exemptions or exceptions, or in relation to specific cases or classes of case;
  - (c) to make such supplementary, transitional, transitory, consequential, saving, incidental and other provision as the Welsh Ministers think necessary or appropriate.

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## 31 Directions

- (1) Any direction given under this Act—
- (a) must be given in writing;
  - (b) may be varied or revoked by a later direction;
  - (c) may make provision generally or in relation to specific cases or classes of case;
  - (d) may make different provision for different cases or classes of case, or for different purposes.
- (2) Subsection (1) does not limit the powers under this Act to give directions.

### Commencement Information

**I4** S. 31 in force at 4.7.2013 by [S.I. 2013/1466](#), [art. 2\(r\)](#)

## 32 Interpretation

In this Act—

“Auditor General” (“*Archwilydd Cyffredinol*”) means the Auditor General for Wales (see Chapter 1 of Part 1);

“enactment” (“*deddfiad*”) means any enactment whenever passed or made, including—

- (a) an enactment contained in this Act, any other Act of the Assembly or an Assembly Measure, and
- (b) subordinate legislation (within the meaning given in the Interpretation Act 1978), whether made under an Act of the Assembly, an Assembly Measure or otherwise;

“financial year” (“*blwyddyn ariannol*”) means the 12 months ending with 31 March;

“local government body” (“*corff llywodraeth leol*”) has the meaning given in section 12 of the Public Audit (Wales) Act 2004;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“National Assembly Commission” (“*Comisiwn y Cynulliad Cenedlaethol*”) means the National Assembly for Wales Commission;

“WAO” (“*SAC*”) means the Wales Audit Office (see Chapter 1 of Part 2);

“Welsh Government” (“*Llywodraeth Cymru*”) means the Welsh Assembly Government.

### Commencement Information

**I5** S. 32 in force at 4.7.2013 by [S.I. 2013/1466](#), [art. 2\(s\)](#)

## 33 Transitional, supplementary and saving provisions etc

- (1) Schedule 3 (transitional etc provisions) has effect.

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- (2) The Welsh Ministers may by order make such supplementary, transitional, transitory, consequential, saving, incidental and other provision as they think appropriate in connection with, or to give full effect to, this Act.
- (3) The provision that may be made under subsection (2) includes, amongst other things, amendments, repeals and revocations of any enactment or prerogative instrument.
- (4) Nothing in Schedule 3 limits the power conferred by subsection (2); and such an order may, amongst other things, make modifications of that Schedule.

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**Commencement Information**

**16** S. 33 in force at 4.7.2013 by [S.I. 2013/1466](#), [art. 2\(t\)](#)

**34 Minor and consequential amendments**

Schedule 4 (minor and consequential amendments) has effect.

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**Commencement Information**

**17** S. 34 in force at 1.4.2014 by [S.I. 2013/1466](#), [art. 3\(1\)](#)

**35 Commencement**

- (1) The following provisions come into force on the day on which this Act receives Royal Assent—
  - (a) section 30;
  - (b) this section;
  - (c) section 36.
- (2) Subject to subsection (1), this Act comes into force in accordance with provision made by the Welsh Ministers by order.
- (3) An order under subsection (2) may—
  - (a) make provision for different days to be appointed for different purposes;
  - (b) include supplementary, transitional, transitory, consequential, saving, incidental and other provision in relation to commencement.

**36 Short title**

The short title of this Act is the Public Audit (Wales) Act 2013.

**Changes to legislation:**

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