

**2003 No. 253**

**AUDIT AND ACCOUNTABILITY**

**The Audit and Accountability (Northern Ireland) Order 2003  
(Statutory Right of Access: Exclusions) Order  
(Northern Ireland) 2003**

*Made* - - - - - *24th April 2003*

*Coming into operation* *30th April 2003*

The Department of Finance and Personnel, in exercise of the powers conferred on it by Article 4(2) of the Audit and Accountability (Northern Ireland) Order 2003(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation and commencement**

**1.** This Order may be cited as the Audit and Accountability (Northern Ireland) Order 2003 (Exclusion from Comptroller and Auditor General’s Statutory Right of Access) Order (Northern Ireland) 2003 and shall come into operation on 30th April 2003.

**Interpretation**

**2.** In this Order –

“the Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;

“the Principal Order” means the Audit and Accountability (N.I.) Order 2003.

**Disapplication of Comptroller and Auditor General’s statutory right of access**

**3.** The provisions of Articles 3(3)(c) and 3(4)(c) of the Principal Order (Comptroller and Auditor General’s right of access to relevant documents held by third parties in the course of a statutory audit or value for money study of a public body of which he is auditor) do not apply in relation to any payment made to an individual under the following provisions –

- (a) Article 4(2) of the Arts Council (Northern Ireland) Order 1995(b), where the payment is for the maintenance or personal support of an individual to whom payment is made;
- (b) Section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002(c);
- (c) The following provisions of the Education and Libraries (Northern Ireland) Order 1986(d), that is to say
  - (i) Articles 50(3) and 51 insofar as they relate to payments made to and for the benefit of individuals; and

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(a) S.I. 2003/418 (N.I. 5)

(b) S.I. 1995/1623 (N.I. 8)

(c) 2002 c. 6 (N.I.)

(d) S.I. 1986/594 (N.I. 3)

- (ii) Article 60(1) insofar as it relates to payments for the benefit of a pupil and made to the pupil or anyone with parental responsibility for him.
- (d) The Education (Grants for Disabled Postgraduate Students) Regulations (Northern Ireland) 2001(a);
- (e) The Students Awards Regulations (Northern Ireland) 2002(b) insofar as they provide for payments to individuals;
- (f) The Education (Student Loans) Regulations (Northern Ireland) 1998(c);
- (g) The Education (Student Support) Regulations (Northern Ireland) 2002(d) insofar as they provide for payments to individuals;
- (h) Article 44(2)(a) and (b) of the Health and Personal Social Services (Northern Ireland) Order 1972(e);
- (i) Articles 3(c), 11(1)(c) and 11(1)(d) of the Recreation and Youth Service (Northern Ireland) Order 1986(f), where the payment is for the maintenance or personal support of the individual to whom payment is made;
- (j) The Welfare Food Regulations (Northern Ireland) 1988(g); and
- (k) Article 7(1)(b) of the Youth Service (Northern Ireland) Order 1989(h).

Sealed with the Official Seal of the Department of Finance and Personnel on 24th April 2003.

(L.S.)

*Leo O'Reilly*

Senior Officer of the Department of Finance and Personnel

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(a) S.R. 2001 No. 285  
(b) S.R. 2002 No. 265  
(c) S.R. 1998 No. 58, as amended by S.R. 1998 No. 262, S.R. 1998 No. 303, S.R. 1999 No. 343, S.R. 2000 No. 244, S.R. 2001 No. 276  
(d) S.R. 2002 No. 224  
(e) S.I. 1972/1265 (N.I. 14)  
(f) S.I. 1986/2232 (N.I. 25)  
(g) S.R. 1988 No. 137  
(h) S.I. 1989/2413 (N.I. 22)

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

Article 3 of the Audit and Accountability (Northern Ireland) Order 2003 gives the Comptroller and Auditor General a statutory right of access to certain documents held by third parties in the course of a statutory audit or value for money study of a public body of which he is auditor. These documents are those held or controlled by persons in receipt of certain payments or who otherwise engage in financial transactions with that public body. This Order provides that this statutory right of access shall not apply to individuals who only fall within the scope of that power by reason of their receipt of a grant or other money under one of a number of specified pieces of legislation.

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