
STATUTORY INSTRUMENTS

1996 No. 2936 (S.225)

LOCAL GOVERNMENT, SCOTLAND

**The Local Government, Planning and Land Act 1980
(Competition) (Scotland) Amendment Regulations 1996**

<i>Made</i>	- - - -	<i>20th November 1996</i> <i>22nd November</i>
<i>Laid before Parliament</i>		<i>1996</i>
<i>Coming into force</i>		
<i>For the purposes of</i> <i>regulation 4(a) and (b)(i)</i> <i>and (iii)</i>		<i>13th December 1996</i>
<i>For all other purposes</i>		<i>1st April 1997</i>

The Secretary of State, in exercise of the powers conferred on him by sections 9(3) and 23(1) of the Local Government, Planning and Land Act 1980(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government, Planning and Land Act 1980 (Competition) (Scotland) Amendment Regulations 1996.

(2) These Regulations shall come into force for the purposes of regulation 4(a) and (b)(i) and (iii) on 13th December 1996 and for all other purposes on 1st April 1997.

(3) In these Regulations, “the principal Regulations” means the Local Government, Planning and Land Act 1980 (Competition) (Scotland) Regulations 1995(2).

Amendment of principal Regulations

2. In regulation 7 of the principal Regulations—

(a) before the words “a job”, there shall be added “(a)”; and

(b) at the end, there shall be added the following:—

“; or

(1) 1980 c. 65; section 23(1) was amended by the Local Government Act 1992 (c. 19), Schedule 1, paragraph 9.
(2) S. I. 1995/677.

- (b) a job the estimated cost of which is less than £25,000”.
3. In regulation 8 of the principal Regulations, there shall be added at the end the following:–
- “, and regulation 7(b) shall not apply to functional work–
- (a) which is excluded from the scope of paragraphs (1) and (2A) of regulation 9 below by virtue of sub-paragraph (c) or (e) of paragraph (3) of that regulation;
- (b) which is a job which began to be carried out before 1st April 1997; or
- (c) where, by virtue of the aggregation rules in–
- (i) regulation 7 of the Public Works Contracts Regulations 1991(3);
- (ii) regulation 7 of the Public Services Contracts Regulations 1993(4); or
- (iii) regulation 7 of the Public Supply Contracts Regulations 1995(5),
- the estimated value of any contract for the job in question (if carried out by a person other than the authority) would be treated as being above the relevant threshold set under whichever of those regulations would apply”.
4. In regulation 9 of the principal Regulations–
- (a) after paragraph (2), there shall be added the following paragraphs:–
- “(2A) A local authority shall not, unless they have first complied with the conditions specified in paragraph (2B) below, as well as with the terms of section 9(2) of the Act, undertake functional work other than functional work of the description specified in sub-paragraphs (a), (b), (d) and (f) of paragraph (3) below.
- (2B) The conditions mentioned in paragraph (2A) above are–
- (a) that the authority shall be satisfied that the amount for the functional work in question to be credited in terms of the written statement required by section 9(2) of the Act is reasonable, having regard to any previous estimate of the cost of the work made by the authority and their knowledge of how much it would be likely to cost for a person other than the authority to carry out the work;
- (b) that the authority shall put on public display at their principal office a notice summarising the contents of the statement required by section 9(2) of the Act in respect of the functional work in question; and
- (c) where the authority are undertaking the functional work in question after a relevant date and on or before the next relevant date, that they shall by the first of those relevant dates have forwarded to the Secretary of State a statement specifying the number of persons employed by them as at the day falling fifteen days before that relevant date for the purposes of undertaking functional work or works contracts.
- (2C) For the purposes of paragraph (2B) above, the following are relevant dates:–
- (a) 16th December 1996;
- (b) 15th January 1997;
- (c) 17th February 1997;
- (d) 17th March 1997;
- (e) 15th April 1997;
- (f) 15th May 1997;

(3) S. I. 1991/2680.
(4) S. I. 1993/3228.
(5) S. I. 1995/201.

- (g) 16th June 1997; and
- (h) 30th June 1997.”; and
- (b) in paragraph (3)–
 - (i) for the words “paragraph (1) above to which the conditions mentioned in paragraph (2) above shall not apply” there shall be substituted the words “paragraphs (1) and (2A) above”;
 - (ii) at the end of sub-paragraph (a), there shall be added the words “or which is a job to which regulation 7(b) above applies”; and
 - (iii) for sub-paragraph (f), there shall be substituted the following sub-paragraph:–
 - “(f) functional work which the authority or body are undertaking after complying with the conditions specified in section 9(4) of the Act.”.

Scottish Office
20th November 1996

George Kynoch
Parliamentary Under Secretary of State,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government, Planning and Land Act 1980 (Competition) (Scotland) Regulations 1995 (“the principal Regulations”) with effect from December 1996 so as to introduce further conditions which authorities must comply with before carrying out certain construction and maintenance work at their own hand.

The first condition is that authorities have to be satisfied that the bid put forward by the Direct Labour Organisation to carry out the work is reasonable. The second condition is that authorities must display at their principal office a summary of the bid put forward by the DLO. The third condition is that authorities have to supply the Secretary of State with a monthly return on the number of staff engaged in construction and maintenance work.

The conditions apply to all functional work, with the exception of works of construction over £500,000, emergency work, water and sewerage works not exceeding £50,000, and work which has been subject to competitive tender.

These Regulations also amend the principal Regulations with effect from 1st April 1997 so as to reintroduce compulsory competitive tendering for most construction and maintenance jobs commenced on or after that date which have an estimated cost of less than £25,000. Exceptions are made for certain general highway works, gritting and snow clearing works and jobs to which European procurement legislation would apply.