



Public Audit (Wales) Act 2004

2004 CHAPTER 23

PART 2

LOCAL GOVERNMENT BODIES IN WALES

CHAPTER 4

GENERAL

54 Restriction on disclosure of information

- (1) This section applies if information relating to a particular body or other person is obtained by the Auditor General for Wales [^{F1}or a person acting on behalf of the Auditor General for Wales by virtue of a delegation made under section 18 of the Public Audit (Wales) Act 2013]—
- (a) pursuant to a provision of this Part ^{F2}... [^{F3}or Part 1 of the Local Government (Wales) Measure 2009],
 - [^{F4}(aa) pursuant to [^{F5}a provision of Chapter 1 [^{F6}or 1A] of Part 6 or] section 159 of the Local Government and Elections (Wales) Act 2021,] or
 - (b) in the course of an audit, study [^{F7}assessment] or inspection under a provision of this Part, section 145C of the Government of Wales Act 1998 (c. 38) ^{F8}... [^{F9}or Part 1 of the Local Government (Wales) Measure 2009 [^{F10}or Chapter 1 [^{F11}or 1A] of Part 6 of the Local Government and Elections (Wales) Act 2021]].
- (2) The information must not be disclosed except in accordance with any of these—
- (a) with the consent of the body or person to whom the information relates;
 - (b) for the purposes of any functions of the Auditor General for Wales ^{F12}... under this Part ^{F13}... [^{F14}or Part 1 of the Local Government (Wales) Measure 2009 [^{F15}or Chapter 1 [^{F16}or 1A] of Part 6 of the Local Government and Elections (Wales) Act 2021]]; [^{F17}(ba) section 159 of the Local Government and Elections (Wales) Act 2021;

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Section 54. (See end of Document for details)

- (bb) for the purposes of any functions of the Auditor General for Wales which are specified functions within the meaning of section 159 of the Local Government and Elections (Wales) Act 2021 (and are not mentioned elsewhere in this subsection);]
- (c) for the purposes of the functions of the Secretary of State relating to social security;
- (d) for the purposes of the functions of [^{F18}the Public Services Ombudsman for Wales] under Part 3 of the Local Government Act 2000 (c. 22);
- (e) for the purposes of any functions of [^{F19}the Welsh Ministers] which are connected with the discharge of social services functions by local authorities in Wales;
- (f) ^{F20}
- (g) for the purposes of any criminal investigation which is being or may be carried out, whether in the United Kingdom or elsewhere;
- (h) for the purposes of any criminal proceedings which have been or may be initiated, whether in the United Kingdom or elsewhere;
- (i) for the purposes of the initiation or bringing to an end of any such investigation or proceedings;
- (j) for the purpose of facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end.

[^{F21}(2ZA) A person who is, or acts on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000, may also disclose such information—

- (a) in accordance with section 145C(5) or (8) of the Government of Wales Act 1998; or
- (b) in any other circumstances, except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the person by or under an enactment.

^{F22}(2ZB)

(2ZC) A person who does not fall within subsection (2ZA) ^{F23}... may also disclose such information in accordance with consent given by the Auditor General for Wales ^{F24}....

(2ZD) Section 54ZA makes further provision about consent for the purposes of subsection (2ZC).]

[^{F25}(2A) ^{F26}

- (3) A person commits an offence if he discloses information in contravention of [^{F27}this section].
- (4) A person guilty of an offence under subsection (3) is liable—
 - (a) on summary conviction, ^{F28}... to a fine not exceeding the statutory maximum ^{F28}
 - (b) ^{F29}
- (5) In subsection (2) “social services functions” has the same meaning as in [^{F30}section 143 of the Social Services and Well-being (Wales) Act 2014].

^{F31}(6)

^{F31}(7)

Changes to legislation: There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Section 54. (See end of Document for details)

F31(8)

Textual Amendments

- F1** Words in s. 54(1) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 55(2)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F2** Words in s. 54(1)(a) omitted (1.4.2014) by virtue of Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 55(3)(a)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F3** Words in s. 54(1)(a) inserted (W.) (1.4.2010) by Local Government (Wales) Measure 2009 (nawm 2), ss. 51(1), 53(2), Sch. 1 para. 36(a); S.I. 2009/3272, art. 3(1), Sch. 2
- F4** S. 54(1)(aa) inserted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), **ss. 160(a), 175(1)(h)**
- F5** Words in s. 54(1)(aa) inserted (1.4.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments) Regulations 2021 (S.I. 2021/296), regs. 1(2), **6(3)(a)(i)**
- F6** Words in s. 54(1)(aa) inserted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **22(a)(i)**
- F7** Words in s. 54(1)(b) inserted (W.) (1.4.2010) by Local Government (Wales) Measure 2009 (nawm 2), ss. 51(1), 53(2), Sch. 1 para. 36(b)(i); S.I. 2009/3272, art. 3(1), Sch. 2
- F8** Words in s. 54(1)(b) omitted (1.4.2014) by virtue of Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 55(3)(b)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F9** Words in s. 54(1)(b) inserted (W.) (1.4.2010) by Local Government (Wales) Measure 2009 (nawm 2), ss. 51(1), 53(2), Sch. 1 para. 36(b)(ii); S.I. 2009/3272, art. 3(1), Sch. 2
- F10** Words in s. 54(1)(b) inserted (1.4.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments) Regulations 2021 (S.I. 2021/296), regs. 1(2), **6(3)(a)(ii)**
- F11** Words in s. 54(1)(b) inserted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **22(a)(ii)**
- F12** Words in s. 54(2)(b) omitted (1.4.2014) by virtue of Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 55(4)(a)(i)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F13** Words in s. 54(2)(b) omitted (1.4.2014) by virtue of Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 55(4)(a)(ii)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F14** Words in s. 54(2)(b) inserted (W.) (1.4.2010) by Local Government (Wales) Measure 2009 (nawm 2), ss. 51(1), 53(2), Sch. 1 para. 36(c); S.I. 2009/3272, art. 3(1), Sch. 2
- F15** Words in s. 54(2)(b) inserted (1.4.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments) Regulations 2021 (S.I. 2021/296), regs. 1(2), **6(3)(b)**
- F16** Words in s. 54(2)(b) inserted (15.7.2022) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022 (S.I. 2022/797), regs. 1(2), **22(b)**
- F17** S. 54(2)(ba)(bb) inserted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), **ss. 160(b), 175(1)(h)**
- F18** Words in s. 54(2)(d) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 77; S.I. 2005/2800, **art. 5(1)**
- F19** Words in s. 54(2)(e) substituted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 55(4)(b)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F20** S. 54(2)(f) omitted (20.7.2005 in accordance with art. 1(2) of the amending S.I.) by virtue of The Public Audit (Wales) Act 2004 (Relaxation of Restriction on Disclosure) Order 2005 (S.I. 2005/1018), **art. 2(2)**
- F21** S. 54(2ZA)-(2ZD) inserted (31.1.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss.167(2), 245** (with s. 167(8)); S.I. 2008/172, **art. 2(1)(h)**
- F22** S. 54(2ZB) omitted (1.4.2014) by virtue of Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 55(5)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 3(1)
- F23** Words in s. 54(2ZC) omitted (1.4.2014) by virtue of Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 55(6)(a)** (with Sch. 3 paras. 2, 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, Section 54. (See end of Document for details)*

- F24** Words in s. 54(2ZC) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 55\(6\)\(b\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)
- F25** S. 54(2A) inserted (20.7.2005 in accordance with art. 1(2) of the amending S.I.) by [The Public Audit \(Wales\) Act 2004 \(Relaxation of Restriction on Disclosure\) Order 2005 \(S.I. 2005/1018\)](#), [art. 2\(3\)](#)
- F26** S. 54(2A) repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 167(3), 241, 245, [Sch. 18 Pt. 13](#) (with s. 167(8)); S.I. 2008/172, [art. 2\(1\)\(h\)\(u\)](#)
- F27** Words in s. 54(3) substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 167\(4\), 245](#) (with s. 167(8)); S.I. 2008/172, [art. 2\(1\)\(h\)](#)
- F28** Words in s. 54(4)(a) repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 167(5)(a), 241, 245, [Sch. 18 Pt. 13](#) (with s. 167(8)); S.I. 2008/172, [art. 2\(1\)\(h\)\(u\)](#)
- F29** S. 54(4)(b) repealed (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 167(5)(b), 241, 245, [Sch. 18 Pt. 13](#) (with s. 167(8)); S.I. 2008/172, [art. 2\(1\)\(h\)\(u\)](#)
- F30** Words in s. 54(5) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(No. 413\)](#), regs. 2(1), [214](#)
- F31** S. 54(6)-(8) omitted (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), [Sch. 4 para. 55\(7\)](#) (with [Sch. 3 paras. 2, 3](#)); S.I. 2013/1466, art. 3(1)

Commencement Information

- I1** S. 54 wholly in force at 20.7.2005; s. 54 not in force at Royal Assent see s. 73; s. 54(6)-(8) in force at 31.1.2005 by [S.I. 2005/71](#), [art. 2](#), [Sch.](#); s. 54(1)-(5) in force at 20.7.2005 by [S.I. 2005/1911](#), [art. 2](#), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Section 54.