

Public Audit (Wales) Act 2013

Section 5 - Employment etc of former Auditor General

Section 5 of the Act states:

(1) This section applies to a person who was appointed as Auditor General under this Part but who no longer holds that office.

(2) Before—

(a) taking up an office or position of a description specified by the National Assembly, or

(b) entering into an agreement or other arrangement of a description so specified, the person must consult any person specified by the National Assembly.

(3) The National Assembly must publish a list of—

(a) the offices and positions specified for the purposes of subsection (2)(a);

(b) the agreements and other arrangements specified for the purposes of subsection (2)(b).

(4) Subsections (5) and (6) apply for a period of 2 years starting with the day on which the person ceases to be Auditor General.

(5) The person must not—

(a) hold an office or position to which a person may be appointed, or recommended or nominated for appointment, by or on behalf of—

(i) the Crown,

(ii) the National Assembly, or

(iii) the National Assembly Commission; or

(b) be a member, director, officer or employee of a person listed in subsection (7).

(6) The person must not, in any capacity, provide services to—

(a) the Crown or any body or other person acting on behalf of the Crown,

(b) the National Assembly or any body or other person acting on behalf of the Assembly,

(c) the National Assembly Commission or any body or other person acting on behalf of the Commission, or

(d) a person listed in subsection (7).

(7) The persons are—

- (a) a person whose accounts, or statements of accounts, fall to be examined by the Auditor General in accordance with provision made by or by virtue of an enactment;
- (b) a person to whom a value for money study or examination carried out by the Auditor General in accordance with provision made by or by virtue of an enactment relates;
- (c) a person to whom a study carried out by the Auditor General in accordance with section 145A(2) of the Government of Wales Act 1998 (studies relating to the provision of services by any relevant body or bodies) relates;
- (d) a registered social landlord to whom the Auditor General provides advice or assistance under section 145D of the Government of Wales Act 1998;
- (e) a person in respect of whom the Auditor General has functions, or in respect of whom the Auditor General exercises functions on behalf of the Welsh Ministers, by virtue of section 146A of the Government of Wales Act 1998 (transfer of functions of Welsh Ministers);
- (f) a person to whose financial affairs and transactions accounts prepared by the Welsh Ministers under section 131 of the Government of Wales Act 2006 are to relate by virtue of subsection (3) of that section;
- (g) a person to whose financial affairs and transactions accounts prepared by the National Assembly Commission under section 137 of the Government of Wales Act 2006 are to relate by virtue of subsection (2) of that section.

(8) But subsections (5) and (6) do not prevent a person from holding any of the following offices—

- (a) Comptroller and Auditor General;
- (b) Auditor General for Scotland;
- (c) Comptroller and Auditor General for Northern Ireland.

(9) In this section, “a value for money study or examination” means a study or examination into the economy, efficiency and effectiveness with which a person has discharged that person's functions, or has used resources in discharging those functions.

Obligations of the National Assembly for Wales

In relation to Section 5(3), for the purposes of subsection 5(2)(a), the National Assembly for Wales has decided not to any additional requirements on a former Auditor General other than those identified within Section 5.