STATUTORY INSTRUMENTS

2016 No. 675 (C. 48)

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Audit and Accountability Act 2014 (Commencement No. 8 and Commencement No. 7, Transitional Provisions and Savings (Amendment)) Order 2016

Made - - - - 27th June 2016

The Secretary of State for Communities and Local Government makes the following Order in exercise of the powers conferred by section 49(1) and (5) to (8) of the Local Audit and Accountability Act 2014(**1**).

Citation

1. This Order may be cited as the Local Audit and Accountability Act 2014 (Commencement No. 8 and Commencement No. 7, Transitional Provisions and Savings (Amendment)) Order 2016.

Amendment of the Local Audit and Accountability Act 2014 (Commencement No. 7, Transitional Provisions and Savings) Order 2015

2.—(1) The Local Audit and Accountability Act 2014 (Commencement No. 7, Transitional Provisions and Savings) Order 2015(**2**) is amended as follows.

(2) In article 2 (interpretation)—

(a) in the definition of "relevant financial year" for paragraph (b) substitute—

"(b) (i) in relation to a two-year transitional period authority, falling within the period beginning with 1st April 2015 and ending with 31st March 2017; or

(ii) in relation to any other relevant authority(**3**), falling within the period beginning with 1st April 2015 and ending with 31st March 2018;";

(**1**) 2014 c.2.
(**2**) S.I. 2015/841.
(**3**) For the meaning of "relevant authority" see the Local Audit and Accountability Act 2014 ("the 2014 Act"), section 2 and Schedule 2. A relevant amendment was made to paragraph 24 of that Schedule (special trustees for a hospital) by S.I. 2015/975 and that paragraph is repealed by paragraph 18 of Schedule 1 to the NHS (Charitable Trusts etc.) Act 2016 (c.10) ("the 2016 Act") (not yet in force). Schedule 2 to the 2014 Act is modified to include paragraphs 24A and 24B (certain NHS trusts and trustees to those NHS trusts) by paragraphs 1 and 3(2) of Schedule 13 to the 2014 Act; paragraphs 1 and 3 of Schedule 13 are amended by paragraph 19 of Schedule 1 to the 2016 Act (not yet in force). Paragraph 25 of Schedule 2 to the 2014 Act was repealed by paragraph 6(1) and (37) of Schedule 13 to the Deregulation Act 2015 (c.20).

(b) for the definition of "transitional period" substitute—

""transitional period" means—

(a) in relation to a two-year transitional period authority the period beginning with 1st April 2015 and ending with 31st March 2017;

(b) in relation to any other relevant authority the period beginning with 1st April 2015 and ending with 31st March 2018;";

(c) after the definition of "transitional period" insert—

""two-year transitional period authority" means–

(a) a smaller authority within the meaning of section 6 of the 2014 Act which is not a full audit authority in accordance with regulation 8 of the Local Audit (Smaller Authorities) Regulations 2015(**4**);

(b) a clinical commissioning group;

(c) special trustees for a hospital;

(d) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England; or

(e) any trustees for an NHS trust all or most of whose hospitals, establishments and facilities are situated in England, appointed under paragraph 10 of Schedule 4 to the National Health Service Act 2006.".

(3) In article 4 (provisions of the 2014 Act coming into force on 1st April 2017) omit "45 and".

(4) In paragraph (3) of article 6 (transitory provisions: functions of the Audit Commission) for "transitional period" substitute "period beginning with 1st April 2015 and ending with 31st March 2018".

(5) In article 7 (transitory provision: exercise of functions) for "2017" substitute "2018".

(6) In the Schedule (further transitional, transitory and saving provisions)—

(a) in paragraph 1(2) and (3) for "1st April 2017" substitute—

"—

(a) 1st April 2017 in relation to a two-year transitional period authority; or

(b) 1st April 2018 in relation to any other relevant authority.";

(b) in paragraph 4(2) for "During the transitional period" substitute "Until 31st December 2018";

(c) in paragraph 11(1) for "transitional period" substitute "period beginning with 1st April 2015 and ending with 31st March 2017".

Provisions of the 2014 Act coming into force on 1st April 2018

3. 1st April 2018 is the day appointed for the coming into force of paragraph 45 of Schedule 12 to the Local Audit and Accountability Act 2014 and section 45 so far as it relates to that paragraph.

(**4**) S.I. 2015/184.

Marcus Jones
Parliamentary Under Secretary of State
Department of Communities and Local Government

27th June 2016

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Local Audit and Accountability Act 2014 (Commencement No. 7, Transitional Provisions and Savings) Order 2015 and brings into force a provision of the Local Audit and Accountability Act 2014 ("the 2014 Act") on 1st April 2018.

Article 2 makes a number of amendments to reflect that the transitional arrangements will end on different dates depending on the type of relevant authority. The transitional arrangements for most smaller authorities (as defined by section 6 of the 2014 Act) and various NHS bodies (see paragraphs (b) to (e) of the definition of two-year transitional period authority) will end on 31st March 2017 and for other relevant authorities transitional arrangements will end on 31st March 2018.

Article 3 commences paragraph 45 of Schedule 12 to the 2014 Act on 1st April 2018 to account for the longer of the two transitional periods.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.I. No.*
Section 1	1st April 2015	S.I. 2015/841 (C.53)
Section 2(1) and (2) (partially)	4th April 2014	S.I. 2014/900 (C.39)
	9th April 2014	S.I. 2014/940 (C.42)
	16th December 2014	S.I. 2014/3319 (C.154)
Sections 2(3) to (6) (partially)	16th December 2014	S.I. 2014/3319 (C.154)
Section 2 (remainder)	1st April 2015	S.I. 2015/841 (C.53)
Sections 3(5) to (7) (partially)	4th April 2014	S.I. 2014/900 (C.39)
Section 3 (remainder)	1st April 2015	S.I. 2015/841 (C.53)
Section 4(1)(b) (partially)	16th December 2014	S.I. 2014/3319 (C.154)
Section 4 (remainder	1st April 2015	S.I. 2015/841 (C.53)
Section 5 (partially)	4th April 2014	S.I. 2014/900 (C.39)