
STATUTORY INSTRUMENTS

1992 No. 810

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992

PART II

COMPETITION

Interpretation

3.—(1) In this Part “works contract” means—

- (a) in the case of construction and maintenance work, a contract which is or comprises—
 - (i) an agreement under section 105 of the principal Act which provides for the carrying out of such maintenance work as is mentioned in subsection (1)(d) of that section; or
 - (ii) an agreement made under any other statutory provision which provides for the carrying out by a council of any construction or maintenance work;
- (b) in any other case, subject to paragraph (2), a contract constituting or including an agreement which provides for the carrying out of work by a council; and “functional work” means—
 - (a) work carried out by a council, other than work carried out under a works contract; and
 - (b) work which is carried out otherwise than by a council but which is dependent upon, or incidental or preparatory to, other work which, by virtue of sub-paragraph (a), is functional work in relation to that council; and work carried out as mentioned in sub-paragraph (b) shall be treated as carried out by the council.

(2) A contract is not a works contract if it constitutes or includes an agreement providing for a council to discharge the functions of a government department or another council.

(3) If and so far as the provision by a council of goods, materials, services, vehicles, plant or other equipment which is incidental to a works contract is the subject of a separate agreement, that agreement shall be treated as part of the works contract for the purposes of this Part.