
STATUTORY INSTRUMENTS

1988 No. 1371

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Act 1988 (Defined Activities)
(Competition) (England) Regulations 1988**

<i>Made</i>	- - - -	<i>29th July 1988</i>
<i>Laid before Parliament</i>		<i>8th August 1988</i>
<i>Coming into force</i>	- -	<i>1st September 1988</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 6(3) and (4) and 15(6) of the Local Government Act 1988⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Local Government Act 1988 (Defined Activities) (Competition) (England) Regulations 1988 and shall come into force on 1st September 1988.

Interpretation

2. In these Regulations—

“the Act” means the Local Government Act 1988;

“county police authority” means a police authority constituted under section 2 of the Police Act 1964⁽²⁾;

“specified authority” means—

- (i) any defined authority which has functions in England other than—
 - (a) a development corporation established for the purposes of a new town;
 - (b) the Commission for the New Towns; or
 - (c) the Inner London Education Authority; and
- (ii) any joint committee which falls to be treated as a defined authority by section 1(4) of the Act and of which at least one of the members is an authority which is a specified authority by virtue of sub-paragraph (i) above;

⁽¹⁾ 1988 c. 9.

⁽²⁾ 1964 c. 48; section 2 was amended by the Local Government Act 1972 (c. 70), section 196 and Schedule 30, the Courts Act 1971 (c. 23), section 53(5) and the Local Government Act 1985 (c. 51), Schedule 11, paragraph 1.

“work” does not include work carried out elsewhere than in England.

Application of Section 6

3.—(1) Section 6 of the Act shall apply to functional work of any description falling within any defined activity other than the maintenance of ground if the work is proposed to be carried out on or after 1st August 1989 by—

- (a) the Council of the Isles of Scilly; or
- (b) any other specified authority other than a local authority or a county police authority.

(2) Section 6 shall apply to functional work mentioned in paragraph (1) if it is proposed to be carried out on or after 1st August 1990 by a parish council.

(3) Section 6 shall apply to functional work of any description falling within the defined activity mentioned in section 2(2)(a) (collection of refuse) if it is proposed to be carried out on or after 1st August 1989 by a county council.

(4) Section 6 shall apply to functional work of any description falling within the defined activity mentioned in section 2(2)(d) (catering for purposes of schools and welfare) if it is proposed to be carried out on or after 1st August 1989 by a district council other than a metropolitan district council.

4.—(1) Section 6 shall apply to functional work of any description falling within the defined activity mentioned in section 2(2)(f) (maintenance of ground) if it is proposed to be carried out—

- (a) on or after 1st January 1990 by the Council of the Isles of Scilly, a parish council, or any other specified authority which is neither a local authority nor a county police authority;
- (b) on or after 1st January 1994 by any specified authority.

(2) Where any specified authority other than one mentioned in sub-paragraph (a) of paragraph (1) proposes to carry out functional work of any description falling within the defined activity mentioned in that paragraph in any of the calendar years 1990 to 1993, section 6 shall apply in each of those years to such part of that work as is estimated by the authority to equal in value the percentage of the value of earlier work specified below in relation to that year—

1990	20%
1991	40%
1992	60%
1993	80%

(3) For the purposes of paragraph (2)—

“earlier work” means work falling within the defined activity mentioned in section 2(2)(f) of the Act and carried out or treated as carried out by or for the authority in the financial year ending nine months before the beginning of the calendar year in question; and

“value” means in relation to earlier work the gross amount estimated by the authority as the cost of that work.

5.—(1) Section 6 shall apply in accordance with this regulation as respects functional work of any description if carried out by an authority named in Schedule I hereto.

(2) In the case of work falling within a defined activity mentioned in column 1 of Schedule 2, section 6 shall apply if the work is carried out by a non metropolitan district council on or after the date specified in that Schedule in relation to that activity and to the group in Schedule 1 in which the council in question is included.

(3) In the case of work falling within a defined activity mentioned in column 1 of Schedule 3, section 6 shall apply if the work is carried out by a county council on or after the date specified in that Schedule in relation to that activity and to the group in Schedule 1 in which the council in question is included.

(4) In the case of work falling within a defined activity mentioned in column 1 of Schedule 4, section 6 shall apply if the work is carried out by a London borough or metropolitan district council on or after the date specified in that Schedule in relation to that activity and to the group in Schedule 1 in which the council in question is included.

(5) This regulation shall apply—

- (a) to a county police authority as if it were a member of the same numbered group as the county council for its area; and
- (b) to the Common Council of the City of London (whether in its capacity as local authority or police authority) as if it were a London borough council in the group numbered 1.

6. Where a specified authority propose to carry out functional work of any description which falls within a defined activity (whether or not by virtue of section 2(5) or (7) of the Act) and to which section 6 of the Act would not otherwise apply, it shall (if the authority so decide) be treated as work to which section 6 applies.

29th July 1988

Nicholas Ridley
Secretary of State for the Environment

SCHEDULE 1

Regulation 5(1)

GROUPS OF LOCAL AUTHORITIES

GROUP 1

COUNTY COUNCILS

Avon
Cheshire
Devon
Gloucestershire
Isle of Wight
Norfolk
Oxfordshire
Surrey

LONDON BOROUGH COUNCILS

Barking and Dagenham
Hammersmith and Fulham
Islington
Newham
Waltham Forest

METROPOLITAN DISTRICT COUNCILS

Barnsley
Coventry
Leeds
Rochdale
Solihull
Trafford

NON-METROPOLITAN DISTRICT COUNCILS

Adur
Ashfield
Basildon
Beverley
Bolsover
Braintree
Bristol
Burnley

Carlisle
Chelmsford
Chesterfield
Cleethorpes
Cotswold
Darlington
Derwentside
East Devon
East Staffordshire
Ellesmere Port and Neston
Exeter
Fylde
Gosport
Halton
Hart
Hertsmere
Hove
Kerrier
Lancaster
Lichfield
Maldon
Mendip
Middlesbrough
Newbury
North Dorset
North Shropshire
Northavon
Oswestry
Plymouth
Reading
Richmondshire
Rugby
Ryedale
Sedgemoor
Slough
South Hams
South Norfolk
South Somerset
Spelthorne
Stevenage

Suffolk Coastal
Taunton Deane
Tewkesbury
Tonbridge and Malling
Uttlesford
Warrington
Wealden
West Dorset
West Wiltshire
Woking
Wrekin
York

GROUP 2

COUNTY COUNCILS

Bedfordshire
Cleveland
Dorset
Hampshire
Kent
Northamptonshire
Shropshire
Warwickshire

LONDON BOROUGH COUNCILS

Barnet
Croydon
Haringey
Kensington & Chelsea
Redbridge
Wandsworth

METROPOLITAN DISTRICT COUNCILS

Birmingham
Doncaster
Liverpool
Rotherham
South Tyneside
Wakefield

NON-METROPOLITAN DISTRICT COUNCILS

Allerdale
Ashford
Basingstoke and Deane
Blaby
Boothferry
Breckland
Broadland
Cambridge
Carrick
Cheltenham
Chichester
Colchester
Craven
Dartford
Dover
East Hampshire
East Yorkshire
Elmbridge
Fareham
Gedling
Gravesham
Hambleton
Hartlepool
High Peak
Huntingdonshire
Kettering
Langbaugh-on-Tees
Lincoln
Malvern Hills
Mid Bedfordshire
Milton Keynes
Newcastle-under-Lyme
North East Derbyshire
North Warwickshire
Norwich
Oxford
Poole
Redditch
Rochester upon Medway

Runnymede
Salisbury
Selby
South Bedfordshire
South Herefordshire
South Northamptonshire
South Staffordshire
St. Albans
Stockton-on-Tees
Surrey Heath
Teesdale
Thamesdown
Torbay
Vale Royal
Warwick
Wear Valley
West Lancashire
Weymouth and Portland
Wokingham
Wychavon

GROUP 3

COUNTY COUNCILS

Berkshire
Cornwall
Durham
Hereford and Worcester
Lancashire
Northumberland
Somerset
West Sussex

LONDON BOROUGH COUNCILS

Bexley
Ealing
Harrow
Kingston-upon-Thames
Richmond-upon-Thames

Westminster

METROPOLITAN DISTRICT COUNCILS

Bolton

Dudley

Manchester

Salford

St. Helens

Walsall

NON-METROPOLITAN DISTRICT COUNCILS

Alnwick

Aylesbury Vale

Bassetlaw

Blackburn

Boston

Brentwood

Bromsgrove

Cannock Chase

Castle Morpeth

Cherwell

Chiltern

Congleton

Crawley

Daventry

Durham

East Dorset

East Hertfordshire

Eastbourne

Epping Forest

Fenland

Gillingham

Great Grimsby

Harborough

Hastings

Hinckley and Bosworth

Hyndburn

King's Lynn and West Norfolk

Leicester

Luton

Mansfield
Mid Devon
Mole Valley
North Bedfordshire
North Hertfordshire
North West Leicestershire
Nottingham
Pendle
Portsmouth
Reigate and Banstead
Rochford
Rushcliffe
Scarborough
Sevenoaks
South Bucks
South Holland
South Oxfordshire
South Wight
St. Edmundsbury
Stoke-on-Trent
Swale
Teignbridge
Thanet
Torridge
Vale of White Horse
Watford
Wellingborough
West Lindsey
Woodspring
Wycombe

GROUP 4

COUNTY COUNCILS

Buckinghamshire
Cumbria
East Sussex
Hertfordshire
Leicestershire

North Yorkshire Staffordshire Wiltshire

LONDON BOROUGH COUNCILS

Brent
Enfield
Havering
Lambeth
Southwark

METROPOLITAN DISTRICT COUNCILS

Bradford
Gateshead
Newcastle-upon-Tyne
Sandwell
Stockport
Wigan

NON-METROPOLITAN DISTRICT COUNCILS

Amber Valley
Babergh
Bath
Blackpool
Bournemouth
Bridgnorth
Broxbourne
Canterbury
Castle Point
Chester
Chorley
Copeland
Crewe and Nantwich
Derby
Easington
East Lindsey
Eastleigh
Epsom and Ewell
Forest Heath
Glanford
Great Yarmouth
Harlow

Havant
Holderness
Ipswich
Kingston upon Hull
Leominster
Macclesfield
Medina
Mid Suffolk
New Forest
North Cornwall
North Kesteven
North Wiltshire
Nuneaton and Bedworth
Penwith
Preston
Restormel
Rossendale
Rushmoor
Scunthorpe
Shepway
South Cambridgeshire
South Kesteven
South Ribble
Southampton
Stafford
Stratford on Avon
Tamworth
Tendring
Three Rivers
Tunbridge Wells
Wansbeck
Waveney
Welwyn Hatfield
West Oxfordshire
Winchester
Worcester
Wyre

GROUP 5

COUNTY COUNCILS

Cambridgeshire
Derbyshire
Essex
Humberside
Lincolnshire
Nottinghamshire Suffolk

LONDON BOROUGH COUNCILS

Bromley
Greenwich
Hillingdon
Lewisham
Sutton

METROPOLITAN DISTRICT COUNCILS

Bury
Kirklees
North Tyneside
Sefton
Sunderland
Wirral

NON-METROPOLITAN DISTRICT COUNCILS

Arun
Barrow in Furness
Berwick-upon-Tweed
Blyth Valley
Bracknell Forest
Brighton
Broxtowe
Caradon
Charnwood
Chester-le-Street
Christchurch
Corby
Dacorum
Derbyshire Dales

East Cambridgeshire
East Northamptonshire
Eden
Erewash
Forest of Dean
Gloucester
Guildford
Harrogate
Hereford
Horsham
Kennet
Kingswood
Lewes
Maidstone
Melton
Mid Sussex
Newark & Sherwood
North Devon
North Norfolk
Northampton
Oadby and Wigston
Peterborough
Purbeck
Ribble Valley
Rother
Rutland
Sedgefield
Shrewsbury and Atcham
South Derbyshire
South Lakeland
South Shropshire
Southend-on-Sea
Staffordshire Moorlands
Stroud
Tandridge
Test Valley
Thurrock
Tynedale
Wansdyke
Waverley

West Devon
 West Somerset
 Windsor and Maidenhead
 Worthing
 Wyre Forest

GROUP 6

METROPOLITAN DISTRICT COUNCILS

Calderdale
 Knowsley
 Oldham
 Sheffield
 Tameside
 Wolverhampton

LONDON BOROUGH COUNCILS

Camden
 Hackney
 Hounslow
 Merton
 Tower Hamlets

SCHEDULE 2

Regulation 5(2)

COMPETITION BY ACTIVITY AND DATE: NON-METROPOLITAN DISTRICT COUNCILS

(1) Defined activity	(2) Group 1	(3) Group 2	(4) Group 3	(5) Group 4	(6) Group 5
Collection of refuse	1st August 1991	1st January 1991	1st August 1990	1st January 1990	1st August 1989
Cleaning of buildings	1st January 1990	1st August 1989	1st August 1991	1st January 1991	1st August 1990
Other cleaning	1st August 1989	1st August 1991	1st January 1991	1st August 1990	1st January 1990
Other catering	1st August 1990	1st January 1990	1st August 1989	1st August 1991	1st January 1991

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(1) Defined activity	(2) Group 1	(3) Group 2	(4) Group 3	(5) Group 4	(6) Group 5
Repair and maintenance of vehicles	1st January 1991	1st August 1990	1st January 1990	1st August 1989	1st August 1991

SCHEDULE 3

Regulation 5(3)

COMPETITION BY ACTIVITY AND DATE: COUNTY COUNCILS

(1) Defined activity	(2) Group 1	(3) Group 2	(4) Group 3	(5) Group 4	(6) Group 5
Cleaning of buildings	1st August 1989	1st August 1991	1st January 1991	1st August 1990	1st January 1990
Other cleaning	1st August 1991	1st January 1991	1st August 1990	1st January 1990	1st August 1989
Catering for purposes of schools and welfare	1st August 1990	1st January 1990	1st August 1989	1st August 1991	1st January 1991
Other catering	1st January 1990	1st August 1989	1st August 1991	1st January 1991	1st August 1990
Repair and maintenance of vehicles	1st January 1991	1st August 1990	1st January 1990	1st August 1989	1st August 1991

SCHEDULE 4

Regulation 5(4)

COMPETITION BY ACTIVITY AND DATE: LONDON BOROUGH AND METROPOLITAN DISTRICT COUNCILS

(1) Defined activity	(2) Group 1	(3) Group 2	(4) Group 3	(5) Group 4	(6) Group 5	(7) Group 6
Collection of refuse	1st January 1992	1st August 1991	1st January 1991	1st August 1990	1st January 1990	1st August 1989
Cleaning of buildings	1st January 1990	1st August 1989	1st January 1992	1st August 1991	1st January 1991	1st August 1990
Other cleaning	1st August 1989	1st January 1992	1st August 1991	1st January 1991	1st August 1990	1st January 1990

(1) Defined activity	(2) Group 1	(3) Group 2	(4) Group 3	(5) Group 4	(6) Group 5	(7) Group 6
Catering for purposes of schools and welfare	1st January 1991	1st August 1990	1st January 1990	1st August 1989	1st January 1992	1st August 1991
Other catering	1st August 1990	1st January 1990	1st August 1989	1st January 1992	1st August 1991	1st January 1991
Repair and maintenance of vehicles	1st August 1991	1st January 1991	1st August 1990	1st January 1990	1st August 1989	1st January 1992

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 6(3) of the Local Government Act 1988 enables the Secretary of State to require that an authority mentioned in section 1(1) of the Act (a defined authority) may only carry out functional work falling within an activity listed in section 2(2) of the Act (a defined activity) after subjecting the work to competition. These Regulations exclude the Inner London Education Authority, new town development corporations and the Commission for the New Towns from the competition requirements and specify the dates from which and the circumstances in which other defined authorities (“specified authorities”) in England may not carry out functional work without first exposing it to competition.

If they wish to carry out the work on or after 1st August 1989, the Council of the Isles of Scilly and all other specified authorities (with the exception of other local authorities and county police authorities) are required to compete for work falling within any defined activity other than ground maintenance; all county councils are required to compete for refuse collection; and all non-metropolitan district councils are required to compete for school and welfare catering. Parish and community councils are required to compete for work falling within any defined activity other than ground maintenance where they wish to carry out the work on or after 1st August 1990 (regulation 3).

If they wish to carry out ground maintenance work on or after 1st January 1990, the Council of the Isles of Scilly, all parish and community councils and all other specified authorities are required to compete for it. Other specified authorities who wish to carry out such work between 1st January 1990 and 1st January 1994 are required to subject varying percentages to competition (regulation 4).

All other work is to be competed for by the groups of authorities listed in Schedule 1, county police authorities and the Common Council of the City of London in accordance with the timetables set out in Schedules 2 to 4 (regulation 5).

If any specified authority wishes to carry out work falling within a defined activity but for which competition is not required, it may treat that work as if the competition requirements applied to it (regulation 6).

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