



Public Audit (Wales) Act 2004

2004 CHAPTER 23

PART 2

LOCAL GOVERNMENT BODIES IN WALES

CHAPTER 2

STUDIES AND PERFORMANCE STANDARDS

Studies

41 Studies for improving economy etc in services

- (1) The Auditor General for Wales must for each financial year undertake ^{F1}... studies designed to enable him to make recommendations—
- (a) for improving economy, efficiency and effectiveness in the discharge of the functions of ^{F2}—
 - (i) county councils and county borough councils in Wales;
 - (ii) fire and rescue authorities in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (iii) National Park authorities for National Parks in Wales;
 - (b) for improving economy, efficiency and effectiveness in the provision of services provided by other local government bodies in Wales;
 - (c) for improving the financial or other management of local government bodies in Wales.
- (2) The studies which the Auditor General for Wales is required to undertake ^{F1}... under subsection (1) include in particular—
- (a) studies designed to enable the Auditor General for Wales to determine what directions he should give under section 47;

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- (b) studies of information published in pursuance of section 47 which are designed to enable the Auditor General for Wales to determine, in relation to each financial year, what comparative information to publish himself about the standards of performance achieved by bodies which are relevant bodies for the purposes of that section.
- (3) The Auditor General for Wales may undertake ^{F1}... other studies relating to the provision of services by local government bodies in Wales.
- (4) Where the Auditor General for Wales undertakes ^{F1}... a study under this section, he must publish or otherwise make available—
- (a) the results of the study, and
 - (b) any recommendations made by him.
- (5) Before undertaking ^{F1}... a study under this section, other than a study of a kind mentioned in paragraph (a) or (b) of subsection (2), the Auditor General for Wales must consult—
- (a) any associations of local government bodies in Wales which appear to him to be concerned, and
 - (b) any associations of employees which appear to him to be appropriate.
- (6) The Auditor General for Wales and [^{F3}the Welsh Ministers] must co-operate with each other with respect to the exercise of their respective functions under this section and [^{F4}sections 149A and 149B of the Social Services and Well-being (Wales) Act 2014 (reviews of studies and research and other reviews relating to local authority social services functions carried out by the Welsh Ministers).]
- [^{F5}(7) Subsection (8) applies in respect of the discharge of social services functions by local authorities in Wales.
- (8) The Auditor General and the Social Care Wales must co-operate with each other with respect to the exercise of their respective functions under this section and section 70 of the Regulation and Inspection of Social Care (Wales) Act 2016 (studies by SCW as to economy etc.).
- (9) In subsection (7) “social services functions” has the same meaning as in the Social Services and Well-being (Wales) Act 2014.]

Textual Amendments

- F1** Words in s. 41(1)-(5) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\), s. 35\(2\), Sch. 4 para. 46\(2\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F2** Words in s. 41(1)(a) substituted (1.4.2021) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/296\), regs. 1\(2\), 6\(2\)](#)
- F3** Words in s. 41(6) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\), s. 35\(2\), Sch. 4 para. 46\(4\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F4** Words in s. 41(6) substituted (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 22](#); S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)
- F5** S. 41(7)-(9) inserted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 48](#); S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Chapter 2. (See end of Document for details)

42 Studies on impact of statutory provisions etc

- (1) The Auditor General for Wales must undertake ^{F6}... studies designed to enable him to prepare reports as to the impact of —
 - (a) the operation of any statutory provisions, or
 - (b) any directions or guidance given by [^{F7}the Welsh Ministers] (whether or not under a statutory provision),on economy, efficiency and effectiveness in the discharge of the functions of local government bodies in Wales.
- (2) The Auditor General for Wales must from time to time lay before [^{F8}the National Assembly for Wales] a report of any matters which, in his opinion—
 - (a) arise out of studies under this section, and
 - (b) ought to be drawn to the attention of [^{F8}the National Assembly for Wales].
- (3) Before undertaking ^{F9}... a study under this section, the Auditor General for Wales must consult—
 - (a) any associations of local government bodies in Wales which appear to him to be concerned, and
 - (b) any associations of employees which appear to him to be appropriate.
- (4) The Auditor General for Wales and the [^{F10}Welsh Ministers] must co-operate with each other with respect to the exercise of their respective functions under this section and [^{F11}sections 149A and 149B of the Social Services and Well-being (Wales) Act 2014 (reviews of studies and research and other reviews relating to local authority social services functions carried out by the Welsh Ministers).]

Textual Amendments

- F6** Words in s. 42(1) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(2\)\(a\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F7** Words in s. 42(1)(b) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(2\)\(b\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F8** Words in s. 42(2) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(3\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F9** Words in s. 42(3) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(4\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F10** Words in s. 42(4) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 47\(5\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F11** Words in s. 42(4) substituted (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 23](#); S.I. 2019/864, art. 2(3)(d), [Sch.](#) (with arts. 3-13)

^{F12}43 Co-operation with Audit Commission

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Textual Amendments

- F12** S. 43 omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 60](#); S.I. 2015/841, art. 3(x)

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Chapter 2. (See end of Document for details)

44 Studies at request of local government bodies in Wales

- (1) The Auditor General for Wales may, at the request of a local government body in Wales, undertake ^{F13}... studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of the body.
- (2) Before making the request the body must consult any associations of employees which appear to it to be appropriate.

Textual Amendments

F13 Words in s. 44(1) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 48](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)

45 Benefit administration studies for Secretary of State

- (1) The Auditor General for Wales may, at the request of the Secretary of State, conduct, or assist the Secretary of State in conducting, benefit administration studies.
- (2) Benefit administration studies are studies designed to enable recommendations to be made for improving economy, efficiency, and effectiveness and quality of performance in the discharge by one or more local authorities in Wales of functions relating to the administration of housing benefit or council tax benefit (or both).
- (3) Any information obtained in the course of a benefit administration study may be disclosed by the Auditor General for Wales to the Secretary of State for the purposes of any functions of the Secretary of State which are connected with housing benefit or council tax benefit.
- (4) The Auditor General for Wales must send to the Secretary of State a copy of a report of a benefit administration study carried out by the Auditor General for Wales.
- (5) The Secretary of State or the Auditor General for Wales may send a copy of a report of a benefit administration study to any local authority to which the study relates.
- (6) The Secretary of State may publish a report of a benefit administration study in conjunction with the Auditor General for Wales.
- (7) The Auditor General for Wales may conduct, or assist the Secretary of State in conducting, a benefit administration study only if the Secretary of State has made arrangements for the payment to [^{F14}the Wales Audit Office] of a fee in respect of the study.
- (8) The amount of the fee must be a reasonable amount agreed between the Secretary of State and [^{F15}the Wales Audit Office, (but may not exceed the full cost incurred by the Auditor General for Wales in conducting, or assisting the Secretary of State to conduct, the study)].
- [^{F16}(9) A fee payable under this section must be charged in accordance with a scheme for charging fees prepared under section 24 of the Public Audit (Wales) Act 2013.]

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Chapter 2. (See end of Document for details)

Textual Amendments

- F14** Words in s. 45(7) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 49(2)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F15** Words in s. 45(8) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 49(3)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F16** S. 45(9) inserted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 49(4)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)

Performance standards

46 Performance standards: relevant bodies

- (1) Each of these local government bodies in Wales is a relevant body for the purposes of sections 47 to 49—
- (a) a local authority in Wales;
 - (b) a committee of a local authority in Wales (including a joint committee of two or more local authorities in Wales);
 - [^{F17}(ba) a corporate joint committee;]
 - (c) a National Park authority for a National Park in Wales;
 - (d) a [^{F18}police and crime commissioner] for a police area in Wales;
 - (e) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies.
- (2) [^{F19}the Welsh Ministers] may by order provide for sections 47 to 49 to have effect as if any other local government body in Wales were a relevant body for the purposes of those sections.
- (3) In this section “local authority in Wales” does not include a community council.

Textual Amendments

- F17** S. 46(1)(ba) inserted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **3(2)**
- F18** Words in s. 46(1)(d) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 339**; S.I. 2012/2892, art. 2(i)
- F19** Words in s. 46(2) substituted (1.4.2014) by virtue of Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 50** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)

47 Publication of information as to standards of performance

- (1) The Auditor General for Wales must give any directions which he thinks fit for requiring relevant bodies to publish the information mentioned in subsection (2).
- (2) The information is information relating to their activities in a financial year which will, in the opinion of the Auditor General for Wales, facilitate the making of appropriate comparisons—
- (a) between the standards of performance achieved by different relevant bodies in the financial year, or

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Chapter 2. (See end of Document for details)

- (b) between the standards of performance achieved by relevant bodies in different financial years.
- (3) The comparisons are to be made by reference to the criteria of cost, economy, efficiency and effectiveness.
- (4) If a relevant body is required by a direction under this section to publish information in relation to a financial year, it must—
 - (a) make arrangements for collecting and recording the information which secure that the information is available for publication and (so far as practicable) that everything published in pursuance of the direction is accurate and complete,
 - (b) publish the information in accordance with the direction and in a method permitted under section 48 before the end of the period of 9 months starting immediately after the end of the financial year, and
 - (c) [^{F20}in the case of a relevant body which is not a corporate joint committee.] keep a document containing any information published in pursuance of the direction available for inspection by local government electors for its area.
- (5) [^{F21}The Welsh Ministers] may by order vary the period specified in subsection (4)(b).
- (6) The period specified in an order under subsection (5) must not be longer than 9 months starting immediately after the end of the financial year in question.
- (7) A local government elector for the area of a relevant body may—
 - (a) at all reasonable times and without payment, inspect and make copies of the whole or any part of a document kept available for inspection by the body under subsection (4)(c);
 - (b) require copies of the whole or part of any such document to be delivered to him on payment of a reasonable sum for each copy.
- (8) A person who has custody of a document kept available for inspection under subsection (4)(c) commits an offence if—
 - (a) he obstructs a person in the exercise of his rights under subsection (7), or
 - (b) he refuses to comply with a requirement under subsection (7)(b).
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F20 Words in s. 47(4)(c) inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), **3(3)**

F21 Words in s. 47(5) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), **Sch. 4 para. 51** (with [Sch. 3 paras. 2, 3](#)); [S.I. 2013/1466](#), art. 3(1)

48 Permitted methods of publishing information under section 47

- [^{F22}(1) The permitted methods of publication referred to in section 47(4)(b) are—
- (a) in the case of a relevant body which is a corporate joint committee, electronic publication;
 - (b) in the case of a relevant body which is not a corporate joint committee, the methods mentioned in subsections (2) and (3).]

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Chapter 2. (See end of Document for details)

- (2) The relevant body may publish the information in a newspaper which is—
 - (a) printed for sale, and
 - (b) circulating in its area.
- (3) If the relevant body ensures that the distribution condition is met with respect to the information, it may publish the information in a newspaper or periodical publication which—
 - (a) is produced and distributed by another person (other than a local authority company), and
 - (b) is free of charge to the recipient.
- (4) A relevant body ensures that the distribution condition is met with respect to information if—
 - (a) in any case, the body takes all reasonable steps to secure that a copy of a publication containing the information is distributed to each dwelling house in its area;
 - (b) in a case where the body considers that the information is of concern to persons carrying on business in its area, the body takes such steps as it considers reasonable and practicable to secure that a copy of a publication containing the information is also distributed to business premises in its area.
- (5) A local authority company is a company under the control of a local authority.
- (6) Section 68(1) of the Local Government and Housing Act 1989 (c. 42) (company under control of local authority) has effect for the purposes of subsection (5) as it has effect for the purposes of Part 5 of that Act.

Textual Amendments

F22 S. 48(1) substituted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), **3(4)**

49 Directions under section 47

- (1) A direction under section 47 requiring the publication of information must—
 - (a) identify the financial year or years in relation to which the information is to be published,
 - (b) specify or describe the activities to which the information is to relate, and
 - (c) make provision as to the matters to be contained in the information and as to the form in which it is to be published.
- (2) A direction under section 47—
 - (a) may be given so as to apply either to all relevant bodies or to all relevant bodies of a description specified in the direction;
 - (b) may be varied or revoked by a subsequent direction under that section.
- (3) Before giving a direction under section 47 which imposes a new requirement on a relevant body as to the publication of any information the Auditor General for Wales must consult—
 - (a) any associations of relevant bodies he thinks fit, and
 - (b) any other persons he thinks fit.

Changes to legislation: *There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Chapter 2. (See end of Document for details)*

- (4) A direction under section 47 imposing a new requirement on a relevant body as to the publication of any information must not be given later than the 31 December in the financial year which precedes the relevant financial year.
- (5) The relevant financial year is the financial year in relation to which the information is to be published.
- (6) If the Auditor General for Wales gives a direction under section 47 he must—
 - (a) publish the direction in the manner he considers appropriate for bringing it to the attention of members of the public, and
 - (b) send a copy of the direction to every relevant body on which duties are imposed by virtue of the direction.
- (7) References in this section to the imposition of a new requirement on a relevant body as to the publication of information are to—
 - (a) the imposition of a requirement by the first direction under section 47 to apply to the body;
 - (b) any subsequent extension of or addition to—
 - (i) the matters to be contained in the information which the body is required to publish in relation to a financial year in pursuance of directions under section 47, or
 - (ii) the activities to which any such information is to relate.

Changes to legislation:

There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Chapter 2.