



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 2

LOCAL AUTHORITIES: GOVERNANCE AND AUDIT

CHAPTER 3

AUDIT OF ENTITIES CONNECTED WITH LOCAL AUTHORITIES

Audit of accounts

PROSPECTIVE

43 Right of entity to appoint auditor to conduct statutory audit

- (1) Where a person is appointed under this Chapter in relation to an entity for a financial year, the entity may, under and in accordance with the relevant statutory provision, appoint that person as auditor of the entity for the purposes of that provision for the financial year.
- (2) An appointment pursuant to subsection (1) is to be—
 - (a) on the standard terms and conditions, or
 - (b) on the standard terms and conditions subject to such modifications as may be agreed between the entity and the person appointed.
- (3) The [^{F1}Auditor General for Wales] must notify the entity of its right under subsection (1).

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 43. (See end of Document for details)

- (4) Notification under subsection (3) must be before the beginning of the financial year (except in the case of an appointment for the first financial year of the entity or which is made under section 39).
- (5) Termination by the [^{F2}Auditor General for Wales] of the appointment under this Chapter does not terminate an appointment made pursuant to subsection (1).
- (6) In subsection (1) “the relevant statutory provision”—
- (a) in relation to a company, means Part 16 of the Companies Act 2006 (c. 46);
 - (b) in relation to a limited liability partnership, means that Part of that Act as it applies to limited liability partnerships;
 - (c) in relation to [^{F3}a registered society] , means—
 - (i) [^{F4}section 83 of the Co-operative and Community Benefit Societies Act 2014,] or
 - (ii) in the case of [^{F3}a registered society] to which regulation 3 of the Insurance Accounts Directive (Miscellaneous Insurance Undertakings) Regulations 2008 (SI 2008/565) applies, that regulation.
- (7) In subsection (2), “standard terms and conditions” means terms and conditions (including terms and conditions as to payment of fees) published for the purposes of that subsection by the [^{F5}Auditor General for Wales] from time to time.
- (8) Before publishing terms and conditions under subsection (7) [^{F6}the Auditor General for Wales] must consult—
- (a) such associations of local authorities, and such bodies of accountants, as the [^{F7}Auditor General for Wales] considers appropriate, and
 - [^{F8}(b) the Welsh Ministers.]

Textual Amendments

- F1** Words in s. 43(3) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 105\(2\)](#); S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)
- F2** Words in s. 43(5) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 105\(2\)](#); S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)
- F3** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), Sch. 4 para. 149](#) (with Sch. 5)
- F4** S. 43(6)(c)(i) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 151](#) (with Sch. 5)
- F5** Words in s. 43(7) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 105\(2\)](#); S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)
- F6** Words in s. 43(8) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 105\(3\)\(a\)](#); S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)
- F7** Words in s. 43(8)(a) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 105\(3\)\(b\)](#); S.I. 2015/841, art. 3(x) (with Sch. para. 10) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 43. (See end of Document for details)

F8 S. 43(8)(b) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 105\(3\)\(c\)](#); S.I. 2015/841, art. 3(x) (with [Sch. para. 10](#)) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

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