

From: [Kane C](#)
To: [Hepper, Fiona](#)
Cc: [McCutcheon, Joanne](#); [Hutchinson, Peter](#); [Sides J](#)
Subject: RE: Link to legislation
Date: 18 December 2012 13:51:49
Attachments: [image001.png](#)
[image002.jpg](#)

Fiona

Apologies for the delay. We have now examined the Audit and Accountability (NI) Order 2003 which grants the C&AG access to relevant documents where financial assistance has been provided (this can be a grant , loan or for example the provision of services). However the legislation does not extend to bodies which are a 'department or Minister of the Government of the United Kingdom' (Article 4 para 3 (a)). This would appear to preclude OFGEM and therefore we would seek access through the National Audit Office. I have examined the thinking behind this clause at the time the Order was being produced and it seems it was intended to reasons of propriety.

I would add that this should not preclude the department from having access to all relevant documents so they are able to confirm the accuracy and regularity of expenditure.

I am happy to discuss.

Colette

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From: Hepper, Fiona [<mailto:Fiona.Hepper@detini.gov.uk>]
Sent: 18 December 2012 12:09
To: Hepper, Fiona; Kane C
Cc: McCutcheon, Joanne; Hutchinson, Peter
Subject: RE: Link to legislation

Colette
grateful if you could have a response with us today on this as I need to advise Ofgem on progress tomorrow morning
Regards
Fiona

Fiona Hepper
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From: Hepper, Fiona
Sent: 17 December 2012 15:01
To: Kane C
Cc: McCutcheon, Joanne; Hutchinson, Peter
Subject: RE: Link to legislation

thank you
Fiona

Fiona Hepper

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From: Kane C [<mailto:colette.kane@niauditoffice.gov.uk>]
Sent: 17 December 2012 15:07
To: Hepper, Fiona

Cc: McCutcheon, Joanne; Hutchinson, Peter
Subject: RE: Link to legislation

Fiona

We are looking at this again. I will revert to you with more definitive guidance soon.

Colette

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From: Hepper, Fiona [<mailto:Fiona.Hepper@detini.gov.uk>]
Sent: 17 December 2012 10:08
To: Kane C
Cc: Hepper, Fiona; McCutcheon, Joanne; Hutchinson, Peter
Subject: FW: Link to legislation

Colette

many thanks for the link. I have found the legislation, but am unable to locate within it a clause which is definitive re your powers of entry. Could you indicate the clause please?
Many thanks

Regards
Fiona

For reference the legislation I have looked at is : The Audit (NI) Order 1987; The Audit and Accountability (NI) Order 2003 and the Audit and Accountability (NI) Order (Statutory Rights of Access : Exclusions) Order (NI) 2003.

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From: Smith, Rae **On Behalf Of** Cooper, Trevor
Sent: 14 December 2012 10:34
To: Hepper, Fiona
Subject: FW: Link to legislation

From: Kane C [<mailto:colette.kane@niauditoffice.gov.uk>]
Sent: 14 December 2012 09:33
To: Cooper, Trevor
Subject: RE: Link to legislation

Trevor

If you go to www.legislation.co.uk and search Audit and 1987 it should come up. I have looked at this again and it refers to bodies which receive greater than 50% of their income from public sector sources which of course OFGEN would be albeit not from NI. It would be best if our access was confirmed at the outset in the contract terms.

Hope this helps
Colette

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From: Cooper, Trevor [<mailto:Trevor.Cooper@detini.gov.uk>]
Sent: 13 December 2012 14:54
To: Kane C
Subject: Link to legislation

Colette

Id be very grateful if you would forward the link you mentioned yesterday.

As we discussed, I believe it should be very helpful in moving our Energy colleagues discussions with OFGEM forward.

Regards

Trevor

Trevor Cooper

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