

## SCHEDULES

### SCHEDULE 3

Section 54(1).

#### CONSEQUENTIAL AMENDMENTS

##### *The Public Health Act 1875 (c. 55)*

- 1 In section 265 of the Public Health Act 1875 (protection of local authority and their officers from personal liability) for the words from “make any payment” to the end substitute “make any payment in pursuance of section 17 or 18 of the Audit Commission Act 1998”.

##### *The Transport Act 1968 (c. 73)*

- 2 In section 14 of the Transport Act 1968 (accounts of Passenger Transport Executives) for subsection (3) substitute—

“(3) As soon as the accounts of the Executive for any accounting period have been audited in accordance with the Audit Commission Act 1998 they shall send a copy of any statement of accounts prepared by them for that period pursuant to regulations under section 27 of that Act to the Minister, to the Authority and to each of the councils of the districts comprised in the county which is coterminous with or includes the Executive’s area, together with a copy of the auditor’s opinion on that statement.”

##### *The Local Government Act 1972 (c. 70)*

- 3 (1) In section 80(1)(e) of the Local Government Act 1972 (disqualification for membership of local authority) for “Part III of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998”.
- (2) In section 86(1)(b) of that Act (vacancy in office of member of local authority) for “under Part III of the Local Government Finance Act 1982 or by virtue of” substitute “under the Audit Commission Act 1998 or by virtue of”.
- (3) In section 87(1)(d) of that Act (date of casual vacancies)—
- (a) for “under Part III of the Local Government Finance Act 1982 or by virtue of a” substitute “under the Audit Commission Act 1998 or by virtue of a”;
  - (b) for “relevant order or decision under that Part of that Act or (as the case may be) that” substitute “relevant order or decision under that Act or (as the case may be) that”.
- (4) In section 137(7) of that Act (separate account of expenditure under the section) for the words from “and section 24” to the end substitute “and section 14 of the Audit Commission Act 1998 (rights of inspection) shall apply in relation to any such separate account of a local authority as it applies in relation to any statement of accounts prepared by them pursuant to regulations under section 27 of that Act.”

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- (5) Section 246(15) of that Act continues to have effect with the amendment made by paragraph 5(5) of Schedule 5 to the Local Government Finance Act 1982, that is with the substitution for “Sections 154 to 168 above” of “Section 168 above”.

*The House of Commons Disqualification Act 1975 (c. 24)*

- 4 In Schedule 1 to the House of Commons Disqualification Act 1975, in Part III (Other Disqualifying Offices), for the entry “Controller of Audit appointed under paragraph 7(1) of Schedule 3 to the Local Government Finance Act 1982” substitute “Controller of Audit appointed under paragraph 7(1) of Schedule 1 to the Audit Commission Act 1998”.

*The Local Government, Planning and Land Act 1980 (c. 65)*

- 5 (1) In section 2(7) of the Local Government, Planning and Land Act 1980 (recommended ways for local authorities to publish information) for paragraph (b) substitute—
- “(b) its inclusion in a statement of accounts prepared by an authority to which this section applies in accordance with regulations under section 27 of the Audit Commission Act 1998 or in an abstract of accounts prepared by such an authority in accordance with regulations under section 105 of the Local Government (Scotland) Act 1973; or”.
- (2) In section 14(1) of that Act (saving for powers of Secretary of State to make regulations about accounts) for “section 23 of the Local Government Finance Act 1982” substitute “section 27 of the Audit Commission Act 1998”.

*The Local Government Finance Act 1982 (c. 32)*

- 6 In section 9 of the Local Government Finance Act 1982 (information for the purposes of block grant), in subsection (1), for “the Audit Commission established under Part III of this Act” substitute “the Audit Commission for Local Authorities and the National Health Service in England and Wales”.

*The Public Health (Control of Disease) Act 1984 (c. 22)*

- 7 In section 69 of the Public Health (Control of Disease) Act 1984 (protection from personal liability), in subsection (2), for “section 19 or 20 of the Local Government Finance Act 1982” substitute “section 17 or 18 of the Audit Commission Act 1998”.

*The Local Government (Interim Provisions) Act 1984 (c. 53)*

- 8 (1) In section 10(2) of the Local Government (Interim Provisions) Act 1984 (disqualification) for “Part III of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998”.
- (2) In section 11(1) of that Act (accounts) for “sections 17, 19 and 20 of the Local Government Finance Act 1982” substitute “sections 15 to 18 of the Audit Commission Act 1998”.

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*The Building Act 1984 (c. 55)*

- 9 In section 115 of the Building Act 1984 (protection of members etc. of authorities), in subsection (3), for “section 19 or 20 of the Local Government Finance Act 1982” substitute “section 17 or 18 of the Audit Commission Act 1998”.

*The Further Education Act 1985 (c. 47)*

- 10 In section 3 of the Further Education Act 1985 (financial and accounting provisions) in subsection (4) for “section 23 of the Local Government Finance Act 1982” substitute “section 27 of the Audit Commission Act 1998”.

*The Local Government Act 1985 (c. 51)*

- 11 (1) The Local Government Act 1985 is amended as follows.
- (2) In section 63 (preparation of final accounts)—
- (a) in subsection (1), for “Part III of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998”;
  - (b) in subsection (2)—
    - (i) for “Part III of the said Act of 1982” substitute “the said Act of 1998”;
    - (ii) in paragraph (a), for “section 16(1)” substitute “section 6(1)”; and
    - (iii) in paragraph (b), for “section 16(2) or 28(1)” substitute “section 6(4) or 48(1)”;
  - (c) in subsection (3)—
    - (i) for “section 29(1) of the said Act of 1982” substitute “section 28 of the said Act of 1998”; and
    - (ii) for “section 30(1)(a)” substitute “section 49(1)(a)”; and
  - (d) subsection (6) shall be omitted.
- (3) In section 79 (audit)—
- (a) in subsection (1)—
    - (i) for “Part III of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998”; and
    - (ii) for “that Part” substitute “that Act”;
  - (b) in subsection (2), for “Sections 15(1)(a), 17, 19, 20, 22, 23 and 24 of that Act” substitute “Sections 5(1)(b) and (c), 14 to 18, 25 and 27 of that Act”;
  - (c) in subsection (3), for “Part III of the said Act of 1982” substitute “the said Act of 1998”;
  - (d) in subsection (4), for “section 15(3) of the said Act of 1982” substitute “section 8 of the said Act of 1998”; and
  - (e) in subsection (8), for “Part III of the said Act of 1982” substitute “the said Act of 1998”.
- (4) In section 92 of that Act (control of liabilities affecting successor authorities) in subsection (7) for “Part III of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998”.

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*The Local Government Act 1986 (c. 10)*

- 12 In section 5 of the Local Government Act 1986 (separate account of expenditure on publicity), in subsection (4), for “section 23(1)(e) of the Local Government Finance Act 1982” substitute “section 27(1)(e) of the Audit Commission Act 1998”.

*The Airports Act 1986 (c. 31)*

- 13 In section 24(3)(a) of the Airports Act 1986 (separate accounts in respect of agreements under the section)—
- (a) for “section 24 of the Local Government Finance Act 1982” substitute “section 14 of the Audit Commission Act 1998”;
  - (b) for “section 23” substitute “section 27”.

*The Norfolk and Suffolk Broads Act 1988 (c. 4)*

- 14 In section 17 of the Norfolk and Suffolk Broads Act 1988 (accounts and auditing), in subsection (11), for “section 23 of the Act of 1982 (regulations as to accounts)” substitute “section 27 of the Audit Commission Act 1998 (accounts and audit regulations)”.

*Local Government Act 1988 (c. 9)*

- 15 In section 16 of the Local Government Act 1988 (supplementary), in subsection (1), for “Part III of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998”.

*The Education Reform Act 1988 (c. 40)*

- 16 (1) Section 182 of the Education Reform Act 1988 is amended as follows.
- (2) In subsection (1)(a) for “Part III of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998”.
- (3) In subsection (2)—
- (a) for “Part III of that Act” substitute “that Act”;
  - (b) in paragraph (a) for “section 16(1)” substitute “section 6(1)”;
  - (c) in paragraph (b) for “section 16(2) or 28(1)” substitute “section 6(4) or 48(1)”.
- (4) In subsection (3)—
- (a) for “section 29(1)” substitute “section 28”;
  - (b) for “section 30(1)(a)” substitute “section 49(1)(a)”.
- 17 In section 191 of that Act (penalties for contravention of section 188 or 189) in subsection (5) for “Part III of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998”.

*The Local Government and Housing Act 1989 (c. 42)*

- 18 (1) In section 11 of the Local Government and Housing Act 1989 (confidentiality of staff records)—

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- (a) in subsection (1), omit “section 17 of the Local Government Finance Act 1982 or”; and
  - (b) in subsection (3), in the definition of “relevant body”, for “Part III of the said Act of 1982” substitute “the Audit Commission Act 1998”.
- (2) In section 66(5) of that Act (meaning of references to proper practices in specified earlier enactments and all later ones) in paragraph (b) omit “Part III of the Local Government Finance Act 1982 and”.
- (3) In section 70 of that Act (requirements for companies under control or subject to influence of local authorities)—
- (a) in subsection (2), for “Part III of the Local Government Finance Act 1982 (accounts and audits)”, and
  - (b) in subsection (4), for “Part III of the Local Government Finance Act 1982”, substitute “the Audit Commission Act 1998”.

*The Town and Country Planning Act 1990 (c. 8)*

- 19 In section 2 of the Town and Country Planning Act 1990 (joint planning boards) in subsection (6A) for “Part III (accounts and audit) of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998 except sections 11, 12, 44 to 47 and 51”.

*The National Health Service and Community Care Act 1990 (c. 19)*

- 20 In paragraph 7(2) of Schedule 2 to the National Health Service and Community Care Act 1990 (NHS trusts) for “subsection (3) of section 15 of the Local Government Finance Act 1982” substitute “section 8 of the Audit Commission Act 1998”.

*The Environmental Protection Act 1990 (c. 43)*

- 21 In Schedule 3 to the Environmental Protection Act 1990, in paragraph 5 (protection from personal liability), for “section 19 or 20 of the Local Government Finance Act 1982” substitute “section 17 or 18 of the Audit Commission Act 1998”.

*The London Local Authorities Act 1991 (c. xiii)*

- 22 In section 23 of the London Local Authorities Act 1991 (audible intruder alarms) in subsection (11B) for “section 19 or 20 of the Local Government Finance Act 1982” substitute “section 17 or 18 of the Audit Commission Act 1998”.

*The Social Security Administration Act 1992 (c. 5)*

- 23 (1) Section 139D of the Social Security Administration Act 1992 (directions by the Secretary of State) inserted by section 8 of the Social Security Administration (Fraud) Act 1997 is amended as follows.
- (2) In subsection (1)(b)—
- (a) for “section 18(3) of the Local Government Finance Act 1982” substitute “section 10(1) of the Audit Commission Act 1998”, and
  - (b) for “section 28AC(2) of that Act” substitute “section 39 of that Act”.

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- (3) In subsection (1)(d) for “section 28AB(7) of the Local Government Finance Act 1982” substitute “section 38(7) of the Audit Commission Act 1998”.

*The Local Government Act 1992 (c. 19)*

- 24 (1) In section 16 of the Local Government Act 1992 (consultation with the Audit Commission)—
- (a) in subsection (1) for “with which the Audit Commission is concerned”, and
  - (b) in subsection (2) for “with which it is concerned”,
- substitute “subject to audit”.
- (2) After subsection (3) of that section insert—
- “(4) Any reference in the Audit Commission Act 1998 to the Audit Commission’s functions under that Act shall include a reference to its functions under this section.
- (5) In this section—
- “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales, and
  - “body subject to audit” has the same meaning as in the Audit Commission Act 1998.”

*The Education Act 1993 (c. 35)*

- 25 In section 154 of the Education Act 1993 (inspection of accounts and reports to Parliament), in subsection (4), for “section 220 of the Education Reform Act 1988” substitute “section 36 of the Audit Commission Act 1998”.

*The Noise and Statutory Nuisance Act 1993 (c. 40)*

- 26 In Schedule 3 to the Noise and Statutory Nuisance Act 1993, in paragraph 12 (protection from personal liability), for “section 19 or 20 of the Local Government Finance Act 1982” substitute “section 17 or 18 of the Audit Commission Act 1998”.

*The Local Government (Wales) Act 1994 (c. 19)*

- 27 (1) Paragraph 16 of Schedule 13 to the Local Government (Wales) Act 1994 (audit) is amended as follows.
- (2) In sub-paragraph (1) for “Part III of the Local Government Finance Act 1982” and “that Part” substitute “the Audit Commission Act 1998” and “that Act”.
  - (3) In sub-paragraph (2) for “Sections 15(1)(a), 17, 19, 20, 22, 23 and 24 of that Act” substitute “Sections 5(1)(b) and (c), 14 to 18, 25 and 27 of that Act”.
  - (4) In sub-paragraph (3) for “Part III of the Act of 1982” substitute “the Act of 1998”.
  - (5) In sub-paragraph (4) for “section 15(3) of the Act of 1982” substitute “section 8 of the Act of 1998”.
- 28 (1) Paragraph 12 of Schedule 17 to that Act (closure of old authorities' accounts) is amended as follows.

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- (2) In sub-paragraph (3)(a) for “Part III of the Local Government Finance Act 1982 (accounts and audit)” substitute “the Audit Commission Act 1998”.
- (3) In sub-paragraph (4)—
- (a) for “Part III of the Act of 1982” substitute “the Act of 1998”;
  - (b) in paragraph (a) for “section 16(1)” substitute “section 6(1)”;
  - (c) in paragraph (b) for “section 16(2) or 28(1)” substitute “section 6(4) or 48(1)”.
- (4) In sub-paragraph (5)—
- (a) for “section 29(1) of the Act of 1982” substitute “section 28 of the Act of 1998”;
  - (b) for “section 30(1)(a)” substitute “section 49(1)(a)”.

*The Environment Act 1995 (c. 25)*

- 29 In Part I of Schedule 5 to the Environment Act 1995 (membership of flood defence committees), in paragraphs 3(1)(d) and 4(1)(c) for “Part III of the Local Government Finance Act 1982 (accounts and audit)” substitute “the Audit Commission Act 1998”.

*The London Local Authorities Act 1995 (c. x)*

- 30 In Part I of the Schedule to the London Local Authorities Act 1995 (enactments applied to deputy members of London Fire and Civil Defence Authority), omit “Local Government Finance Act 1982: section 16.” and at the end of that Part insert “Audit Commission Act 1998: section 6.”

*The Noise Act 1996 (c. 37)*

- 31 In section 12 of the Noise Act 1996 (protection from personal liability), in subsection (2), for “section 19 or 20 of the Local Government Finance Act 1982” substitute “section 17 or 18 of the Audit Commission Act 1998”.

*The Education Act 1996 (c. 56)*

- 32 (1) The Education Act 1996 is amended as follows.
- (2) In section 123 (certification of statements by Audit Commission), in subsection (2)—
- (a) for “section 29(1)(d) of the Local Government Finance Act 1982” substitute “section 28(1)(d) of the Audit Commission Act 1998”; and
  - (b) for “section 29(1)(d) of that Act” substitute “section 28(1)(d) of that Act”.
- (3) In section 310 (inspection of accounts and reports to Parliament) in subsection (4) for “section 220 of the Education Reform Act 1988” substitute “section 36 of the Audit Commission Act 1998”.

*The Police Act 1997 (c. 50)*

- 33 In Schedule 4 to the Police Act 1997 (enactments dealing with kind of matters about which provision may be made in relation to the National Criminal Intelligence

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Service) in paragraph (f) for “Part III of the Local Government Finance Act 1982” substitute “the Audit Commission Act 1998”.

*The Local Government (Contracts) Act 1997 (c. 65)*

- 34 (1) Section 8 of the Local Government (Contracts) Act 1997 is amended as follows.
- (2) In subsection (1)(a) for “section 19 of the Local Government Finance Act 1982” substitute “section 17 of the Audit Commission Act 1998”.
- (3) In subsection (1)(b) for “section 20” substitute “section 18”.
- (4) In subsection (1)(c) for “section 25A” and “section 25B” substitute respectively “section 20” and “section 22”.
- (5) In subsection (2)—
- (a) for “section 25A of the Local Government Finance Act 1982” substitute “section 20 of the Audit Commission Act 1998”, and
- (b) for “section 25B(3)” substitute “section 22(3)”.