

# Constitutional Affairs Committee

CA(3)-01-11

## CA508: The Audit and Assessment Reports (Wales) Order 2010

### Procedure: Negative

Section 19 of the Local Government (Wales) Measure 2009 requires the Auditor General for Wales to issue an audit and assessment report in respect of a Welsh improvement authority. This Order amends section 19(3)(a) of the Measure in respect of the financial year beginning 1 April 2010 by extending the date by which the Auditor General for Wales must send copies of any report to the Welsh Ministers and the Welsh improvement authority concerned. The deadline is changed from 30 November 2010 to 31 January 2011.

### Technical Scrutiny

Under Standing Order 15.2 the Assembly is invited to pay special attention to this instrument:-

1. The Order has been made in English only. The Explanatory Memorandum contains the following statement: "The Minister for Social Justice and Local Government has further determined in this particular circumstance that it is not reasonable or practicable for the order to be made in English and Welsh.". However, the Order, including the Explanatory Note is only 392 words long, which is just over half the length of the accompanying letter which explains the breach of the 21 day rule, which letter has been translated. Moreover, save for the standard terminology used in Statutory Instruments, the terminology used in the Order is that used in the letter. In those circumstances it not apparent why it should be considered either not reasonable or practicable to make the Order bilingually.

[Standing Order 15.2(ix)]

### Merits Scrutiny

No points are identified for reporting under Standing Order 15.3 in respect of this instrument.

**Legal Advisers**  
**Constitutional Affairs Committee**  
**November 2010**

### The Government has responded as follows:

It is the Welsh Assembly Government's view that in this instance it was not reasonable or practicable to translate The Audit and Assessment Reports (Wales) Order 2010 given the time constraints faced in making the Order. The comments regarding the accompanying letter are noted. However, the Order required legal translation and checking which was not possible to accommodate within the given time frame.