
*Changes to legislation: There are currently no known outstanding effects for the
Local Government (Wales) Act 1994, Paragraph 12. (See end of Document for details)*

SCHEDULES

SCHEDULE 17

SAVINGS AND TRANSITIONAL PROVISIONS

PART II

TRANSITIONAL PROVISIONS

Closure of old authorities' accounts

- 12 (1) For the purposes of this paragraph, the Secretary of State shall by order designate such of the new principal councils as he considers appropriate.
- (2) Each designated council shall be designated with respect to one or more old authorities.
- (3) Each designated council shall, in relation to the accounts for any period ending before 1st April 1996 of each old authority with respect to which they are designated, discharge—
- (a) any functions under regulations in force under [^{F1}the Audit Commission Act 1998] which would have fallen to be discharged on or after that date by that old authority or any of its officers; and
 - (b) any functions under those regulations which fell to be so discharged before that date but which have not been discharged.
- (4) As respects anything falling to be done on or after 1st April 1996 in relation to those accounts, the provisions of [^{F2}the Act of 1998] shall have effect as if they were accounts of the designated council but—
- (a) the documents to which an auditor has the right of access under [^{F3}section 6(1)] of that Act shall include any documents relating to the old authority concerned which are in the possession of any of the new principal councils or of the Residuary Body; and
 - (b) the persons who may be required to give information or an explanation under [^{F4}section 6(4) or 48(1)] of that Act shall include any person who was an officer or member of the authority concerned at any time during the period to which the accounts relate.
- (5) Any requirement under [^{F5}section 28 of the Act of 1998] in respect of a claim, return or account of an old authority, and any consent under [^{F6}section 49(1)(a)] of that Act in respect of information relating to such an authority, may, on or after 1st April 1996, be made or given by the appropriate designated council.
- (6) Any designated council—
- (a) shall have a right of access at all reasonable times to all such documents—
 - (i) as are in the possession, or under the control, of an old authority, or

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- (ii) as are mentioned in sub-paragraph (4)(a),
 which appear to the council to be needed for the purpose of discharging
 functions under this paragraph; and
- (b) may require—
- (i) any such person as is mentioned in sub-paragraph (4)(b), or
- (ii) any person who is or has been an officer or member of that or any
 other new principal council,
- to give to the council any such information or explanation as they think
 necessary for that purpose.
- (7) It shall be the duty of every new principal council to take such steps, after 1st April
 1996, as may reasonably be required of them by a designated council to enable the
 accounts of an old authority to be closed.
- (8) Any person who without reasonable excuse fails to comply with any requirement
 under sub-paragraph (6) shall be liable on summary conviction to a fine not
 exceeding level 3 on the standard scale.
- (9) In sub-paragraph (4) “document” includes any record of information and, where the
 record is not in legible form, the rights conferred by that sub-paragraph and sub-
 paragraph (6) include the right to require the information to be made available in
 legible form for inspection or copying and to require copies of it in that form to be
 delivered.
- (10) In this paragraph “designated council” means a council designated under sub-
 paragraph (1).

Textual Amendments

- F1** Words in [Sch. 17 para. 12\(3\)\(a\)](#) substituted (11.9.1998) by [1998 c. 18, ss. 54\(1\), 55\(2\)](#), [Sch. 3 para. 28\(2\)](#)
- F2** Words in [Sch. 17 para. 12\(4\)](#) substituted (11.9.1998) by [1998 c. 18, ss. 54\(1\), 55\(2\)](#), [Sch. 3 para. 28\(3\)\(a\)](#)
- F3** Words in [Sch. 17 para. 12\(4\)\(a\)](#) substituted (11.9.1998) by [1998 c. 18, ss. 54\(1\), 55\(2\)](#), [Sch. 3 para. 28\(3\)\(b\)](#)
- F4** Words in [Sch. 17 para. 12\(4\)\(b\)](#) substituted (11.9.1998) by [1998 c. 18, ss. 54\(1\), 55\(2\)](#), [Sch. 3 para. 28\(3\)\(c\)](#)
- F5** Words in [Sch. 17 para. 12\(5\)](#) substituted (11.9.1998) by [1998 c. 18, ss. 54\(1\), 55\(2\)](#), [Sch. 3 para. 28\(4\)\(a\)](#)
- F6** Words in [Sch. 17 para. 12\(5\)](#) substituted (11.9.1998) by [1998 c. 18, ss. 54\(1\), 55\(2\)](#), [Sch. 3 para. 28\(4\)\(b\)](#)

Modifications etc. (not altering text)

- C1** [Sch. 17 para. 12](#) applied (with modifications) (23.11.1995) by [S.I. 1995/2803, art. 17](#), [Sch. 4](#) (with
 transitional provisions in [Schs. 6-8](#))

Commencement Information

- I1** [Sch. 17 para. 12](#) in force at 3.4.1995, see [s. 66](#) and [S.I. 1995/852, art. 9\(1\)](#), [Sch. 5](#) (subject to [art. 9\(2\)-\(5\)](#))

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