
STATUTORY INSTRUMENTS

1991 No. 232

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Act 1988 (Defined
Activities) (Competition) (Wales) Regulations 1991**

<i>Made</i>	- - - -	<i>5th February 1991</i>
<i>Laid before Parliament</i>		<i>20th February 1991</i>
<i>Coming into force</i>	- -	<i>13th March 1991</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 6(3), 8(1) 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 1991 and shall come into force on 13th March 1991.

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⁾;

“defined activity” means functional work⁽³⁾ of any description falling within the defined activity mentioned in section 2(2)(ee)⁽⁴⁾ of the Local Government Act 1988, but does not include work carried out elsewhere than in Wales;

“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; 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 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.

(3) For “functional work” see section 3(4) of the Act.

(4) Section 2(2)(ee) was inserted by S.I. 1989/2488, article 2(1).

Application of Section 6

3.—(1) Section 6 of the Act shall apply to functional work of any description falling within the defined activity if it is proposed to be carried out on or after 1st January 1992 by any specified authority other than a local authority or a police authority⁽⁵⁾.

(2) Section 6 shall apply to functional work mentioned in paragraph (1) if it is proposed to be carried out on or after 1st January 1993 by a community council or a police authority other than a county police authority.

4.—(1) Section 6 shall apply to functional work falling within the defined activity if it is proposed to be carried out by a local authority mentioned in one of the numbered groups set out in Part I of the Schedule on or after the date specified in column 1 of Part II of the Schedule in relation to the group specified opposite that date in column 2 of Part II of the Schedule.

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

Specified periods

5. The second condition set out in section 7(3) of the Act shall not be treated as fulfilled in respect of functional work falling within the defined activity if the period stated in the detailed specification by virtue of section 7(3)(c) is less than 4 years or exceeds 6 years.

Revocation of previous Regulations

6. The Local Government Act 1988 (Defined Activities) (Competition) (Wales) Regulations 1990⁽⁶⁾ are hereby revoked.

5th February 1991

David Hunt
Secretary of State for Wales

⁽⁵⁾ For “police authority” see section 1(1)(e) of the Act.

⁽⁶⁾ S.I. 1990/1498.

SCHEDULE

PART I

LOCAL AUTHORITY

PHASING IN OF COMPETITION FOR MANAGING SPORTS AND LEISURE ACTIVITIES

Group 1	The district councils of Aberconwy; Alyn & Deeside; Montgomeryshire; Preseli Pembrokeshire; Llanelli; Ogwr; Cardiff; Blaenau Gwent; Rhondda.
Group 2	(i) The county councils of Clwydand West Glamorgan; and (ii) the district councils of Colwyn; Arfon; Brecknock; South Pembrokeshire; Swansea; Taff Ely; Torfaen.
Group 3	(i) The county councils of Gwent and Gwynedd; and (ii) the district councils of Delyn; Dwyfor; Radnor; Carmarthen; Lliw Valley; Merthyr Tydfil; Monmouth.
Group 4	(i) The county councils of Mid Glamorgan and Powys; and (ii) the district councils of Glyndwr; Dinefwr; Port Talbot; Rhymney Valley; Vale of Glamorgan; Ynys Môn-Isle of Anglesey; Newport.
Group 5	(i) The county councils of South Glamorgan and Dyfed; and (ii) the district councils of Ceredigion; Cynon Valley; Islwyn; Meirionnydd; Neath; Rhuddlan; Wrexham Maelor.

PART II

DATE ON OR AFTER WHICH SECTION 6 APPLIES WITH REGARD TO THE GROUPS SET OUT IN PART I ABOVE

COLUMN 1	COLUMN 2
1	2
1st January 1992	Group 1
1st August 1992	Group 2
1st January 1993	Group 3

Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

COLUMN 1	COLUMN 2
1	2
1st August 1993	Group 4
1st January 1994	Group 5

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 to the Act (“a defined activity”), only after subjecting the work to competition. The Local Government Act 1988 (Competition in Sports and Leisure Facilities) Order 1989 (S.I. [1989/2488](#)) added the managing of sports and leisure facilities to the activities listed in section 2(2) and described in Schedule 1 to the Act. These Regulations specify the dates from which and the circumstances in which those bodies who are defined authorities (referred to in the Regulations as “specified authorities”) in Wales may not conduct the management of sports and leisure facilities (“the defined activity”) without first subjecting them to competition.

All specified authorities (with the exception of local authorities and police authorities) are required to compete for functional work falling within the defined activity which they wish to carry out on or after 1st January 1992. Community Councils and police authorities, other than county police authorities, are required to compete for such work which they wish to carry out on or after 1st January 1993 (regulation 3).

Work is to be competed for by the local and county police authorities listed in the Schedule in accordance with the timetables there set out (regulation 4).

The minimum and maximum periods for which specified authorities must invite offers to carry out such work will be four and six years respectively (regulation 5).

These Regulations replace the Local Government Act 1988 (Defined Activities) (Competition) (Wales) Regulations 1990 (S.I. [1990/1498](#)) (regulation 6). These previous Regulations made provisions similar to those made by the present Regulations and were intended to apply to individual authorities within the specified groups. The present Regulations expressly provide for this.