



Public Audit (Wales) Act 2004

2004 CHAPTER 23

PART 4

MISCELLANEOUS AND GENERAL

Miscellaneous

65 Public bodies subject to audit etc

- (1) The Government of Wales Act 1998 is amended as follows.
- (2) ^{F1}.....
- (3) In subsection (9) of that section, after paragraph (b) add “and
(c) “public body” means—
 - (i) a body exercising functions of a public nature, or
 - (ii) a body entirely or substantially funded from public money.”
- (4) In Schedule 17, in Part 1 (bodies subject generally to audit etc provisions), in paragraph 1 omit “(other than the Care Council for Wales)”.

Textual Amendments

- F1** S. 65(2) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(4)(d), 163, [Sch. 12](#) (with [Sch. 11 para. 22](#)), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)

66 Minor and consequential amendments

Schedule 2 (which makes minor and consequential amendments) has effect.

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Part 4. (See end of Document for details)

Commencement Information

II S. 66 wholly in force at 1.4.2005, see s. 73 and S.I. 2005/558, **art. 2, Sch. 1** (subject to **Sch. 2**)

67 Functions transferred to Assembly

- (1) Any reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) to an enactment amended by this Act is to be treated as a reference to that enactment as amended by this Act.
- (2) Subsection (1) does not affect the power to make further Orders varying or omitting those references.

[^{F2}67A Assistance by Auditor General to inspectorates

- (1) The Auditor General for Wales may provide assistance to—
 - (a) Her Majesty's Chief Inspector of Prisons,
 - (b) Her Majesty's Inspectors of Constabulary,
 - (c) Her Majesty's Chief Inspector of the Crown Prosecution Service,
 - (d) [^{F3}Her Majesty's Inspectorate of Probation for England and Wales],
 - ^{F4}(e)
 in the discharge of any of their functions.
- (2) Assistance under subsection (1) may be provided on such terms, including terms as to payment, as [^{F5}the Wales Audit Office] and the body or person in question may agree [^{F6}, but any terms as to payment agreed by the Wales Audit Office must be made in accordance with a scheme for charging fees prepared under section 24 of the Public Audit (Wales) Act 2013].

[Any sums charged in relation to assistance provided under this section may not exceed ^{F7}(3) the full cost of providing that assistance.]]

Textual Amendments

- F2** S. 67A inserted (1.4.2007) by **Police and Justice Act 2006** (c. 48), ss. 52, 53, **Sch. 14 para. 60**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)
- F3** Words in s. 67A(1)(d) substituted (1.4.2008) by **The Offender Management Act 2007** (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 26(2)(g)**
- F4** S. 67A(1)(e) and preceding word repealed (18.9.2012) by **The Public Bodies (Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board) Order 2012** (S.I. 2012/2401), art. 1(2)(3), **Sch. 1 para. 17** (with art. 2)
- F5** Words in s. 67A(2) substituted (1.4.2014) by **Public Audit (Wales) Act 2013** (anaw 3), s. 35(2), **Sch. 4 para. 69(2)** (with **Sch. 3 para. 3**); S.I. 2013/1466, art. 3(1)
- F6** Words in s. 67A(2) inserted (1.4.2014) by **Public Audit (Wales) Act 2013** (anaw 3), s. 35(2), **Sch. 4 para. 69(3)** (with **Sch. 3 para. 3**); S.I. 2013/1466, art. 3(1)
- F7** S. 67A(3) inserted (1.4.2014) by **Public Audit (Wales) Act 2013** (anaw 3), s. 35(2), **Sch. 4 para. 69(4)** (with **Sch. 3 para. 3**); S.I. 2013/1466, art. 3(1)

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Part 4. (See end of Document for details)

[^{F8}67B Protection from defamation claims

For the purposes of the law of defamation, the publication in a communication between the Auditor General for Wales or the Wales Audit Office and the Public Services Ombudsman for Wales of a matter in connection with a joint investigation conducted under section 68(2) of the Public Services Ombudsman (Wales) Act 2019, is absolutely privileged.]

Textual Amendments

- F8** S. 67B inserted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#), s. 77(1), [Sch. 5 para. 3](#); S.I. 2019/1096, reg. 2

Transitional provision

68 [^{F9} Transfer of property etc to Wales Audit Office]

- (1) Any property, rights and liabilities which are the subject of a transfer scheme are to be transferred to and vested in the [^{F10}Wales Audit Office] in accordance with the scheme.
- (2) For this purpose “a transfer scheme” means a scheme contained in an order made under paragraph 1 of Schedule 3.
- (3) Schedule 3 (which makes provision about schemes for the transfer of property etc) has effect.

Textual Amendments

- F9** S. 68 heading substituted (1.4.2014) by [The Public Audit \(Wales\) Act 2013 \(Consequential Amendments\) Order 2014 \(No. 77\)](#), arts. 1(1), [3\(3\)](#)
- F10** Words in s. 68(1) substituted (1.4.2014) by [The Public Audit \(Wales\) Act 2013 \(Consequential Amendments\) Order 2014 \(No. 77\)](#), arts. 1(1), [3\(2\)](#)

^{F11}69 Local government bodies in Wales

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Textual Amendments

- F11** S. 70 omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 64](#); S.I. 2015/841, art. 3(x)

^{F11}70 Welsh NHS bodies

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Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Part 4. (See end of Document for details)

Textual Amendments

- F11** S. 70 omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 64](#); [S.I. 2015/841](#), art. 3(x)

General

71 Interpretation

In this Act—

- “the Assembly” means the National Assembly for Wales;
- “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England^{F12}. . . ;
- “body” includes office;
- “financial year” means the 12 months ending with 31 March.

Textual Amendments

- F12** Words in s. 71 repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 146, 241, 245, [Sch. 9 para. 1\(1\)\(2\)\(w\)](#), [Sch. 18 Pt. 11](#); [S.I. 2008/172](#), art. 4

72 Repeals

The enactments mentioned in Schedule 4 are repealed to the extent specified.

Commencement Information

- I2** S. 72 wholly in force at 1.4.2005, see s. 73 and [S.I. 2005/558](#), art. 2, [Sch. 1](#) (subject to [Sch. 2](#))

73 Commencement

- (1) The preceding provisions (and the Schedules), except section 71, come into force in accordance with provision made by the Assembly by order.
- (2) The power to make orders under subsection (1) is exercisable by statutory instrument.
- (3) Orders under subsection (1)—
 - (a) may include transitional provision or savings;
 - (b) may make different provision for different purposes.

Subordinate Legislation Made

- P1** S. 73 power partly exercised: 31.1.2005 appointed for specified provisions by [{S.I. 2005/71}](#), art. 2, Sch.; 1.4.2005 appointed for specified provisions by [{S.I. 2005/558}](#), art. 2, Sch. 1; 20.7.2005 appointed for specified provisions by [{S.I. 2005/1911}](#), art. 2

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Part 4. (See end of Document for details)

74 Extent

- (1) The amendment or repeal of a provision by this Act has the same extent as the provision amended or repealed.
- (2) Subject to that, this Act extends to England and Wales only.

75 Short title

This Act may be cited as the Public Audit (Wales) Act 2004.

Changes to legislation:

There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Part 4.