Budget Responsibility and National Audit Act 2011

2011 CHAPTER 4

An Act to make provision for a Charter for Budget Responsibility and for the publication of Financial Statements and Budget Reports; to establish the Office for Budget Responsibility; to make provision about the Comptroller and Auditor General and to establish a body corporate called the National Audit Office; to amend Schedules 5 and 7 to the Government of Wales Act 2006 in relation to the Auditor General for Wales; and for connected purposes. [22nd March 2011]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

BUDGET RESPONSIBILITY

1 Charter for Budget Responsibility

(1) The Treasury must prepare a document, to be known as the Charter for Budget Responsibility, relating to the formulation and implementation of fiscal policy and policy for the management of the National Debt.

(2) The Charter must in particular set out—

(a) the Treasury's objectives in relation to fiscal policy and policy for the management of the National Debt,

(b) the means by which the Treasury's objectives in relation to fiscal policy will be attained ("the fiscal mandate"), and

(c) matters to be included in a Financial Statement and Budget Report prepared under section 2.

***Changes to legislation:** There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

(3) The Charter may contain such other material as the Treasury considers appropriate (and see also section 6).

(4) The Treasury must lay the Charter before Parliament.

(5) The Treasury may from time to time modify the Charter.

(6) When the Charter is modified the Treasury must lay the modified Charter before Parliament.

(7) The Charter (or the modified Charter) does not come into force until it has been approved by a resolution of the House of Commons.

(8) The Treasury must publish the Charter and any modified Charter once approved by the House of Commons.

Commencement Information
I1 S. 1 in force at 23.3.2011 by S.I. 2011/892, **Sch. 1**

2 Annual Budget documents

(1) The Treasury must prepare a Financial Statement and Budget Report for each financial year.

(2) The contents of a Financial Statement and Budget Report must conform to any provision set out in the Charter.

(3) The Treasury must lay each Financial Statement and Budget Report before Parliament.

(4) The Treasury must publish each Financial Statement and Budget Report.

Commencement Information
I2 S. 2 in force at 23.3.2011 by S.I. 2011/892, **Sch. 1**

3 Office for Budget Responsibility

(1) There is to be a body corporate called the Office for Budget Responsibility.

(2) Schedule 1 contains provision about the Office.

Commencement Information
I3 S. 3 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

4 Main duty of Office

(1) It is the duty of the Office to examine and report on the sustainability of the public finances.

(2) The duty imposed by this section includes, in particular, the duties imposed by subsections (3) and (4).

(3) The Office must, on at least two occasions for each financial year, prepare—

(a) fiscal and economic forecasts, and

(b) an assessment of the extent to which the fiscal mandate has been, or is likely to be, achieved.

(4) It must also, on at least one occasion for each financial year, prepare—

(a) an assessment of the accuracy of fiscal and economic forecasts previously prepared by it, and

(b) an analysis of the sustainability of the public finances.

(5) Any forecast, assessment or analysis prepared by the Office under subsection (3) or (4) must be included in a report.

(6) Any report which the Office makes in pursuance of its duty under this section must include an explanation of the factors which the Office took into account when preparing the report, including (in particular)—

(a) the main assumptions made by the Office, and

(b) the main risks which the Office considered to be relevant.

Commencement Information

I4 S. 4 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

5 How main duty is to be performed

(1) The Office has complete discretion in the performance of its duty under section 4 (but subject to subsections (2) and (3) of this section and sections 6 and 7).

(2) The Office must perform that duty objectively, transparently and impartially.

(3) Where any Government policies are relevant to the performance of that duty, the Office—

(a) must have regard to those policies, but

(b) may not consider what the effect of any alternative policies would be.

Commencement Information

I5 S. 5 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

6 Guidance as to how main duty is to be performed

(1) The Charter for Budget Responsibility may include guidance to the Office about how it should perform its duty under section 4, including (in particular) guidance about the time at which it is to prepare any forecast, assessment or analysis required to be prepared under subsection (3) or (4) of that section.

(2) But the Charter must not make provision about the methods by which the Office is to make any such forecast, assessment or analysis.

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

(3) The Office must, in the performance of its duty under section 4, act consistently with any guidance included in the Charter by virtue of this section.

(4) If the Treasury proposes to modify the guidance included in the Charter by virtue of this section, a draft of the modified guidance must be published at least 28 days before the modified Charter is laid before Parliament under section 1(6).

Commencement Information
I6 S. 6 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

7 Efficiency etc

The Office must aim to carry out its functions efficiently and cost-effectively.

Commencement Information
I7 S. 7 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

[F1 7A. Duty to co-operate with the Scottish Fiscal Commission

The Office must, so far as necessary for the performance of the Scottish Fiscal Commission's functions, co-operate with the Commission.]

Textual Amendments
F1 S. 7A inserted (1.4.2017) by The Scottish Fiscal Commission Act 2016 (Consequential Provisions and Modifications) Order 2017 (S.I. 2017/241), arts. 1(2), **4**

8 Reports

(1) This section applies to any report which the Office makes in pursuance of its duty under section 4.

(2) The Office must—
(a) publish the report,
(b) lay it before Parliament, and
(c) send a copy of it to the Treasury.

Commencement Information
I8 S. 8 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

9 Right to information

(1) The Office has a right of access (at any reasonable time) to all Government information which it may reasonably require for the purpose of the performance of its duty under section 4.

(2) The Office is entitled to require from any person holding or accountable for any Government information any assistance or explanation which the Office reasonably thinks necessary for that purpose.

(3) "Government information" means information held by any Minister of the Crown or Government department.

(4) This section is subject to any enactment or rule of law which operates to prohibit or restrict the disclosure of information or the giving of any assistance or explanation.

Commencement Information
I9 S. 9 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

10 Superseded statutory provisions

The following are repealed in consequence of the preceding provisions of this Part—

(a) section 27 of, and Schedule 5 to, the Industry Act 1975 (economic model and forecasting);

(b) sections 155 to 157 of the Finance Act 1998 (fiscal stability);

(c) the Fiscal Responsibility Act 2010.

Commencement Information
I10 S. 10 in force at 23.3.2011 by S.I. 2011/892, **Sch. 1**

PART 2

NATIONAL AUDIT

Comptroller and Auditor General

11 Office of Comptroller and Auditor General

(1) The office of Comptroller and Auditor General (or, in Welsh, Rheolwr ac Archwilydd Cyffredinol) is to continue.

(2) It is for Her Majesty by Letters Patent to appoint a person to be Comptroller and Auditor General.

(3) Her Majesty's power is exercisable on an address of the House of Commons.

(4) It is for the Prime Minister to move the motion for the address.

(5) To do so the Prime Minister must have the agreement of the person who chairs the Committee of Public Accounts.

(6) The person appointed holds office for 10 years.

(7) The person may not be appointed again.

Commencement Information
I11 S. 11 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

12 Status etc

(1) The Comptroller and Auditor General continues by that name to be a corporation sole.

(2) The Comptroller and Auditor General continues to be an officer of the House of Commons.

But section 4(4) of the House of Commons (Administration) Act 1978 (which provides for the application of provisions of that Act to staff employed in or for the purposes of the House of Commons) does not apply in relation to the office of Comptroller and Auditor General.

(3) The person who is Comptroller and Auditor General may not be a member of the House of Lords.

(4) The Comptroller and Auditor General is not to be regarded—
(a) as the servant or agent of the Crown, or
(b) as enjoying any status, immunity or privilege of the Crown.

(5) The person who is Comptroller and Auditor General may not hold any other office or position to which a person may be appointed, or recommended for appointment, by or on behalf of the Crown.

Commencement Information
I12 S. 12 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

13 Remuneration arrangements

(1) Before a person is appointed as Comptroller and Auditor General, remuneration arrangements are to be made in relation to the person jointly by the Prime Minister and the person who chairs the Committee of Public Accounts.

(2) The remuneration arrangements—
(a) may make provision for a salary, allowances, arrangements for a pension and other benefits, and
(b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.

(3) But no element is to be performance-based.

(4) The arrangements may in particular make provision for the principal civil service pension scheme (as defined in section 2(10) of the Superannuation Act 1972) to apply to service as Comptroller and Auditor General as if it were service in employment in the civil service of the State.

(5) Amounts payable by virtue of this section are to be charged on, and paid out of, the Consolidated Fund.

(6) The Treasury may by statutory instrument make regulations for purposes supplementary to this section so far as it relates to arrangements for pensions.

(7) Regulations under subsection (6) may provide for a statutory provision not to apply, or to apply with modifications, in relation to arrangements for a pension payable to the Comptroller and Auditor General, including, in a case where provision within subsection (4) has been made, for the principal civil service pension scheme to apply with modifications.

(8) A statutory instrument containing regulations under subsection (6) is subject to annulment in pursuance of a resolution of the House of Commons.

Commencement Information
I13 S. 13 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(a)** (with art. 4)

14 Resignation or removal

(1) The Comptroller and Auditor General may resign from office by giving written notice to the Prime Minister.

(2) Her Majesty may remove the Comptroller and Auditor General from office on an address of both Houses of Parliament.

Commencement Information
I14 S. 14 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

15 Employment etc of former Comptroller and Auditor General

(1) This section applies to a person who was appointed as Comptroller and 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 Public Accounts Commission, or

(b) entering into an agreement or other arrangements of such a description,

the person must consult such person as is specified by the Commission.

(3) Subsections (4) and (5) apply for the period of 2 years starting with the day after that on which the person ceased to be Comptroller and Auditor General.

(4) The person must not—

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

(b) be a member, director, officer or employee of a body or other person whose accounts are required by a statutory provision to be audited or examined by, or to be open to the inspection of, the Comptroller and Auditor General.

(5) 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, or

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

(b) a body or other person whose accounts are required by a statutory provision to be audited or examined by, or to be open to the inspection of, the Comptroller and Auditor General.

(6) But subsections (4) and (5) do not prevent a person from holding any of the following offices—

(a) Auditor General for Scotland;

(b) Auditor General for Wales;

(c) Comptroller and Auditor General for Northern Ireland.

Commencement Information

I15 S. 15 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

16 Provision of services

The Comptroller and Auditor General may provide services to any person in any place within or outside the United Kingdom under agreements or other arrangements entered into by the Comptroller and Auditor General.

Commencement Information

I16 S. 16 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

17 How functions are to be exercised

(1) The Comptroller and Auditor General has complete discretion in the carrying out of the functions of that office, including in determining whether to carry out an examination under Part 2 of the National Audit Act 1983 and as to the manner in which any such examination is carried out.

(2) Subsection (1) is subject to—

(a) subsections (3) and (4), and

(b) any other statutory provision.

(3) The Comptroller and Auditor General must aim to carry out functions efficiently and cost-effectively.

(4) The Comptroller and Auditor General must, as the Comptroller and Auditor General considers appropriate, have regard to the standards and principles that an expert professional provider of accounting or auditing services would be expected to follow.

(5) For further provision that affects the carrying out of the Comptroller and Auditor General's functions, see (in particular)—

(a) section 7A of the National Audit Act 1983 (inserted by section 18 of this Act), which requires the Comptroller and Auditor General to have regard to certain proposals made by the Committee of Public Accounts;

(b) section 20 and Schedule 2, which provide for the establishment of a body corporate called the National Audit Office and for the Comptroller and Auditor General to be one of the body's nine members and its chief executive;

(c) Schedule 3, which makes provision about the relationship between the National Audit Office and the Comptroller and Auditor General.

Commencement Information

I17 S. 17 in force in so far as not already in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

I18 S. 17 in force for specified purposes at 1.1.2012 by S.I. 2011/2576, **art. 3(b)** (with art. 4)

18 Economy, efficiency and effectiveness examinations

In Part 2 of the National Audit Act 1983 (economy, efficiency and effectiveness examinations), after section 7 insert—

"**7A Proposals made by Committee of Public Accounts**

In determining whether to carry out any examination under this Part, the Comptroller and Auditor General must have regard to any proposals made by the Committee of Public Accounts."

Commencement Information

I19 S. 18 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

19 Auditing of companies

In section 25 of the Government Resources and Accounts Act 2000 (examinations by Comptroller and Auditor General), after subsection (10) insert—

"(11) Subsection (10)(c) does not apply to an order under subsection (6) if the only bodies to which the order relates are bodies which are companies as defined in section 1(1) of the Companies Act 2006.

See sections 475 and 482 of that Act for provision about the interaction between Part 16 of that Act (audit) and orders under subsection (6).

(12) An order to which subsection (10)(c) does not apply by virtue of subsection (11) is subject to annulment in pursuance of a resolution of either House of Parliament."

Commencement Information

I20 S. 19 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(a)**

National Audit Office

20 Incorporation of NAO

(1) There is to be a body corporate called the National Audit Office (or, in Welsh, Y Swyddfa Archwilio Genedlaethol).

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

(2) In this Part "NAO" means the National Audit Office.

(3) Schedule 2 contains provision about NAO.

Commencement Information

I21 S. 20(1)(2) in force at 1.11.2011 by S.I. 2011/2576, **art. 2(b)**

I22 S. 20(3) in force in so far as not already in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

I23 S. 20(3) in force for specified purposes at 1.11.2011 by S.I. 2011/2576, **art. 2(c)**

21 Efficiency etc

NAO must aim to carry out its functions efficiently and cost-effectively.

Commencement Information

I24 S. 21 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

22 Relationship with Comptroller and Auditor General

Schedule 3 contains provision about the relationship between NAO and the Comptroller and Auditor General.

Commencement Information

I25 S. 22 in force in so far as not already in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

I26 S. 22 in force for specified purposes at 1.1.2012 by S.I. 2011/2576, **art. 3(d)** (with art. 4)

23 NAO's expenditure

(1) NAO's expenditure is to be paid out of money provided by Parliament.

(But see sections 13(5) and 24(1) and paragraph 6(2) of Schedule 2.)

(2) For each financial year NAO and the Comptroller and Auditor General must jointly prepare an estimate of NAO's use of resources.

(3) This must cover (in particular) the resources required for the purposes of paragraph 2(1) of Schedule 3 (which requires NAO to provide resources for the Comptroller and Auditor General's functions).

(4) The person who chairs NAO and the Comptroller and Auditor General must jointly submit the estimate to the Public Accounts Commission.

(5) The Commission must—

(a) review the estimate, and

(b) lay it before the House of Commons with such modifications (if any) as the Commission considers appropriate.

(6) In doing this the Commission must have regard to any advice given by the Committee of Public Accounts or the Treasury.

Commencement Information

I27 S. 23 in force in so far as not already in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

I28 S. 23 in force for specified purposes at 1.1.2012 by S.I. 2011/2576, **art. 3(h)** (with art. 4)

Miscellaneous and supplementary

24 Indemnification

(1) There is to be charged on and paid out of the Consolidated Fund any amount payable by an indemnified person in consequence of any liability for breach of duty (whether under a contract or otherwise) incurred by an indemnified person in relation to any audit, examination or inspection carried out as part of the Comptroller and Auditor General's functions.

(2) The liability must not be to another indemnified person.

(3) The following are indemnified persons—

(a) the Comptroller and Auditor General;

(b) NAO;

(c) a past or present member of NAO;

(d) a past or present employee of NAO.

Commencement Information

I29 S. 24 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

25 Interpretation

(1) In this Part—

"NAO" has the meaning given by section 20(2);

"Public Accounts Commission" means the body established by section 2 of the National Audit Act 1983;

"statutory provision" means a provision of an Act or subordinate legislation (within the meaning of section 21(1) of the Interpretation Act 1978), whenever passed or made;

"use of resources" is to be read in accordance with section 27 of the Government Resources and Accounts Act 2000.

(2) For the purposes of this Part each of the following is a financial year—

(a) the period which begins with the appointed day and ends with the following 31 March;

(b) each successive period of 12 months.

(3) In paragraph (a) of subsection (2) "the appointed day" means the day appointed for the purposes of that paragraph by an order made by the Treasury by statutory instrument.

(4) Section 13 of the National Audit Act 1983 (interpretation of references to Committee of Public Accounts) applies for the purposes of this Part as it applies for the purposes of that Act.

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Modifications etc. (not altering text)
C1 S. 25(2)(a): 1.4.2012 appointed by S.I. 2012/727, art. 2

Commencement Information
I30 S. 25 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(f)**

26 Transitional provision and consequential amendments

(1) Schedule 4 contains transitional provision.

(2) Schedule 5 contains consequential amendments.

Commencement Information
I31 S. 26(1) in force in so far as not already in force at 1.4.2012 by S.I. 2011/2576, **art. 5**
I32 S. 26(1) in force for specified purposes at 1.1.2012 by S.I. 2011/2576, **art. 3(i)** (with art. 4)
I33 S. 26(2) in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Auditor General for Wales

27 Powers of National Assembly for Wales

Schedule 6 contains provision amending the Government of Wales Act 2006.

PART 3

FINAL PROVISIONS

28 Power to make consequential provision

(1) The Treasury may by order make such provision as it considers appropriate in consequence of any provision of this Act.

(2) An order under this section may—
(a) amend or revoke any provision of subordinate legislation made on or before the last day of the Session in which this Act is passed;
(b) include supplementary, incidental, transitional, transitory or saving provision.

(3) An order under this section is to be made by statutory instrument.

(4) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this section "subordinate legislation" has the meaning given by section 21(1) of the Interpretation Act 1978.

29 Commencement

(1) This Part comes into force on the day on which this Act is passed.

(2) Section 27 and Schedule 6 come into force at the end of the period of 2 months beginning with the day on which this Act is passed.

(3) The other provisions of this Act come into force in accordance with provision made by order made by statutory instrument by the Treasury.

(4) An order under subsection (3) may—

(a) make different provision for different purposes;

(b) include supplementary, incidental, consequential, transitional, transitory or saving provision.

30 Extent

(1) Subject to subsection (2), this Act extends to England and Wales, Scotland and Northern Ireland.

(2) The amendment or repeal of any enactment has the same extent as the enactment amended or repealed.

31 Short title

This Act may be cited as the Budget Responsibility and National Audit Act 2011.

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 3

OFFICE FOR BUDGET RESPONSIBILITY

Membership

1 (1) The Office is to consist of—

(a) a member to chair it, appointed by the Chancellor of the Exchequer with the consent of the Treasury Committee of the House of Commons,

(b) 2 other members appointed by the Chancellor of the Exchequer after consultation with the member appointed under paragraph (a) and with the consent of that Committee, and

(c) not fewer than 2 members nominated by the Office and appointed by the Chancellor of the Exchequer.

(But see paragraph 3, which makes special provision about the appointment of the initial members of the Office.)

(2) A person may be appointed under sub-paragraph (1)(a) or (b) only if the person has knowledge or experience likely to be relevant to the performance of the Office's duty under section 4.

Commencement Information
I34 Sch. 1 para. 1 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Period of appointment and re-appointment

2 (1) An appointment under paragraph 1(1)(a) or (b) is to be for a period of 5 years (but see paragraph 3(5)).

(2) An appointment under paragraph 1(1)(c) is to be for a period of no more than 5 years.

(3) A person may not be appointed under paragraph 1 more than twice.

Commencement Information
I35 Sch. 1 para. 2 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Appointment of initial members

3 (1) The consent of the Treasury Committee of the House of Commons is not required for the appointment under paragraph 1(1)(a) of a person who—

(a) immediately before the person's appointment, was chairing the non-statutory Office for Budget Responsibility, and

(b) was appointed to do so by the Chancellor of the Exchequer with the consent of that Committee.

(2) The period of the person's appointment under paragraph 1(1)(a) is to be taken to have begun with the appointment of that person to chair the non-statutory Office for Budget Responsibility.

(3) The consent of the Treasury Committee of the House of Commons is not required for the appointment under paragraph 1(1)(b) of a person who—

(a) immediately before the person's appointment, was a member of the non-statutory Office for Budget Responsibility but not chairing it, and

(b) was appointed as such a member by the Chancellor of the Exchequer with the consent of that Committee.

(4) The period of appointment under paragraph 1(1)(b) of each such person is to be taken to have begun with the appointment of that person as a member of the non-statutory Office for Budget Responsibility.

(5) The first 2 appointments under paragraph 1(1)(b) may be for less than 5 years to secure that those appointments and the first appointment under paragraph 1(1)(a) each expire at different times.

(6) The first 2 appointments under paragraph 1(1)(c) are to be made by the Chancellor of the Exchequer after consultation with the member appointed under paragraph 1(1)(a).

Commencement Information
I36 Sch. 1 para. 3 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Remuneration

4 (1) The Office may, with the approval of the Treasury—

(a) pay, or make provision for paying, to a member of the Office such remuneration as the Treasury may determine, and

(b) pay, or make provision for paying, to or in respect of a person who is or has been a member of the Office any such pension, allowances or gratuities as the Treasury may determine.

(2) Where—

(a) a person ceases to be a member of the Office otherwise than at the end of the period for which the person was appointed, and

(b) it appears to the Office and the Treasury that there are circumstances which make it right for the person to receive compensation,

the Office may make a payment to the person of such amount as the Treasury may determine.

Commencement Information
I37 Sch. 1 para. 4 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Other terms of appointment

5 The Chancellor of the Exchequer may determine other terms of an appointment under paragraph 1.

Commencement Information
I38 Sch. 1 para. 5 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Termination of appointments

6 (1) A member of the Office may resign by giving written notice to the Chancellor of the Exchequer.

(2) The Chancellor of the Exchequer may terminate the appointment of a member of the Office by giving the member written notice if—

(a) the member has been absent from meetings of the Office without the Office's permission for a period of more than 3 months,

(b) the member has become bankrupt or has made an arrangement with creditors,

(c) the member's estate has been sequestrated in Scotland or the member has entered into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or has, under Scots law, made a composition or arrangement with, or granted a trust deed for, the member's creditors,

(d) the member is unfit to continue the appointment because of misconduct,

(e) the member has failed to comply with the terms of the appointment, or

(f) the member is otherwise unable, unfit or unwilling to carry out the member's functions.

(3) But the appointment of a member appointed under paragraph 1(1)(a) or (b) is not to be terminated without the consent of the Treasury Committee of the House of Commons.

Commencement Information
I39 Sch. 1 para. 6 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Status of Office

7 (1) The functions of the Office are to be exercised on behalf of the Crown.

(2) For the purposes of any civil proceedings arising out of those functions—

(a) the Crown Proceedings Act 1947 applies to the Office as if it were a government department, and

(b) the Crown Suits (Scotland) Act 1857 applies to it as if it were a public department.

(3) The Office's property is to be regarded as held on behalf of the Crown.

Commencement Information
I40 Sch. 1 para. 7 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Employees

8 (1) The Office may employ staff.

(2) Staff are to be employed on such terms as to remuneration and other matters as the Office may, with the approval of the Minister for the Civil Service, determine.

(3) Service as a member of staff of the Office is employment in the civil service of the State.

(4) The Office must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of the increase in the sums payable out of money provided by Parliament that is attributable to the provision of pensions, allowances or gratuities under section 1 of the Superannuation Act 1972 payable to or in respect of persons who are or have been members of staff of the Office.

Commencement Information
I41 Sch. 1 para. 8 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Committees

9 (1) The members appointed under paragraph 1(1)(a) and (b) constitute a committee of the Office to be known as the Budget Responsibility Committee.

(2) The members appointed under paragraph 1(1)(c) constitute a committee of the Office to be known as the Non-executive Committee.

Commencement Information
I42 Sch. 1 para. 9 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

10 (1) The Office may establish other committees.

(2) A committee established by the Office may establish sub-committees.

(3) A committee or sub-committee established under this paragraph may consist of or include persons who are neither members of the Office nor members of its staff.

(4) Appointment as a member of such a committee or sub-committee of a person who is neither a member of the Office nor a member of its staff is to be on such terms as to remuneration and other matters as the Office may, with the approval of the Treasury, determine.

Commencement Information
I43 Sch. 1 para. 10 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Procedure

11 (1) The Office may determine—

(a) its own procedure, and

(b) the procedure of any committee or sub-committee established under paragraph 10.

(2) A committee established by paragraph 9 may determine its own procedure.

Commencement Information

I44 Sch. 1 para. 11 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Delegation of functions

12 (1) The Office may delegate functions to—

(a) any of its members,

(b) any member of its staff, or

(c) any of its committees.

(2) A committee established under paragraph 10 may delegate functions (including functions delegated to it) to a sub-committee.

(3) The Budget Responsibility Committee is to perform the duties imposed by section 4(3) and (4).

(4) Sub-paragraph (1) does not apply to those duties.

(5) The delegation of a function under sub-paragraph (1) or (2) does not prevent the Office or the committee (as the case may be) from carrying out the function itself.

Commencement Information

I45 Sch. 1 para. 12 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Review by Non-executive Committee

13 The Non-executive Committee must keep under review the way in which the Office's duty under section 4 is performed.

Commencement Information

I46 Sch. 1 para. 13 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Documentary evidence

14 (1) The application of the Office's seal is to be authenticated by the signature of—

(a) a member of the Office, or

(b) any person authorised (whether generally or specifically) for the purpose by a member of the Office.

(2) A document purporting to be duly executed under the Office's seal or signed on its behalf—

(a) is to be received in evidence, and

(b) is to be taken to be executed or signed in that way, unless the contrary is proved.

(3) This paragraph does not extend to Scotland.

Commencement Information

I47 Sch. 1 para. 14 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Annual report

15 (1) The Office must prepare a report of the performance of its functions in each financial year.

(2) The report must include, in particular, an assessment by the Non-executive Committee of the extent to which the Office's duty under section 4 has been performed in accordance with section 5(1) and (2).

(3) The report relating to a financial year must be prepared as soon as possible after the end of the financial year.

(4) The report must be sent to the Treasury.

(5) The Treasury must lay the report before Parliament.

(6) The Office must publish the report.

(7) "Financial year" means—

(a) the period which begins with the day on which this Schedule comes into force and ends with the following 31 March;

(b) each successive period of 12 months.

Commencement Information

I48 Sch. 1 para. 15 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

External review

16 (1) The Non-executive Committee must, at least once in every relevant 5-year period, appoint a person or body to review and report on such of the Office's reports as the Committee determines.

(2) In sub-paragraph (1) "the Office's reports" means the reports which—

(a) have been made in pursuance of the Office's duty under section 4, and

(b) have been published since the relevant date.

(3) The "relevant date" is—

(a) in the case of the first review carried out under this paragraph, 1 October 2010;

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

(b) in the case of subsequent reviews, the date of the last review carried out under this paragraph.

(4) A person or body may be appointed under this paragraph only if the person or body has knowledge or experience likely to be relevant to the performance of the Office's duty under section 4.

(5) The Office may, with the approval of the Treasury, make payments to the person or body in respect of the performance of the person's or body's functions under this paragraph.

(6) The Office must—

(a) publish each report prepared under this paragraph,

(b) lay it before Parliament, and

(c) send a copy of it to the Treasury.

(7) In this paragraph "relevant 5-year period" means—

(a) the period of 5 years beginning with 1 October 2010;

(b) each successive period of 5 years.

Commencement Information

I49 Sch. 1 para. 16 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Finance

17 (1) The Treasury may make to the Office such payments out of money provided by Parliament as the Treasury considers appropriate for the purpose of enabling the Office to meet its expenses.

(2) Payments are to be made at such times, and subject to any such conditions, as the Treasury considers appropriate.

Commencement Information

I50 Sch. 1 para. 17 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Accounts and audit

18 (1) The Office must—

(a) keep proper accounts and proper records in relation to its accounts, and

(b) prepare in respect of each financial year a statement of accounts.

(2) Each statement of accounts must comply with any directions given by the Treasury as to—

(a) the information to be contained in it and the manner in which it is to be presented,

(b) the methods and principles according to which the statement is to be prepared, and

(c) the additional information (if any) which is to be provided for the information of Parliament.

***Changes to legislation:** There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

(3) The Office must send a copy of each statement of accounts to—

(a) the Treasury, and

(b) the Comptroller and Auditor General,

before the end of the month of June next following the financial year to which the statement relates.

(4) The Comptroller and Auditor General must—

(a) examine, certify and report on each statement of accounts, and

(b) send a copy of each report and certified statement to the Treasury.

(5) The Treasury must lay before Parliament a copy of each such report and certified statement.

(6) "Financial year" has the same meaning as in paragraph 15.

Commencement Information

I51 Sch. 1 para. 18 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

19 The Office must keep under review whether its internal financial controls secure the proper conduct of its financial affairs.

Commencement Information

I52 Sch. 1 para. 19 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Powers

20 The Office may do anything calculated to facilitate, or conducive or incidental to, the carrying out of any of its functions.

Commencement Information

I53 Sch. 1 para. 20 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Validity

21 The validity of anything done by the Office (or a committee or sub-committee of the Office) is not affected by—

(a) a vacancy, or

(b) a defective appointment.

Commencement Information

I54 Sch. 1 para. 21 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Public records

22 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, insert at the appropriate place—

"Office for Budget Responsibility."

Commencement Information

I55 Sch. 1 para. 22 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Parliamentary Commissioner

23 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation), insert at the appropriate place— " Office for Budget Responsibility. "

Commencement Information

I56 Sch. 1 para. 23 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Disqualification

24 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), insert at the appropriate place— " The Office for Budget Responsibility. "

Commencement Information

I57 Sch. 1 para. 24 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

25 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), insert at the appropriate place— " The Office for Budget Responsibility. "

Commencement Information

I58 Sch. 1 para. 25 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Race relations

26 (1) In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and persons subject to general statutory duty), under the heading "*Regulatory, audit and inspection*" insert at the appropriate place— " The Office for Budget Responsibility. "

(2) The amendment made by sub-paragraph (1) ceases to have effect when the repeal of that Act by Schedule 27 to the Equality Act 2010 has effect for all purposes.

Commencement Information
I59 Sch. 1 para. 26 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Freedom of information

27 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which Act applies), insert at the appropriate place— " The Office for Budget Responsibility. "

Commencement Information
I60 Sch. 1 para. 27 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Equality

28 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general), under the heading "*Industry, business, finance etc.*" insert at the appropriate place — " The Office for Budget Responsibility. "

Commencement Information
I61 Sch. 1 para. 28 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

References to Treasury Committee

29 (1) Any reference in this Schedule to the Treasury Committee of the House of Commons—

(a) if the name of that Committee is changed, is to be treated as a reference to that Committee by its new name, and

(b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, is to be treated as a reference to the Committee by which those functions are exercisable.

(2) Any question arising under sub-paragraph (1) is to be determined by the Speaker of the House of Commons.

Commencement Information
I62 Sch. 1 para. 29 in force at 4.4.2011 by S.I. 2011/892, **Sch. 2**

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

SCHEDULE 2

Section 20

NATIONAL AUDIT OFFICE

PART 1

MEMBERSHIP AND STATUS

Membership

1 (1) NAO is to have 9 members.

(2) They are to be—

(a) 5 persons who are not employees of NAO ("non-executive members") (see Part 2),

(b) the Comptroller and Auditor General (see Part 3), and

(c) 3 employees of NAO ("employee members") (see Parts 4 and 5).

Commencement Information

I63 Sch. 2 para. 1 in force in so far as not already in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

I64 Sch. 2 para. 1 in force for specified purposes at 1.11.2011 by S.I. 2011/2576, **art. 2(d)**

Status

2 (1) Neither NAO nor any of its members or employees is to be regarded—

(a) as the servant or agent of the Crown, or

(b) as enjoying any status, immunity or privilege of the Crown.

(2) NAO's property is not to be regarded as property of, or held on behalf of, the Crown.

Commencement Information

I65 Sch. 2 para. 2(1) in force in so far as not already in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

I66 Sch. 2 para. 2(1) in force for specified purposes at 1.11.2011 by S.I. 2011/2576, **art. 2(d)**

I67 Sch. 2 para. 2(2) in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

PART 2

NON-EXECUTIVE MEMBERS

Member to chair NAO

3 (1) One of the persons who is a non-executive member of NAO is to chair it.

(2) It is for Her Majesty by Letters Patent to appoint that person.

(3) Her Majesty's power is exercisable on an address of the House of Commons.

(4) It is for the Prime Minister to move the motion for the address.

(5) To do so the Prime Minister must have the agreement of the person who chairs the Committee of Public Accounts.

(6) Her Majesty may by Letters Patent extend an appointment under this paragraph on the recommendation of the Prime Minister.

(7) To make a recommendation the Prime Minister must have the agreement of the person who chairs the Committee of Public Accounts.

(8) An extension of an appointment counts as a separate appointment for the purposes of paragraphs 5 to 7.

Commencement Information
I68 Sch. 2 para. 3 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(e)**

Appointment of other non-executive members

4 (1) The other non-executive members are to be appointed by the Public Accounts Commission as follows.

(2) If there is a vacancy, the person who chairs NAO must recommend a person to the Commission for appointment.

(3) The Commission may—

(a) appoint the person who has been so recommended, or

(b) require the person who chairs NAO to recommend another person (in which event this sub-paragraph applies again and so on until someone is appointed).

Commencement Information
I69 Sch. 2 para. 4 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(e)**

Period of appointment and re-appointment

5 (1) An appointment under this Part of this Schedule is to be for a period of no more than 3 years.

(2) A person may not be appointed under this Part of this Schedule more than twice.

Commencement Information
I70 Sch. 2 para. 5 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(e)**

Remuneration arrangements

6 (1) The Prime Minister and the person who chairs the Committee of Public Accounts may jointly make remuneration arrangements in relation to the person who chairs NAO.

(2) Amounts payable by virtue of sub-paragraph (1) are to be charged on, and paid out of, the Consolidated Fund.

(3) The Public Accounts Commission may make remuneration arrangements in relation to any other non-executive member.

(4) Amounts payable by virtue of sub-paragraph (3) are to be paid by NAO.

(5) Remuneration arrangements under this paragraph—

(a) may make provision for a salary, allowances and other benefits but not for a pension, and

(b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.

Commencement Information

I71 Sch. 2 para. 6 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(e)**

Other terms of appointment

7 (1) The Public Accounts Commission may determine other terms for an appointment under this Part of this Schedule.

(2) These terms may include restrictions on—

(a) the offices or positions (including offices and positions to which persons may be appointed, or recommended for appointment, by or on behalf of the Crown) that the non-executive member may hold while, or after ceasing to be, a member, and

(b) the agreements or other arrangements (including agreements and arrangements with the Crown or bodies or other persons acting on behalf of the Crown) to which the non-executive member may be a party while, or after ceasing to be, a member.

Commencement Information

I72 Sch. 2 para. 7 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(e)**

Consultation

8 Before making any arrangements under paragraph 6 or a determination under paragraph 7, the Commission must consult any person with oversight of public appointments whom the Commission thinks it is appropriate to consult.

Commencement Information

I73 Sch. 2 para. 8 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(e)**

Termination of appointments

9 (1) The person who chairs NAO may resign by giving written notice to the Prime Minister.

(2) Any other non-executive member may resign by giving written notice to the Public Accounts Commission.

Commencement Information
I74 Sch. 2 para. 9 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(e)**

10 (1) Her Majesty may terminate the appointment of the person who chairs NAO on an address of both Houses of Parliament.

(2) The Public Accounts Commission may terminate the appointment of any other non-executive member by giving the member written notice if—

(a) the member has been absent from meetings of NAO without NAO's permission for a period of more than 3 months,

(b) the member has become bankrupt or has made an arrangement with creditors,

(c) the member's estate has been sequestrated in Scotland or the member has entered into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or has, under Scots law, made a composition or arrangement with, or granted a trust deed for, the member's creditors,

(d) the member is unfit to continue the appointment because of misconduct,

(e) the member has failed to comply with the terms of the appointment, or

(f) the member is otherwise unable, unfit or unwilling to carry out the member's functions.

Commencement Information
I75 Sch. 2 para. 10 in force at 1.11.2011 by S.I. 2011/2576, **art. 2(e)**

PART 3

CHIEF EXECUTIVE

11 The Comptroller and Auditor General is to be the chief executive (but not an employee) of NAO.

Commencement Information
I76 Sch. 2 para. 11 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

PART 4

EMPLOYEE MEMBERS

Appointment

12 (1) The employee members are to be appointed by the non-executive members as follows.

(2) If there is a vacancy, the Comptroller and Auditor General must recommend a person to the non-executive members for appointment.

(3) The non-executive members may—

(a) appoint that person, or

(b) require the Comptroller and Auditor General to recommend another person (in which event this sub-paragraph applies again and so on until someone is appointed).

Commencement Information

I77 Sch. 2 para. 12 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Terms of appointment

13 (1) The terms of an employee member's appointment are to be determined by the non-executive members.

(2) The terms may include remuneration arrangements which—

(a) may make provision for a salary, allowances and other benefits but, subject to sub-paragraph (4), not a pension, and

(b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.

(3) Amounts payable by virtue of sub-paragraph (2) are to be paid by NAO (subject to sub-paragraph (4)).

(4) If the employee is a participant in a pension scheme under the terms of the person's employment with NAO, the remuneration arrangements may make provision for the person's service as an employee member to be treated, for the purposes of the scheme, as if it were service as an employee of NAO.

Commencement Information

I78 Sch. 2 para. 13 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Termination of appointments

14 The appointment of an employee member terminates—

(a) if the terms of the member's appointment provide for it to expire at the end of a period, at the end of that period, and

(b) in any event, when the member ceases to be an employee of NAO.

Commencement Information
I79 Sch. 2 para. 14 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

15 An employee member may resign by giving written notice to the non-executive members.

Commencement Information
I80 Sch. 2 para. 15 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

16 The non-executive members may terminate the appointment of an employee member by giving the member written notice if—

(a) the member has been absent from meetings of NAO without NAO's permission for a period of more than 3 months,

(b) the member has become bankrupt or has made an arrangement with creditors,

(c) the member's estate has been sequestrated in Scotland or the member has entered into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or has, under Scots law, made a composition or arrangement with, or granted a trust deed for, the member's creditors,

(d) the member is unfit to continue the appointment because of misconduct,

(e) the member has failed to comply with the terms of the appointment, or

(f) the member is otherwise unable, unfit or unwilling to carry out the member's functions.

Commencement Information
I81 Sch. 2 para. 16 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

PART 5

EMPLOYEES

17 (1) NAO may employ staff.

(2) In determining the terms of employment of any staff, NAO must have regard to the desirability of keeping the terms broadly in line with those applying to civil servants.

(3) A person who is an employee of NAO may not hold any office or position to which a person may be appointed, or recommended for appointment, by or on behalf of the Crown.

Commencement Information
I82 Sch. 2 para. 17 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

PART 6

PROCEDURAL RULES

General

18 NAO must make rules for the purpose of regulating NAO's procedure.

Commencement Information
I83 Sch. 2 para. 18 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Quorum for NAO meetings

19 If the rules provide for a quorum for any meetings of NAO, the quorum cannot be met unless a majority of the members present are non-executive members.

Commencement Information
I84 Sch. 2 para. 19 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Committees

20 (1) The rules may include—

(a) provision for the setting up of committees of NAO and for those committees to set up sub-committees, and

(b) provision regulating the procedures of those committees and sub-committees.

(2) An employee of NAO who is not an employee member may be a member of a committee or sub-committee.

(3) A person who is neither a member of NAO nor an employee of NAO may be a member of a committee or sub-committee, provided that no functions of NAO are delegated to the committee or sub-committee (see paragraph 23).

Commencement Information
I85 Sch. 2 para. 20 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

PART 7

OTHER MATTERS

Powers

21 NAO may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of its functions.

Commencement Information
I86 Sch. 2 para. 21 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Validity

22 The validity of anything done by NAO, the non-executive members or any committee or sub-committee is not affected by—

(a) a vacancy, or

(b) a defective appointment.

Commencement Information
I87 Sch. 2 para. 22 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Delegation of functions

23 (1) NAO may delegate functions to any of its members, employees or committees.

(2) A committee may delegate functions (including functions delegated to it) to a sub-committee.

(3) The delegation of a function does not prevent NAO or the committee (as the case may be) from carrying out the function itself.

(4) Functions under the following provisions may not be delegated—

(a) section 23(2) of this Act;

(b) paragraph 18 or 25(1) of this Schedule;

(c) paragraph 1(1), 3(1) or (3), 7(3), 9(1) or 10(1) to (5) of Schedule 3.

Commencement Information
I88 Sch. 2 para. 23 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

NAO resource accounts

24 (1) Resource accounts of the kind mentioned in section 5 of the Government Resources and Accounts Act 2000 must be prepared for NAO for each financial year by the person appointed as accounting officer under this paragraph.

(2) The Public Accounts Commission must appoint the Comptroller and Auditor General or some other appropriate person as accounting officer.

(3) The person appointed as accounting officer must carry out any other functions determined by the Commission.

Commencement Information
I89 Sch. 2 para. 24 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Audit of NAO

25 (1) NAO must appoint an auditor for NAO for each financial year.

(2) The approval of the Public Accounts Commission is required for the appointment (including its terms).

(3) The auditor must be eligible for appointment as a statutory auditor by virtue of Chapter 2 of Part 42 of the Companies Act 2006.

(4) Section 1214 (independence requirement) and section 1216 (effect of appointment of a partnership) of that Act apply as if the audit of NAO were a statutory audit.

(5) The auditor must examine NAO's resource accounts for the financial year.

(6) Sections 6(1) and 25(2) of the Government Resources and Accounts Act 2000 apply (with any necessary modifications) in relation to the examination as they apply in relation to an examination by the Comptroller and Auditor General of the resource accounts of a department.

(7) On completion of the examination the auditor must—

(a) certify the accounts, and

(b) send them, together with the auditor's report on them, to the Public Accounts Commission.

(8) The Commission must lay the accounts and report before the House of Commons.

Commencement Information
I90 Sch. 2 para. 25 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

26 (1) The terms of the auditor's appointment may require the auditor to carry out economy, efficiency and effectiveness examinations of the use of NAO's resources.

(2) On completion of the examinations the auditor must prepare a report and send it to the Public Accounts Commission.

(3) The Commission must lay the report before the House of Commons.

Commencement Information
I91 Sch. 2 para. 26 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

27 (1) The auditor may require access at any reasonable time to any document where the auditor reasonably thinks it necessary for the purposes of the auditor's functions under paragraph 25 or 26.

(2) The auditor may also require any person holding or accountable for any document to provide any information or explanation that the auditor reasonably thinks necessary for those purposes.

Commencement Information
I92 Sch. 2 para. 27 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

Documentary evidence

28 (1) The application of NAO's seal is to be authenticated by the signature of—

(a) a member of NAO, or

(b) any person authorised (whether generally or specifically) for the purpose by a member of NAO.

(2) A document purporting to be duly executed under NAO's seal or signed on its behalf—

(a) is to be received in evidence, and

(b) is to be taken to be executed or signed in that way, unless the contrary is proved.

(3) This paragraph does not extend to Scotland.

Commencement Information

I93 Sch. 2 para. 28 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(c)** (with art. 4)

SCHEDULE 3

Section 22

RELATIONSHIP BETWEEN NAO AND COMPTROLLER AND AUDITOR GENERAL

Strategy

1 (1) NAO and the Comptroller and Auditor General must jointly—

(a) prepare a strategy for the national audit functions, and

(b) review the strategy (and revise it as appropriate) at least once every 12 months.

"The national audit functions" means NAO's functions and the Comptroller and Auditor General's functions.

(2) The strategy must—

(a) for the period for the time being covered by it, include a plan for the use of resources for the national audit functions;

(b) for each financial year for the time being covered by it, specify the maximum amount of resources to be provided by NAO for the purposes of paragraph 2(1).

(3) The strategy (including any revision) must be approved by the Public Accounts Commission.

(4) For this purpose the person who chairs NAO and the Comptroller and Auditor General must jointly submit the strategy (or revision) to the Commission.

(5) Before approving the strategy (or revision) the Commission must review it and may modify it.

(6) In doing this the Commission must have regard to any advice given by the Treasury.

(7) NAO and the Comptroller and Auditor General must each give effect to the strategy.

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Commencement Information

I94 Sch. 3 para. 1 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(e)(i)** (with art. 4)

NAO to provide resources for the Comptroller and Auditor General's functions

2 (1) NAO must provide resources for the Comptroller and Auditor General's functions as required by the Comptroller and Auditor General.

(2) In particular, NAO is responsible for—

(a) employing staff to assist in the carrying out of those functions,

(b) procuring services for the purposes of those functions,

(c) holding documents or information acquired or generated in the course of, or otherwise for the purposes of, those functions (see, further, paragraph 13), and

(d) keeping records in relation to those functions,

as required by the Comptroller and Auditor General.

(3) For any financial year the maximum amount of resources that the Comptroller and Auditor General may require for the purposes of sub-paragraph (1) is the maximum amount specified for that year under paragraph 1(2)(b).

(4) Sub-paragraph (1) is also subject to paragraph 3.

Commencement Information

I95 Sch. 3 para. 2(1)(3)(4) in force in so far as not already in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

I96 Sch. 3 para. 2(1)(3)(4) in force for specified purposes at 1.1.2012 by S.I. 2011/2576, **art. 3(f)** (with art. 4)

I97 Sch. 3 para. 2(2) in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Provision of certain services by Comptroller and Auditor General to require NAO's approval

3 (1) The Comptroller and Auditor General may provide services that are not within sub-paragraph (2) only with NAO's approval.

(2) The services within this sub-paragraph are services provided by the Comptroller and Auditor General—

(a) to NAO by virtue of Schedule 2 to this Act,

(b) that are part of, or are incidental to, the Comptroller and Auditor General's functions under the following Acts—

(i) the Exchequer and Audit Departments Act 1866,

(ii) the Exchequer and Audit Departments Act 1921,

(iii) the National Loans Act 1968,

(iv) the National Audit Act 1983, and

(v) the Government Resources and Accounts Act 2000, or

(c) that consist of, or are incidental to, an audit, examination or inspection that the Comptroller and Auditor General is required or authorised to carry out by a statutory provision, other than section 1226 of the Companies Act 2006 (eligibility for appointment as a statutory auditor) and any provision of this Part of this Act.

(3) If NAO approves the provision of any services under sub-paragraph (1), it is for NAO to determine the maximum amount of resources that the Comptroller and Auditor General may require for the services for the purposes of paragraph 2(1).

(4) In this Schedule "NAO-approved services" means services provided with NAO's approval under sub-paragraph (1).

Commencement Information

I98 Sch. 3 para. 3 in force in so far as not already in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

I99 Sch. 3 para. 3 in force for specified purposes at 1.1.2012 by S.I. 2011/2576, **art. 3(f)** (with art. 4)

NAO to monitor and provide advice

4 NAO must, in such manner as it considers appropriate, monitor the carrying out of the Comptroller and Auditor General's functions.

Commencement Information

I100 Sch. 3 para. 4 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

5 (1) NAO may provide advice to the Comptroller and Auditor General about the Comptroller and Auditor General's functions.

(2) The Comptroller and Auditor General must have regard to any advice given.

Commencement Information

I101 Sch. 3 para. 5 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Delegation of Comptroller and Auditor General's functions

6 (1) The Comptroller and Auditor General may prepare a scheme for the delegation of functions of that office to employees of NAO.

(2) The scheme (including any revision) must be approved by the Public Accounts Commission.

(3) If the Commission approves the scheme (or any revision), the Comptroller and Auditor General may delegate functions in accordance with it.

(4) A delegation does not prevent the Comptroller and Auditor General from doing anything personally.

Commencement Information

I102 Sch. 3 para. 6(1)(2) in force at 1.1.2012 by S.I. 2011/2576, **art. 3(e)(ii)** (with art. 4)

I103 Sch. 3 para. 6(3)(4) in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Comptroller and Auditor General: vacancy or incapacity

7 (1) This paragraph applies if the office of Comptroller and Auditor General is vacant.

(2) This paragraph also applies if—

(a) the Speaker of the House of Commons certifies to that House that, in the view of the Speaker, the ability of the person who is Comptroller and Auditor General to carry out the functions of that office is seriously impaired because of ill health (whether mental or physical), and

(b) this paragraph has not previously applied in relation to that person.

(3) NAO may, with the agreement of the Public Accounts Commission, authorise an employee of NAO to carry out the Comptroller and Auditor General's functions during the vacancy or period of ill health.

(4) The "period of ill health" means the period—

(a) starting when the Speaker of the House of Commons certifies to that House as mentioned in sub-paragraph (2)(a), and

(b) ending when the Speaker certifies to that House that, in the view of the Speaker, the person's ability to carry out the functions of the Comptroller and Auditor General is no longer seriously impaired because of ill health.

(5) The functions to which sub-paragraph (3) applies include the function of delegating under paragraph 6.

(6) In relation to a vacancy or period of ill health of more than 6 months, functions may not be carried out by virtue of sub-paragraph (3) after the end of the first 6 months.

Commencement Information

I104 Sch. 3 para. 7 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Audit fees etc

8 (1) NAO may charge fees for audits carried out by the Comptroller and Auditor General.

(2) Any fees must be charged in accordance with a scheme prepared by NAO.

(3) The scheme (including any revision) must be approved by the Public Accounts Commission.

(4) The agreement of a Minister of the Crown is required for the charging of a fee if the accounts to be audited are the accounts of a body or other person who acts on behalf of the Crown.

(5) Sub-paragraphs (1) to (4) do not apply in relation to an audit carried out as part of any NAO-approved services.

(6) The Comptroller and Auditor General may charge fees and other amounts in relation to NAO-approved services, but only in accordance with the agreement or other arrangements under which the services are provided.

(7) Fees and other amounts received by the Comptroller and Auditor General must be paid to NAO.

(8) Fees and other amounts received by NAO under this paragraph must be paid into the Consolidated Fund.

Commencement Information

I105 Sch. 3 paras. 8(1)-(3) in force in so far as not already in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

I106 Sch. 3 paras. 8(1)-(3) in force for specified purposes at 1.1.2012 by S.I. 2011/2576, **art. 3(g)** (with art. 4)

I107 Sch. 3 paras. 8(4)-(8) in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Reports

9 (1) NAO and the Comptroller and Auditor General must, as soon as practicable after the end of each financial year, jointly prepare a report on the carrying out during the year of the national audit functions (see paragraph 1(1)).

(2) The person who chairs NAO and the Comptroller and Auditor General must jointly submit the report to the Public Accounts Commission.

(3) The Commission must lay the report before Parliament.

Commencement Information

I108 Sch. 3 para. 9 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Code of practice

10 (1) NAO and the Comptroller and Auditor General must jointly prepare a code of practice dealing with the relationship between NAO and the Comptroller and Auditor General.

(2) In doing this, they must (in particular) seek to reflect the principle set out in section 17(1) and (2), subject to any limitations on that principle that are agreed between the Public Accounts Commission, NAO and the Comptroller and Auditor General.

(3) NAO and the Comptroller and Auditor General must jointly review the code regularly and revise it as appropriate.

(4) In preparing or revising the code, they must consult the Treasury.

(5) They must also consider any proposals for revisions of the code made by the Commission from time to time.

(6) The code (including any revision) must be approved by the Commission.

(7) For this purpose, the person who chairs NAO and the Comptroller and Auditor General must jointly submit the code (or revision) to the Commission.

(8) If the Commission approves the code (or revision), the Commission must lay it before Parliament (stating the time from which it takes effect).

(9) NAO and the Comptroller and Auditor General must each comply with the code.

***Changes to legislation:** There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Commencement Information
I109 Sch. 3 para. 10 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(e)(iii)** (with art. 4)

11 (1) For the purposes of preparing or revising the code, the NAO must agree to the code (including any revision) in accordance with this paragraph.

(2) The agreement must be given at a meeting of NAO.

(3) The agreement may be given only if at least one half of the non-executive members present and voting on the matter vote in favour of giving the agreement.

(4) The requirements of this paragraph are in addition to any other requirements relating to NAO's procedure.

Commencement Information
I110 Sch. 3 para. 11 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(e)(iii)** (with art. 4)

12 (1) The code must include—

(a) provision as to how the strategy required by paragraph 1 is to be prepared, reviewed and revised;

(b) provision about the matters to be covered by the strategy and the periods to be covered by it from time to time;

(c) provision as to how resources are to be provided for the purposes of paragraph 2(1);

(d) provision about the preparation of estimates for the purposes of section 23;

(e) provision as to how NAO is to make decisions for the purposes of paragraph 3;

(f) provision as to how NAO is to monitor the Comptroller and Auditor General's functions for the purposes of paragraph 4;

(g) provision as to how advice is to be given by NAO for the purposes of paragraph 5, including the nature of the advice to be given;

(h) provision as to how the Comptroller and Auditor General is to charge fees and other amounts under paragraph 8;

(i) provision about the extent to which NAO's functions are to be delegated to the Comptroller and Auditor General (see paragraph 23 of Schedule 2);

(j) provision restricting the public comments that a non-executive member of NAO may make in relation to the carrying out of the Comptroller and Auditor General's functions.

(2) The code may also make provision about—

(a) the way in which reports required by paragraph 9 are to be prepared and the matters to be covered by those reports;

(b) matters about which NAO or the Comptroller and Auditor General (or both) are to consult the Public Accounts Commission from time to time;

(c) standards for corporate governance.

(3) This paragraph is not exhaustive as regards the matters that may be covered by the code.

Commencement Information
I111 Sch. 3 para. 12 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(e)(iii)** (with art. 4)

Documents and information

13 (1) Any document or information which a person is required to provide, or may provide, to the Comptroller and Auditor General, may be provided to NAO (either by that person or the Comptroller and Auditor General).

(2) For the purposes of section 3(2) of the Freedom of Information Act 2000 any document or information held by NAO as mentioned in paragraph 2(2)(c) is treated as held by NAO on its own behalf.

(3) The documents and information to be held by NAO as mentioned in paragraph 2(2)(c) include documents and information previously held by the National Audit Office established by section 3 of the National Audit Act 1983.

Commencement Information
I112 Sch. 3 para. 13 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

SCHEDULE 4

Section 26

TRANSITIONAL PROVISION RELATING TO PART 2

Transfer of property etc

1 (1) Before the appointed day the Comptroller and Auditor General must—

(a) determine the property, rights and liabilities of the Comptroller and Auditor General that are to be transferred to NAO in consequence of the provision made by this Part, and

(b) prepare a scheme describing, in the way the Comptroller and Auditor General considers appropriate, that property and those rights and liabilities.

(2) The scheme must be approved by the Public Accounts Commission.

(3) On the appointed day the property, rights and liabilities described in the scheme are transferred to NAO.

(4) Sub-paragraph (3) operates in relation to property, rights and liabilities—

(a) whether or not they would otherwise be capable of being transferred,

(b) without any instrument or other formality being required, and

(c) irrespective of any kind of requirement for consent that would otherwise apply.

(5) In sub-paragraph (1) the references to rights and liabilities include references to rights and liabilities under or in connection with contracts of employment with staff that were appointed under section 3(2) of the National Audit Act 1983.

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

(6) For any purpose relating to a person who becomes an employee of NAO by virtue of sub-paragraph (3)—

(a) a period of employment under section 3(2) of the National Audit Act 1983 (including a period that was counted as such a period by virtue of paragraph 2(3) of Schedule 2 to that Act) is to be treated as a period of employment with NAO, and

(b) the transfer to NAO is not to be treated as a break in service.

(7) Anything done by, on behalf of or in relation to the Comptroller and Auditor General in relation to anything transferred by sub-paragraph (3) has effect as if done by, on behalf of or in relation to NAO, so far as necessary or appropriate for continuing its effect on and after the appointed day.

(8) Anything (including legal proceedings) which, immediately before the appointed day, is in the process of being done by, on behalf of or in relation to the Comptroller and Auditor General in relation to anything transferred by sub-paragraph (3) may be continued by, on behalf of or in relation to NAO.

(9) So far as necessary or appropriate in consequence of sub-paragraphs (3) to (8), a reference to the Comptroller and Auditor General in any agreement (whether written or not) or instrument or other document is to be treated as a reference to, or as including a reference to, NAO.

(10) Before the appointed day a person's employment under section 3(2) of the National Audit Act 1983 is to be treated for the purposes of paragraph 1(2)(c) and Part 4 of Schedule 2 as if it were employment with NAO.

(11) In this paragraph "the appointed day" means the day appointed for the purposes of this paragraph by an order made by the Treasury by statutory instrument.

Commencement Information

I113 Sch. 4 para. 1 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(j)(i)** (with art. 4)

Tax consequences of transfers by virtue of paragraph 1(3)

2 (1) For the purposes of the application of Part 5 of the Corporation Tax Act 2009 (loan relationships) in relation to a transfer by virtue of paragraph 1(3), the Comptroller and Auditor General and NAO are to be treated as if, at the time of the transfer, they were members of the same group.

(2) In sub-paragraph (1) the reference to being members of the same group is to be read in accordance with section 335(6) of that Act.

Commencement Information

I114 Sch. 4 para. 2 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

3 (1) For the purposes of Part 8 of the Corporation Tax Act 2009 (intangible fixed assets) a transfer by virtue of paragraph 1(3) of a chargeable intangible asset of the Comptroller and Auditor General is to be treated as a tax-neutral transfer.

(2) Part 4 of the Taxation (International and Other Provisions) Act 2010 (transfer pricing) does not apply in relation to a transfer to which sub-paragraph (1) applies.

(3) For the purposes of section 882 of the Corporation Tax Act 2009 (application of Part 8 to assets created or acquired on or after 1 April 2002) assets acquired by NAO on a transfer by virtue of paragraph 1(3) are to be treated as if they were acquired from a person who at the time of the acquisition was a related party in relation to NAO.

(4) Expressions used in this paragraph and in Part 8 of the Corporation Tax Act 2009 have the same meaning in this paragraph as they have in that Part.

Commencement Information
I115 Sch. 4 para. 3 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

4 For the purposes of the Taxation of Chargeable Gains Act 1992 a disposal constituted by virtue of a transfer by paragraph 1(3) is to be taken (in relation to both the Comptroller and Auditor General and NAO) to be for a consideration such that no gain or loss accrues to the Comptroller and Auditor General.

Commencement Information
I116 Sch. 4 para. 4 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Old Comptroller and Auditor General to continue to be Comptroller and Auditor General

5 (1) This paragraph applies to the person who is the Comptroller and Auditor General immediately before the appointed day.

(2) On and after the appointed day the person—

(a) continues to be the Comptroller and Auditor General and is treated as having been appointed to that office under this Part, and

(b) holds the office for 10 years less a period equal to that during which the person was the Comptroller and Auditor General before the appointed day.

(3) The person's remuneration arrangements under section 13 are to be determined jointly by the Prime Minister and the person who chairs the Committee of Public Accounts before the appointed day (but are not to cover any period before the appointed day).

(4) In this paragraph "the appointed day" means the day appointed for the purposes of this paragraph by an order made by the Treasury by statutory instrument.

Commencement Information
I117 Sch. 4 para. 5 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(j)(ii)**

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Provision of services

6 (1) This paragraph applies in relation to anything done by or on behalf of the Comptroller and Auditor General under a power that ceases to be exercisable upon the coming into force of section 16 of this Act.

(2) So far as necessary or appropriate for continuing its effect after the coming into force of section 16, the thing is treated as having been done by or on behalf of the Comptroller and Auditor General under that section.

Commencement Information
I118 Sch. 4 para. 6 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

7 (1) Paragraph 3 of Schedule 3 does not apply in relation to the provision of any services which, at the time that paragraph comes into force, the Comptroller and Auditor General has a contractual duty to provide.

(2) But paragraph 8 of that Schedule applies in relation to any such services as if they were NAO-approved services.

Commencement Information
I119 Sch. 4 para. 7 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Indemnification

8 (1) The liabilities covered by section 24 of this Act include liabilities that—

(a) arise before the coming into force of that section, or

(b) arise in relation to any act or omission occurring before the coming into force of that section.

(2) For this purpose section 24(3)(d) covers former members of the staff of the National Audit Office established by section 3 of the National Audit Act 1983.

Commencement Information
I120 Sch. 4 para. 8 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

NAO's procedural rules before rules made under paragraph 18 of Schedule 2

9 (1) This paragraph applies until the first rules under paragraph 18 of Schedule 2 are made.

(2) It applies in relation to any matter to be decided by NAO for the purpose of preparing or making those rules or for the purposes of paragraph 10 of Schedule 3.

(3) The matter is to be decided—

(a) at a meeting of NAO at which the person who chairs NAO and at least six other members are present, and

(b) by the majority of votes of the members present and voting on the matter.

(4) But the matter may not be decided unless a majority of the members voting on the matter are non-executive members.

(5) If the votes are tied, the person who chairs NAO is to have the casting vote, whether or not that person has already voted on the matter.

(6) It is for the person who chairs NAO to call a meeting of NAO by giving written notice to the other members of the date, time and venue of the meeting.

Commencement Information
I121 Sch. 4 para. 9 in force at 1.1.2012 by S.I. 2011/2576, **art. 3(j)(iii)** (with art. 4)

SCHEDULE 5

Section 26

CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

PART 1

MEANING OF "OLD NAO"

1 In this Schedule "old NAO" means the National Audit Office established by section 3 of the National Audit Act 1983.

Commencement Information
I122 Sch. 5 para. 1 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

PART 2

AMENDMENTS

Exchequer and Audit Departments Act 1866

2 In the Exchequer and Audit Departments Act 1866, omit sections 3 and 6 (which relate to the tenure of, and vacancies in, the office of Comptroller and Auditor General).

Commencement Information
I123 Sch. 5 para. 2 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Exchequer and Audit Departments Act 1957

3 (1) The Exchequer and Audit Departments Act 1957 is repealed.

(2) Sub-paragraph (1) does not affect the position of any person by virtue of section 1(3A) of that Act (computation of salary of former Comptroller and Auditor General for purposes of pension).

Commencement Information
I124 Sch. 5 para. 3 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Public Records Act 1958

4 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3 the reference to old NAO is to be read as a reference to NAO.

Commencement Information
I125 Sch. 5 para. 4 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Superannuation Act 1972

5 The Superannuation Act 1972 is amended as follows.

Commencement Information
I126 Sch. 5 para. 5 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

6 (1) In section 13 (the Comptroller and Auditor General), before subsection (1) insert—

"(A1) This section does not apply to a person appointed as Comptroller and Auditor General under Part 2 of the Budget Responsibility and National Audit Act 2011."

(2) Sub-paragraph (1) does not affect the position of the person mentioned in paragraph 5(1) of Schedule 4 to this Act so far as section 13 of the 1972 Act applies in relation to that person's service as Comptroller and Auditor General before the appointed day (within the meaning of paragraph 5(4) of that Schedule).

Commencement Information
I127 Sch. 5 para. 6 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

7 (1) In Schedule 1 (kinds of employment to which the Act applies), in the list of "Other Bodies"—

(a) omit "National Audit Office.", and

(b) insert at the appropriate place— " Employment by the National Audit Office. "

(2) Sub-paragraph (1) does not affect the position of any person who was a member of the staff of old NAO but who ceased to be a member before the appointed day (within the meaning of paragraph 1(11) of Schedule 4).

Commencement Information
I128 Sch. 5 para. 7 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

House of Commons Disqualification Act 1975

8 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) is amended as follows.

(2) In Part 2, insert at the appropriate place— " The National Audit Office. "

(3) In Part 3—

(a) omit "Comptroller and Auditor General." and "Member of the staff of the National Audit Office.", and

(b) insert at the appropriate place— " Employee of the National Audit Office. "

Commencement Information
I129 Sch. 5 para. 8 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Northern Ireland Assembly Disqualification Act 1975

9 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership) is amended as follows.

(2) In Part 2, insert at the appropriate place— " The National Audit Office. "

(3) In Part 3—

(a) omit "Comptroller and Auditor General." and "Member of the staff of the National Audit Office.", and

(b) insert at the appropriate place— " Employee of the National Audit Office. "

Commencement Information
I130 Sch. 5 para. 9 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Parliamentary and other Pensions and Salaries Act 1976

10 (1) In section 6 of the Parliamentary and other Pensions and Salaries Act 1976, omit subsection (3).

(2) Sub-paragraph (1) does not affect the position of any person by virtue of section 1(3A) of the Exchequer and Audit Departments Act 1957.

Commencement Information
I131 Sch. 5 para. 10 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Changes to legislation: *There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Race Relations Act 1976

11 (1) In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and persons subject to general statutory duty), under the heading "*Regulatory, audit and inspection*"—

(a) insert at the appropriate place— " The Comptroller and Auditor General. ", and

(b) the reference to old NAO is to be read as a reference to NAO.

(2) Sub-paragraphs (3) and (4) apply in relation to any function that was a function of old NAO by virtue of Part 2 of that Schedule.

(3) Anything done by, on behalf of or in relation to old NAO has effect as if done by, on behalf of or in relation to the relevant person, so far as necessary or appropriate for continuing its effect after the coming into force of sub-paragraph (1).

(4) Anything (including legal proceedings) which, immediately before the coming into force of sub-paragraph (1), is in the process of being done by, on behalf of or in relation to old NAO may be continued by, on behalf of or in relation to the relevant person.

(5) "The relevant person" means—

(a) in relation to matters within NAO's functions, NAO;

(b) in relation to matters within the Comptroller and Auditor General's functions, the Comptroller and Auditor General.

(6) The amendments made by sub-paragraph (1) cease to have effect when the repeal of the Race Relations Act 1976 by Schedule 27 to the Equality Act 2010 has effect for all purposes.

Commencement Information

I132 Sch. 5 para. 11 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Interpretation Act 1978

12 In Schedule 1 to the Interpretation Act 1978, in the definition of "Comptroller and Auditor General", omit "appointed in pursuance of the Exchequer and Audit Departments Act 1866".

Commencement Information

I133 Sch. 5 para. 12 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

National Audit Act 1983

13 (1) In the National Audit Act 1983, omit the following provisions—

(a) sections 1, 3(1) to (6), 4 and 5;

(b) paragraphs 1 to 3 of Schedule 2;

(c) Schedule 3.

(2) Sub-paragraph (1) does not affect the position of any person by virtue of paragraph 2(3) or (4) of Schedule 2 to that Act (transfers of staff).

(3) The repeal of section 3(4) of that Act does not affect the position under the Superannuation Act 1972 of any person who was a member of the staff of old NAO but who ceased to be a member before the appointed day (within the meaning of paragraph 1(11) of Schedule 4).

Commencement Information
I134 Sch. 5 para. 13 in force at 1.4.2012 by S.I. 2011/2576, **art. 5** (with art. 6)

Finance Act 1989

14 (1) Section 182 of the Finance Act 1989 (disclosure of information) is amended as follows.

(2) In subsection (4)(a)—

(a) in sub-paragraph (i), for "and any member of the staff of the National Audit Office" substitute " , of the National Audit Office and any member or employee of that Office or of any member of the staff of the National Audit Office that was established by section 3 of the National Audit Act 1983 ", and

(b) after that sub-paragraph insert—

"(ia) of the Comptroller and Auditor General for Northern Ireland and any member of the staff of the Northern Ireland Audit Office,".

(3) In subsection (6), after "Comptroller" insert " and Auditor General, the Comptroller and Auditor General for Northern Ireland ".

(4) In subsection (11), omit paragraphs (a) and (b).

Commencement Information
I135 Sch. 5 para. 14 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Social Security Administration Act 1992

15 (1) In section 123 of the Social Security Administration Act 1992 (unauthorised disclosure of information relating to particular persons), subsection (8) is amended as follows.

(2) After paragraph (a) insert—

"(aa) any member or employee of the National Audit Office;

(ab) any other person who carries out the administrative work of the National Audit Office, or who provides, or is employed in the provision of, services to that Office;".

(3) In paragraph (i), omit "the National Audit Office or".

(4) In paragraph (j)—

(a) for "either of those Offices" substitute " the Northern Ireland Audit Office ", and

(b) for "either of them" substitute " that Office ".

***Changes to legislation:** There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

(5) After paragraph (j) insert—

"(jza) the following persons—

(i) any member of the staff of the National Audit Office that was established by section 3 of the National Audit Act 1983, or

(ii) any other person who carried out the administrative work of that Office, or who provided, or who was employed in the provision of, services to that Office;".

Commencement Information

I136 Sch. 5 para. 15 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Taxation of Chargeable Gains Act 1992

16 In section 288 of the Taxation of Chargeable Gains Act 1992 (interpretation), in subsection (3A), at the end insert—

"(k) paragraph 4 of Schedule 4 to the Budget Responsibility and National Audit Act 2011."

Commencement Information

I137 Sch. 5 para. 16 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

National Lottery etc. Act 1993

17 In section 4B of the National Lottery etc. Act 1993 (disclosure of information), in subsection (4)(f), for "the National Audit Office" substitute " the Comptroller and Auditor General ".

Commencement Information

I138 Sch. 5 para. 17 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Employment Rights Act 1996

18 In Schedule 1 to the Employment Rights Act 1996, omit paragraph 22.

Commencement Information

I139 Sch. 5 para. 18 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Government of Wales Act 1998

19 In Schedule 12 to the Government of Wales Act 1998, omit paragraph 1.

Commencement Information
I140 Sch. 5 para. 19 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Government Resources and Accounts Act 2000

20 In Schedule 1 to the Government Resources and Accounts Act 2000, omit paragraph 18(2), (4) and (5).

Commencement Information
I141 Sch. 5 para. 20 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Freedom of Information Act 2000

21 The Freedom of Information Act 2000 is amended as follows.

Commencement Information
I142 Sch. 5 para. 21 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

22 (1) In section 36 (exempt information: prejudice to effective conduct of public affairs), in paragraph (i) of subsection (5), after "the National Audit Office" insert " or the Comptroller and Auditor General ".

(2) The reference in that paragraph to old NAO is to be read as a reference to NAO.

Commencement Information
I143 Sch. 5 para. 22 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

23 (1) In Part 6 of Schedule 1 (public authorities to which Act applies)—

(a) insert at the appropriate place— " The Comptroller and Auditor General. ", and

(b) the reference to old NAO is to be read as a reference to NAO.

(2) Sub-paragraphs (3) and (4) apply in relation to any function that was a function of old NAO by virtue of Part 6 of that Schedule.

(3) Anything done by, on behalf of or in relation to old NAO has effect as if done by, on behalf of or in relation to the relevant person, so far as necessary or appropriate for continuing its effect after the coming into force of sub-paragraph (1).

(4) Anything (including legal proceedings) which, immediately before the coming into force of sub-paragraph (1), is in the process of being done by, on behalf of or in relation to old NAO may be continued by, on behalf of or in relation to the relevant person.

(5) "The relevant person" means—

(a) in relation to matters within NAO's functions, NAO;

(b) in relation to matters within the Comptroller and Auditor General's functions, the Comptroller and Auditor General.

Commencement Information
I144 Sch. 5 para. 23 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Public Finance and Accountability (Scotland) Act 2000

24 In section 26D of the Public Finance and Accountability (Scotland) Act 2000 (asp 1) (disclosure of results of data matching), in subsection (4), for paragraph (a) substitute—

"(a) the Comptroller and Auditor General,".

Commencement Information
I145 Sch. 5 para. 24 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Constitutional Reform Act 2005

25 In Schedule 6 to the Constitutional Reform Act 2005, omit paragraph 7.

Commencement Information
I146 Sch. 5 para. 25 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Government of Wales Act 2006

F2 26 . . . . . .

Textual Amendments
F2 Sch. 5 paras. 26-28 omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 86** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

F2 27 . . . . . .

Textual Amendments
F2 Sch. 5 paras. 26-28 omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 86** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

F2 28 . . . . . .

Textual Amendments
F2 Sch. 5 paras. 26-28 omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 86** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

Companies Act 2006

29 The Companies Act 2006 is amended as follows.

Commencement Information
I147 Sch. 5 para. 29 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

30 In section 1230, omit subsection (3)(a).

Commencement Information
I148 Sch. 5 para. 30 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

31 In paragraph A32 of Part 2 of Schedule 2 and paragraph 47 of Schedule 11A (which provide exceptions to certain restrictions on disclosure of information), for "the National Audit Office" substitute " the Comptroller and Auditor General ".

Commencement Information
I149 Sch. 5 para. 31 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Corporate Manslaughter and Corporate Homicide Act 2007

32 (1) In Schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007 (list of government departments etc to which Act applies), omit the reference to old NAO.

(2) In relation to any offence alleged to have been committed by old NAO before the coming into force of sub-paragraph (1), proceedings may be brought or continued against NAO as if anything done by, on behalf of or in relation to old NAO had been done by, on behalf of or in relation to NAO.

Commencement Information
I150 Sch. 5 para. 32 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

Parliamentary Standards Act 2009

33 In paragraph 1 of Schedule 1 to the Parliamentary Standards Act 2009 (membership of Independent Parliamentary Standards Authority), for sub-paragraph (3) substitute—

"(3) At least one of the members of the IPSA must be a person who is eligible for appointment as a statutory auditor by virtue of Chapter 2 of Part 42 of the Companies Act 2006."

Commencement Information
I151 Sch. 5 para. 33 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

***Changes to legislation:** There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011. (See end of Document for details)*

Equality Act 2010

34 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general), under the heading "*Industry, business, finance etc.*" insert at the appropriate place — " The Comptroller and Auditor General. "

Commencement Information

I152 Sch. 5 para. 34 in force at 1.4.2012 by S.I. 2011/2576, **art. 5**

[F3]SCHEDULE 6

Section 27

. . . . . .

Textual Amendments

F3 Sch. 6 omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 87** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

Changes to legislation:
There are currently no known outstanding effects for the Budget Responsibility and National Audit Act 2011.