

**Changes to legislation:** There are currently no known outstanding effects for the Local Government Act 1992, Cross Heading: The Local Government Act 1988 (c. 9). (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS OF COMPETITION PROVISIONS

*[<sup>F1</sup> The Local Government Act 1988 (c. 9)]*

##### Textual Amendments

- F1** Sch. 1 repealed (E.W.) (2.1.2000) by [1999 c. 27, ss. 21\(1\)\(d\), 34, Sch. 2\(1\)](#), Note  
Sch. 1 repealed (S.) (1.4.2003) by [Local Government in Scotland Act 2003 \(asp 1\), ss. 60\(1\)\(h\), 62\(2\); S.S.I. 2003/134, art. 2\(1\), Sch.](#)

- 10 In section 2(3) of the 1988 Act (power to add a paragraph to the list of defined activities), at the end there shall be inserted the words “ or by modifying any provision of Schedule 1 to this Act which for the time being excludes anything from the activities falling within any of those paragraphs. ”
- 11 In subsection (6) of section 4 of the 1988 Act (no failure to fulfil conditions of entering into works contract unless bidding authority are aware of failure when they propose to enter into contract), for the words from “unless” to the end of the subsection there shall be substituted the words “ unless the bidding authority have become aware of the failure before entering into the contract. ”
- 12 In section 6(3) of the 1988 Act (application confined to work specified in regulations), at the end there shall be inserted the words “ and regulations under this section may describe work by reference to a specified proportion of work of a particular description. ”
- 13 In section 13(1) of the 1988 Act (conditions of enforcement), for paragraph (b) there shall be substituted the following paragraphs—  
    “(b) have carried out work as regards which the conditions set out in section 7 above have to be but, in the circumstances, have not been fulfilled,  
    (ba) have decided to carry out work as regards which (if the work is carried out in accordance with the decision) those conditions will have to be but, in the circumstances in which it is proposed to carry it out, will not be fulfilled.”.
- 14 In section 14 of the 1988 Act (power to give directions restricting a power to carry out work or imposing conditions with respect to the carrying out of work), after subsection (4) there shall be inserted the following subsections—

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- “(4A) The conditions that may be imposed by a direction given under this section in relation to the carrying out of any work include a condition restricting the carrying out of the work to cases where—
- (a) the Secretary of State has been satisfied as to any matter specified or described in the direction, or
  - (b) the work is carried out under and in accordance with an authorisation or consent given for the purposes of the direction by the Secretary of State.
- (4B) Where a direction under this section imposes any condition in relation to the carrying out of any work, that direction may provide that the requirement that the condition is fulfilled is to have effect, in relation to that work, instead of any requirement which (apart from the direction) would have effect in relation to that work by virtue of this Part.
- (4C) Without prejudice to subsection (3) above, the power to give a direction under this section shall include power, at any time, to make such variations of a direction under this section as may be agreed with the authority to which the direction relates.”]

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