
STATUTORY INSTRUMENTS

1992 No. 810

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992

Works contracts: restrictions

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5.—(1) If a council proposes to enter into a works contract with another person (the other party) and under the contract the council is to carry out work falling within a defined activity, the council may not enter into the contract unless—

- (a) the first or second alternative of the first condition is fulfilled, and
- (b) the second condition is fulfilled.

(2) The first alternative of the first condition is that—

- (a) the contract is made by acceptance of the council's offer to carry out the work,
- (b) the council made the offer in response to an invitation by the other party to submit such offers, and
- (c) the invitation was made to at least 3 other persons who are willing to carry out work of the kind concerned, and who are not councils or include at least 3 persons who are not councils.

(3) Regulations may vary—

- (a) the number of persons to whom an invitation must be made under paragraph (2)(c); and
- (b) the minimum number of those persons who are not to be councils.

(4) The second alternative of the first condition is that before entering into the contract the other party published, in at least 2 newspapers circulating in the locality in which the work is to be carried out and at least one publication circulating among persons who carry out work of the kind concerned, a notice inviting persons to submit offers to carry out the work.

(5) The second condition is that the other party, in entering into the contract and in doing anything else (whether or not required by this Part) in connection with the contract before entering into it, did not act in a manner having the effect or intended or likely to have the effect of restricting, distorting or preventing competition.

(6) Anything which (apart from this paragraph) would amount to a failure to fulfil the first or second alternative of the first condition, or the second condition, shall not do so unless, at the time the contract is proposed to be entered into, the council is aware of the failure.

(7) This Article applies where it is proposed to enter into the works contract on or after 1st July 1992.

Works contracts: transitional

6.—(1) Where—

- (a) a council entered into a works contract before 1st July 1992 (and whether or not before this Part comes into operation), and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) had the council entered into the contract on 1st July 1992 it would have infringed Article 5, on that date the parties to the contract shall cease to have power to carry it out.

(2) Where the parties to a contract to which paragraph (1) applies do not make other provision before 1st July 1992, the Frustrated Contracts Act (Northern Ireland) 1947⁽¹⁾ shall apply to the contract with effect from that date.

⁽¹⁾ 1947 c. 2 (N.I.)