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STATUTORY INSTRUMENTS

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**1998 No. 2193**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Authorities (Direct Labour Organisations)  
(Competition) (Wales) (Amendment) Regulations 1998**

*Made - - - - 1st September 1998*  
*Laid before Parliament 9th September 1998*  
*Coming into force - - 30th September 1998*

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 7(1), (2), (4), (5) and (6), 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 Authorities (Direct Labour Organisation) (Competition) (Wales) (Amendment) Regulations 1998 and shall come into force on 30th September 1998.

(2) In these Regulations, “the principal Regulations” means the Local Authorities (Direct Labour Organisations) (Competition) (Wales) Regulations 1997(2).

**Amendment of the principal Regulations**

2. In regulation 3 (application) of the principal Regulations, for paragraphs (2) and (3) substitute the following—

“(2) In relation to works of new construction, these Regulations apply to a works contract entered into on or after 1st October 1999 and to functional work to be carried out on or after that date.

(3) In relation to,

- (a) general highway works;
- (b) the construction or maintenance of a sewer; and
- (c) works of maintenance,

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(1) 1980 c. 65. Section 7 was amended by the Local Government Act 1988 (c. 9), Schedule 6 paragraph 2 and by the Local Government Act 1992 (c. 19), Schedule 1 paragraph 1 and section 23(1) was amended by that Act of 1992, Schedule 1, paragraph 9.  
(2) S.I. 1997/999 to which there is a relevant amendment by S.I. 1997/1697.

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**Status:** This is the original version (as it was originally made).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

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these Regulations apply to a works contract entered into on or after 1st January 2000 and to functional work to be carried out on or after that date.”(3).

**Revocation**

3. The Local Authorities (Direct Labour Organisations) (Competition) (Wales) (Amendment) Regulations 1997(4) are revoked.

Signed by authority of the Secretary of State for Wales

*Jon Owen Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

1st September 1998

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(3) The terms “works contract”, “functional work”, “works of new construction”, “general highway works” and “works of maintenance” are defined or explained in the principal Regulations.

(4) [S.I. 1997/1697](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part III of the Local Government, Planning and Land Act 1980 (“the 1980 Act”) requires local authorities (including authorities who are treated as local authorities for that purpose) and development bodies, before undertaking construction or maintenance work through their direct labour organisations (DLO’s), to have satisfied certain requirements as respects competitive tendering.

The Local Authorities (Direct Labour Organisations) (Competition) (Wales) Regulations 1997 ([S.I. 1997/999](#)) (“the principal Regulations”) require local authorities in Wales to satisfy the competitive tendering provisions of Part III of the 1980 Act in relation to various descriptions of works contracts and functional work.

Article 2 of the present Regulations amends regulation 3 (application) of the principal Regulations (as amended by [S.I. 1997/1697](#)) so that they will now apply in relation to works of new construction from 1st October 1999 and in relation to general highway works, the construction or maintenance of a sewer and works of maintenance from 1st January 2000. In consequence, the Local Government, Planning and Land Act 1980 (Competition) (Wales) Regulations 1994 ([S.I. 1994/338](#)) will continue to apply to works contracts and functional work entered into or, as the case may be, carried out before 1st October 1999 (in relation to works of new construction) or before 1st January 2000 (in relation to general highway works, the construction or maintenance of a sewer and works of maintenance).

Article 3 makes a consequential revocation of the Local Authorities (Direct Labour Organisations) (Competition) (Wales) (Amendment) Regulations 1997 ([S.I. 1997/1697](#)).