

2000 No. 403

LOCAL GOVERNMENT

**The Local Authorities (Goods and Services) (Public Bodies)
(No. 2) (Scotland) Order 2000**

Made 17th November 2000

Laid before the Scottish Parliament 17th November 2000

Coming into force 9th December 2000

The Scottish Ministers, in exercise of the powers conferred by sections 1(5) and (6) of the Local Authorities (Goods and Services) Act 1970(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation commencement and extent

1.—(1) This Order may be cited as the Local Authorities (Goods and Services) (Public Bodies) (No. 2) (Scotland) Order 2000 and shall come into force on 9th December 2000.

(2) This Order extends to Scotland only.

Designation of Public Bodies

2. Each of the following persons, being, in each case, a person appearing to Scottish Ministers to be exercising functions of a public nature, shall be a public body for the purposes of the Local Authorities (Goods and Services) Act 1970 in its application to Scotland namely:—

- (a) Highlands and Islands Enterprise;
- (b) Scottish Enterprise;
- (c) Scottish Environment Protection Agency.

3.—(1) Any person of a description specified in paragraph (2) below, being, in each case, a description of persons appearing to Scottish Ministers to be exercising functions of a public nature, shall be a public body for the purposes of the Local Authorities (Goods and Services) Act 1970 in its application to Scotland.

(2) The descriptions of persons referred to in paragraph (1) are—

- (a) a National Health Service Trust;
- (b) a person with whom there is in force an agreement which has been made in pursuance of section 19 of the Enterprise and New Towns (Scotland) Act 1990(b) by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that person of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise;
- (c) a company—
 - (i) established wholly or mainly for the purpose of providing services to a local authority;

(a) 1970 c.39. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1990 c.35.

- (ii) of which not less than 25% nor more than 49% of the issued share capital is held by that local authority; and
- (iii) which has entered into a contractual arrangement with that local authority for the supply of goods and services (or either of them) to that local authority.

Restriction on provision of services

4. A person described in article 3(2)(c) may only enter into an agreement with a local authority by virtue of this Order pursuant to the fulfilment of a contractual arrangement such as is referred to in article 3(2)(c)(iii).

5. A local authority may not enter into an agreement by virtue of this Order where the agreement is for the provision of goods and services in the area of a local authority who are not a party to the agreement, except with the consent of that local authority.

St Andrew's House
Edinburgh
17th November 2000

PETER PEACOCK
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

The Local Authorities (Goods and Services) Act 1970 enables local authorities to supply goods and services (subject to certain restrictions) to other local authorities and to designated public bodies. This Order designates as public bodies for the purposes of that Act certain persons (articles 2 and 3) and imposes certain restrictions on agreements which may be entered into by virtue of this Order (articles 4 and 5).

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