
STATUTORY INSTRUMENTS

1988 No. 1468

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Act 1988 (Defined Activities) (Competition) (Wales) Regulations 1988

<i>Made</i>	- - - -	<i>12th August 1988</i>
<i>Laid before Parliament</i>		<i>19th August 1988</i>
<i>Coming into force</i>	- -	<i>9th September 1988</i>

The Secretary of State for Wales, 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) (Wales) Regulations 1988 and shall come into force on 9th September 1988.

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 body in Wales mentioned in section 1(1)(a), (b), (e) and (j) of the Act which is, or is treated as, a defined authority for the purposes of Part I of the Act.
- (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.

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

(1) 1988 c. 9.

(2) 1964 c. 48; section 2 was amended by the Courts Act 1971 (c. 23), section 53(5); the Local Government Act 1972 (c. 70), section 196(1) and (2) and Schedule 30; and the Local Government Act 1985 (c. 51), Schedule 11, paragraph 1(2) and (3), and Schedule 17.

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or after 1st August 1989 by any 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 community 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 by a county council on or after 1st August 1989.

(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 by a district council on or after 1st August 1989.

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 a community 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 to functional work falling within a defined activity mentioned in section 2(2)(a) to (e) and (g) of the Act and listed in columns 2 to 7 of the Schedule if it is proposed to be carried out on or after the date specified in relation to that activity in column 1 of the Schedule by the numbered group so specified.

(2) The reference in paragraph (1) to a numbered group is a reference to all of the authorities listed in the Schedule as members of the group bearing that number in that Schedule.

(3) This regulation shall apply to a county police authority as if it were a member of the same numbered group as the county council.

6. Where a defined authority propose to carry out functional work of any description which falls within a defined activity (whether or not by virtue of sections 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.

12th August 1988

Peter Walker
Secretary of State for Wales

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THE SCHEDULE

LOCAL AUTHORITY

PHASING IN OF COMPETITION BY DATE AND ACTIVITY

GROUP 1.	ABERCONWY: ALYN & DEESIDE: MONTGOMERYSHIRE: PRESELI PEMBROKESHIRE: LLANELLI: OGWR: CARDIFF: BLAENAU GWENT: RHONDDA
GROUP 2.	CLWYD: WEST GLAMORGAN: COLWYN: ARFON: BRECKNOCK: SOUTH PEMBROKESHIRE: SWANSEA: TAFF ELY: TORFAEN
GROUP 3.	GWENT: GWYNEDD: DELYN: DWYFOR: RADNOR: CARMARTHEN: LLIW VALLEY: MERTHYR TYDFIL: MONMOUTH
GROUP 4.	MID GLAMORGAN: POWYS: GLYNDWR: DINEFWR: PORT TALBOT: RHYMNEY VALLEY: VALE OF GLAMORGAN: YNYS MON-ISLE OF ANGLESEY: NEWPORT
GROUP 5.	SOUTH GLAMORGAN: DYFED: CEREDIGION: CYNON VALLEY: ISWYN: MEIRIONNYDD: NEATH: RHUDDLAN: WREXHAM MAELOR

Column 1	Column 2 Refuse Collection	Column 3 Building Cleaning	Column 4 School Welfare Catering	Column 5 Other Catering	Column 6 Vehicle Maintenance and Repair	Column 7 Other Cleaning
1 August 1989	1	4	1	5	3	2
1 January 1990	2	5	2	1	4	3
1 August 1990	3	1	3	2	5	4
1 January 1991	4	2	4	3	1	5
1 August 1991	5	3	5	4	2	1

NOTE: Numbers refer to groups of authorities

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 carry out functional work falling within an activity listed in section 2(2) and described in schedule 1 of the Act (a defined activity), only after subjecting the work to competition. These Regulations specify the dates from which and the circumstances in which those bodies which are defined authorities (“specified authorities”) in Wales 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, all such specified authorities (with the exception of 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 district councils are required to compete for school and welfare catering. Community councils are required to compete for work falling within any description of defined activity other than ground maintenance where they wish to carry out the work on or after 1 August 1990. (regulation 3).

If they wish to carry out ground maintenance work on or after 1st January 1990, community councils and all other defined authorities who are neither local authorities nor county police 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 and from 1st January 1994 they are required to compete for all of it (regulation 4).

All other work falling within any description of defined activity is to be competed for by the groups of local and county police authorities listed in the Schedule in accordance with the timetables there set out (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).