
STATUTORY INSTRUMENTS

1997 No. 2862

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Contracts) Regulations 1997

Made - - - - *2nd December 1997*
Laid before Parliament *8th December 1997*
Coming into force - - *30th December 1997*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 3(2)(e) and (f) and 3(3) of the Local Government (Contracts) Act 1997(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Local Authorities (Contracts) Regulations 1997 and shall come into force on 30th December 1997.

Interpretation

2. In these Regulations—

“the 1989 Act” means the Local Government and Housing Act 1989(2);

“the auditor”, in relation to a local authority, means the auditor appointed under section 13 of the Local Government Finance Act 1982(3) to audit the accounts of the authority in accordance with Part III of that Act; and

“certificate” means a certificate issued by a local authority in satisfying the certification requirements in relation to a contract.

Copies of certificates—all local authorities

3. A local authority shall ensure that a copy of every certificate issued by it is given to each of the persons with whom the authority has entered, or is to enter, into the contract in relation to which the certificate is issued.

(1) 1997 c. 65.
(2) 1989 c. 42.
(3) 1982 c. 32.

Copies of certificates—authorities with a monitoring officer

4. A local authority which is under the duty imposed by section 5(1) of the 1989 Act(4) to designate one of its officers as the monitoring officer shall ensure that a copy of every certificate issued by it is given to the officer designated by it under that section and to the auditor.

Copies of certificates—other authorities

5.—(1) Each of the following authorities shall ensure that a copy of every certificate issued by it is given to the auditor—

- (a) the Broads Authority;
- (b) the London Pensions Fund Authority(5);
- (c) the South Yorkshire Pensions Authority;
- (d) the Lee Valley Regional Park Authority(6);
- (e) the Residuary Body for Wales or Corff Gweddilliol Cymru(7); and
- (f) a probation committee, except the inner London probation committee.

(2) The inner London probation committee shall ensure that a copy of every certificate issued by it is given to the Receiver for the Metropolitan Police District and the Comptroller and Auditor General.

(3) The Receiver for the Metropolitan Police District shall ensure that a copy of every certificate issued by him is given to the Comptroller and Auditor General.

Matters to be dealt with in a manner prescribed by regulations

6.—(1) Where, in relation to a contract, a local authority on which there is conferred the power in section 111 of the Local Government Act 1972 (subsidiary powers of local authorities)(8)—

- (a) states in a certificate that it had or has power to enter into the contract, and
- (b) specifies that the statutory provision, or one of the statutory provisions, conferring the power is section 111 of the Local Government Act 1972,

the authority shall specify in the certificate each statutory provision conferring a relevant function, or, where there are two or more relevant functions, the statutory provisions conferring the main relevant functions.

(2) For the purposes of this regulation, in relation to a contract, a function is a relevant function if the contract is calculated to facilitate, or is conducive or incidental to, the discharge of the function.

Signature of certificates—authorities with a chief finance officer

7.—(1) In this regulation—

“chief finance officer” means an officer of a local authority who, for the purposes of section 151 of the Local Government Act 1972, section 73 of the Local Government Act 1985(9),

(4) A National Park authority is required to designate a monitoring officer in accordance with section 5(1) of that Act by virtue of section 63(5) of, and paragraph 13(7) of Schedule 7 to, the Environment Act 1995 (c. 25).

(5) Part IV of the Local Government and Housing Act 1989 has effect with respect to the finances of the London Pensions Fund Authority and the South Yorkshire Pensions Authority by virtue of the Local Authorities (Capital Finance) (Prescribed Bodies) Regulations 1990 (S.I. 1990/404).

(6) Part IV of the Local Government and Housing Act 1989 has effect with respect to the finances of the Lee Valley Regional Park Authority by virtue of the Lee Valley Regional Park Authority (Capital Finance) Regulations 1991 (S.I. 1991/548).

(7) Part IV of the Local Government and Housing Act 1989 has effect with respect to the finances of the residuary body by virtue of the Residuary Body for Wales (Capital Finance) Regulations 1995 (S.I. 1995/101).

(8) 1972 c. 70.

(9) 1985 c. 51.

section 112 of the Local Government Finance Act 1988⁽¹⁰⁾ or section 6 of the 1989 Act, has responsibility for the administration of the authority's financial affairs; and

“relevant authority” means a local authority which is required by any of those enactments to have a chief finance officer (that is every local authority other than an authority mentioned in regulation 8).

(2) A relevant authority which is under the duty imposed by section 4(1) of the 1989 Act to designate one of its officers as the head of its paid service shall ensure that a certificate issued by it is signed by one of the following officers of the authority—

- (a) one of the statutory chief officers within the meaning given to that expression in section 2(6) of the 1989 Act⁽¹¹⁾;
- (b) a non-statutory chief officer within the meaning given to that expression in section 2(7) of the 1989 Act; or
- (c) a deputy chief officer within the meaning given to that expression in section 2(8) of the 1989 Act.

(3) A relevant authority which is not under a duty to designate one of its officers under section 4(1) of the 1989 Act shall ensure that a certificate issued by it is signed by the chief finance officer of the authority, or a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the chief finance officer.

Signature of certificates—other authorities

8.—(1) The Broads Authority shall ensure that every certificate issued by it is signed by the chairman, vice-chairman or chief officer of the authority.

(2) The Lee Valley Regional Park Authority shall ensure that every certificate issued by it is signed by the chairman or vice-chairman of the authority.

(3) The Residuary Body for Wales or Corff Gweddilliol Cymru shall ensure that every certificate issued by it is signed by its chairman.

(4) A probation committee, except the inner London probation committee, shall ensure that every certificate issued by it is signed by the secretary to the committee, by the treasurer of the committee or by the Chief Probation Officer appointed by the committee.

(5) The inner London probation committee shall ensure that every certificate issued by it is signed—

- (a) by the secretary to the committee;
- (b) by the Receiver for the Metropolitan Police District or a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to him; or
- (c) by the Chief Probation Officer appointed by the committee.

(6) The Receiver for the Metropolitan Police District shall ensure that every certificate issued by him is signed by him or by a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to him.

⁽¹⁰⁾ 1988 c. 41.

⁽¹¹⁾ A local authority's chief finance officer is one of the authority's statutory chief officers.

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

Signed by authority of the Secretary of State for the Environment

1st December 1997

Hilary Armstrong
Minister of State,
Department of the Environment, Transport and
the Regions

Signed by authority of the Secretary of State for Wales

2nd December 1997

Win Griffiths
Parliamentary Under-Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with the certification requirements which have to be satisfied in relation to a contract which is to be a certified contract for the purposes of the Local Government (Contracts) Act 1997.

Regulations 3, 4 and 5 prescribe the persons to whom a local authority is required to give a copy of a certificate. Every local authority must give a copy of any certificate issued by it to each person with whom the contract has been, or is to be, entered into and to the person responsible for auditing the authority's accounts. In addition, every local authority which has a monitoring officer must give a copy of any certificate issued by it to that officer.

Regulation 6 prescribes matters which a local authority is required to deal with in a certificate where it is stated in the certificate that the statutory provision, or one of the statutory provisions, conferring the power to enter into the contract for which the certificate is given is section 111 of the Local Government Act 1972.

Regulations 7 and 8 make provision about the signature of a certificate issued with respect to a contract. A certificate issued by a local authority must be signed by one of the persons prescribed in relation to the authority concerned.