
STATUTORY INSTRUMENTS

1997 No. 1699

LOCAL GOVERNMENT, ENGLAND AND WALES

WALES

**The Local Government Act 1988
(Competition) (Wales) Regulations 1997**

<i>Made</i>	- - - -	<i>14th July 1997</i>
<i>Laid before Parliament</i>		<i>21st July 1997</i>
<i>Coming into force</i>	- -	<i>14th August 1997</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 6(3) 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Act 1988 (Competition) (Wales) Regulations 1997 and shall come into force on 14th August 1997.

(2) In these Regulations—

“the construction regulations” means The Local Government Act 1988 (Competition) (Construction and Property Services) (Wales) Regulations 1997⁽²⁾;

“the financial services regulations” means The Local Government Act 1988 (Competition) (Financial Services) (Wales) Regulations 1997⁽³⁾;

“the housing management regulations” means The Local Government Act 1988 (Competition) (Housing Management) (Wales) Regulations 1997⁽⁴⁾;

“the legal services regulations” means The Local Government Act 1988 (Competition) (Legal Services) (Wales) Regulations 1997⁽⁵⁾;

“the parking regulations” means The Local Government Act 1988 (Competition) (Supervision of Parking, Management of Vehicles and Security Work) (Wales) Regulations 1997⁽⁶⁾.

(1) 1988 c. 9. Section 6(3) was amended by paragraph 12 of Schedule 1 to the Local Government Act 1992 (c. 19).

(2) S.I. 1997/127.

(3) S.I. 1997/130.

(4) S.I. 1997/935.

(5) S.I. 1997/126.

(6) S.I. 1997/128.

Amendments to the construction regulations

2.—(1) In regulation 2 of the construction regulations (interpretation)—

(a) for the definition of “the specified proportion” substitute the following—

““the specified proportion” means an amount equal to the product of the following formula—

$$(T - (A + B)) - (C + E + F + G)$$

where

T=an amount equal to the cost to a defined authority of the specified work;

A=an amount equal to the cost of specified work which is being carried out by a person other than a defined authority in connection with work falling within any other defined activity or in connection with work to which Part III of the Local Government, Planning and Land Act 1980(7) applies where that work is being carried out by another person on behalf of a defined authority;

B=an amount equal to any amount included in T in respect of goods or services which are provided by a person other than a defined authority;

C=an amount equal to 35% of (T-(A+B)) or £300,000, whichever is greater;

E=an amount equal to the cost of any specified work being carried out following a competitive tendering process in respect of that work conducted in accordance with the provisions of the Act(8);

F=an amount equal to the cost of any specified work being carried out by a person other than a defined authority following a competitive tendering process where—

- (a) no defined authority submitted a bid to carry out that work; and
- (b) that work had previously been carried out by the defined authority conducting that process or by its predecessor; and

G=an amount equal to the cost of specified work carried out by a defined authority which is funded from a school’s delegated budget provided under a scheme prepared in accordance with section 103 of the Education Act 1996(9),

Provided that—

- (a) any amount taken into account in applying any element in the formula (other than T) shall not also be taken into account in applying any other element in the formula; and
- (b) any such amount shall not be taken into account in applying any element in the formula used for calculating the specified proportion of any other defined activity;” and

(b) The definition of “voluntary competitive tendering” is revoked.

(2) In regulation 3 of those regulations (application of section 6) for “1st July 1998” substitute “1st October 1999”.

Amendments to the financial services regulations

3.—(1) In regulation 2 of the financial services regulations (interpretation)—

(7) 1980 c. 65.

(8) In the construction regulations and the other regulations defined in regulation 1(2) of these Regulations, “the Act” means the Local Government Act 1988.

(9) 1996 c. 56.

- (a) for the definition of “the specified proportion” substitute the following—

““the specified proportion” means an amount equal to the product of the following formula—

$$(T - (A + B)) - (C + E + F + G)$$

where

T=an amount equal to the total of the cost to a defined authority of the specified work and of determination work;

A=an amount equal to the cost of specified work which is being carried out by a person other than a defined authority in connection with work falling within any other defined activity or in connection with work to which Part III of the Local Government, Planning and Land Act 1980 applies where that work is being carried out by another person on behalf of a defined authority;

B=an amount equal to any amount included in T in respect of goods or services which are provided by a person other than a defined authority;

C=an amount equal to 50% of (T-(A+B)) or £300,000, whichever is greater;

E=an amount equal to the cost of any specified work being carried out following a competitive tendering process in respect of that work conducted in accordance with the provisions of the Act;

F=an amount equal to the cost of any specified work being carried out by a person other than a defined authority following a competitive tendering process where—

- (a) no defined authority submitted a bid to carry out that work; and
- (b) that work had previously been carried out by the defined authority conducting that process or by its predecessor; and

G=an amount equal to the cost of specified work carried out by a defined authority which is funded from a school’s delegated budget provided under a scheme prepared in accordance with section 103 of the Education Act 1996,

Provided that—

- (a) any amount taken into account in applying any element in the formula (other than T) shall not also be taken into account in applying any other element in the formula; and
- (b) any such amount shall not be taken into account in applying any element in the formula used for calculating the specified proportion of any other defined activity;” and

- (b) The definition of “voluntary competitive tendering” is revoked.

(2) In regulation 3 of those regulations (application of section 6) for “1st January 1999” substitute “1st October 1999”.

Amendments to the housing management regulations

4.—(1) In regulation 3 of the housing management regulations (application of section 6), in paragraph (1), for the words “on or after” to the end of that paragraph substitute “on or after 1st October 1999”.

- (2) The Schedule to those regulations is revoked.

Amendments to the legal services regulations

5.—(1) In regulation 2 of the legal services regulations (interpretation)—

(a) for the definition of “the specified proportion” substitute the following—

““the specified proportion” means an amount equal to the product of the following formula—

$$(T - (A + B)) - (C + E + F + G)$$

where

T=an amount equal to the cost to a defined authority of the specified work;

A=an amount equal to the cost of specified work which is being carried out by a person other than a defined authority in connection with work falling within any other defined activity or in connection with work to which Part III of the Local Government, Planning and Land Act 1980 applies where that work is being carried out by another person on behalf of a defined authority;

B=an amount equal to any amount included in T in respect of goods or services which are provided by a person other than a defined authority;

C=an amount equal to 55% of $(T - (A + B))$ or £300,000, whichever is greater;

E=an amount equal to the cost of any specified work being carried out following a competitive tendering process in respect of that work conducted in accordance with the provisions of the Act;

F=an amount equal to the cost of any specified work being carried out by a person other than a defined authority following a competitive tendering process where—

- (a) no defined authority submitted a bid to carry out that work; and
- (b) that work had previously been carried out by the defined authority conducting that process or by its predecessor; and

G=an amount equal to the cost of specified work carried out by a defined authority which is funded from a school’s delegated budget provided under a scheme prepared in accordance with section 103 of the Education Act 1996,

Provided that—

- (a) any amount taken into account in applying any element in the formula (other than T) shall not also be taken into account in applying any other element in the formula; and
- (b) any such amount shall not be taken into account in applying any element in the formula used for calculating the specified proportion of any other defined activity;”;

(b) The definition of “voluntary competitive tendering” is revoked.

(2) In regulation 3 of those regulations (application of section 6) for “1st April 1998” substitute “1st October 1999”.

Amendment to the parking regulations

6. For regulation 2 of the parking regulations (application of section 6) substitute the following—

“2. Section 6 of the Act (functional work: restrictions) shall apply to functional work if it is proposed to be carried out by a defined authority on or after—

- (a) 1st April 1999, in relation to functional work within section 2(2)(gg) (management of vehicles) of the Act; and

- (b) 1st June 1999, in relation to functional work within section 2(2)(ff) (supervision of parking) or section 2(2)(i) (security work) of the Act.(10)

Signed by authority of the Secretary of State for Wales

14th July 1997

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

(10) Paragraphs (ff) (gg) and (i) of section 2(2) of the Local Government Act 1988 were substituted or, as the case may be, inserted by article 2(1) of the Local Government Act 1988 (Competition) (Defined Activities) Order 1994 (S.I. [1994/2884](#)).

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 respective regulations made under Part I of the Local Government Act 1988 (Competition) in respect of the defined activities of construction and property services (S.I.1997/127), financial services (S.I. 1997/130), housing management (S.I. 1997/935), legal services (S.I. 1997/126), and the supervision of parking, management of vehicles and security work (S.I. 1997/128). Those respective regulations (and in consequence the present regulations) apply only to defined authorities in Wales.

In the case of construction and property services; financial services and legal services, in regulation 2 (interpretation) of the respective regulations a new definition is substituted for the purpose of calculating the specified proportion of specified work. Two of the elements, namely “D” and “H”, in the previous calculation and which only had effect until 1st April 1999 have now been omitted in consequence of the new dates specified for the application of compulsory competitive tendering referred to below. Also the definition of voluntary competitive tendering is revoked, in those cases.

In the case of all services in regulation 3 (but in the case of supervision of parking etc. in regulation 2) of the respective regulations, a new date is specified for the application of section 6 (functional work; restrictions) of the Local Government Act 1988. The respective new dates are—

- (a) 1st April 1999 in relation to management of vehicles (instead of 1st January 1999);
- (b) 1st June 1999 in relation to security work and supervision of parking (instead of 1st January 1999); and
- (c) 1st October 1999 in relation to construction and property services (instead of 1st July 1998); financial services (instead of 1st January 1999); housing management (instead of dates between 1st April 1998 and 1st April 1999) and legal services (instead of 1st April 1998).