

SCHEDULES

SCHEDULE 1

Section 11.

AMENDMENTS OF COMPETITION PROVISIONS

The Local Government, Planning and Land Act 1980 (c. 65)

- 1 In section 7(1B) of the 1980 Act (no failure to fulfil competition condition unless local authority are aware of failure when they propose to enter into contract), for the words from “unless” to “aware” there shall be substituted the words “unless the local authority have become aware, before entering into the contract,”.
- 2 (1) In subsection (2) of section 9 of the 1980 Act (obligation to prepare written statement as to the amounts that will be credited to an authority’s DLO revenue account in respect of certain work), after the word “first” there shall be inserted the words “, in accordance with such requirements (if any) as may be contained in regulations made by the Secretary of State,”.
- (2) In subsection (4)(a) of that section (obligation to invite offers to undertake work in accordance with specified conditions), for the words “conditions specified by them” there shall be substituted the words “a detailed specification prepared for the purposes of the invitation”.
- (3) In subsection (6) of that section (statement under subsection (2) to be consistent with conditions specified for the purposes of subsection (4)(a)), for the words “conditions corresponding to those specified in” there shall be substituted the words “the requirements of the specification prepared for the purposes of”.
- 3 In section 13(2) of the 1980 Act (documents to be prepared by every local authority or development body who undertake construction or maintenance work), for paragraph (c) (statement of rate of return) there shall be substituted the following paragraph—
 - “(c) a statement showing whether the local authority or development body have complied with section 16(1) below.”
- 4 (1) In subsection (1) of section 16 of the 1980 Act (obligation to secure that revenue from certain work shows such positive rate of return as the Secretary of State may direct), for the words from “their revenue” to the end of the subsection there shall be substituted the words “such financial objective as the Secretary of State may specify for that year is met by their revenue (as adjusted in such manner as he may so specify) for all the work of that description which is carried out in that year.”
- (2) After that subsection there shall be inserted the following subsection—
 - “(1A) Where the Secretary of State specifies a financial objective under this section, he may define that objective by reference to such factors as he thinks fit.”

Status: This is the original version (as it was originally enacted).

- 5 In section 18(2B) of the 1980 Act (auditor’s obligation to consider statement of rate of return), for the words “statement of rate of return” there shall be substituted the words “statement referred to in section 13(2)(c) above”.
- 6 In section 19A(1) of the 1980 Act (conditions of enforcement)—
- (a) after the word “work”, in the first place where it occurs, there shall be inserted the words “, or have decided to do so, in a case in which the carrying out or undertaking of that work has been or (if effect is given to the proposals to which the decision relates) will be”; and
 - (b) in paragraph (a), for the words “they have entered into” there shall be substituted the words “into which that authority have entered”.
- 7 (1) In section 19B of the 1980 Act (power to give directions restricting a power to carry out work or imposing conditions with respect to the carrying out of work), after subsection (5) there shall be inserted the following subsection—
- “(5A) The conditions that may be imposed by a direction given under this section in relation to the carrying out of any work include a condition restricting the carrying out of the work to cases where—
- (a) the Secretary of State has been satisfied as to any matter specified or described in the direction; or
 - (b) the work is carried out under and in accordance with an authorisation or consent given for the purposes of the direction by the Secretary of State.”
- (2) In subsection (6) of that section (power to give direction to be exercised in writing), at the end there shall be inserted the words “and, without prejudice to subsection (4) above, shall include power, at any time, to make such variations of a direction under this section as may be agreed with the authority or body to which the direction relates.”
- 8 In section 20(2) of the 1980 Act (exclusion from references to construction and maintenance work of routine maintenance of specific building etc. by person employed for the purpose), for the words from “employed” in paragraph (b) to the end of the subsection there shall be substituted the words “who—
- (i) is employed to perform duties in relation to that building or structure, or those buildings or structures; but
 - (ii) spends the greater part of the time required for performing the duties of his employment in the carrying out of work which is neither routine maintenance nor work of any other description falling within the meaning, for the purposes of this Part of this Act, of construction or maintenance work.”
- 9 In section 23(1) of the 1980 Act (power to make different provision for different parts of Great Britain), after the word “Act” there shall be inserted the words “and the power under section 16(1) above to specify a financial objective for local authorities and development bodies,”.

The Local Government Act 1988 (c. 9)

- 10 In section 2(3) of the 1988 Act (power to add a paragraph to the list of defined activities), at the end there shall be inserted the words “or by modifying any provision of Schedule 1 to this Act which for the time being excludes anything from the activities falling within any of those paragraphs.”

Status: This is the original version (as it was originally enacted).

- 11 In subsection (6) of section 4 of the 1988 Act (no failure to fulfil conditions of entering into works contract unless bidding authority are aware of failure when they propose to enter into contract), for the words from “unless” to the end of the subsection there shall be substituted the words “unless the bidding authority have become aware of the failure before entering into the contract.”
- 12 In section 6(3) of the 1988 Act (application confined to work specified in regulations), at the end there shall be inserted the words “and regulations under this section may describe work by reference to a specified proportion of work of a particular description.”
- 13 In section 13(1) of the 1988 Act (conditions of enforcement), for paragraph (b) there shall be substituted the following paragraphs—
- “(b) have carried out work as regards which the conditions set out in section 7 above have to be but, in the circumstances, have not been fulfilled,
 - (ba) have decided to carry out work as regards which (if the work is carried out in accordance with the decision) those conditions will have to be but, in the circumstances in which it is proposed to carry it out, will not be fulfilled.”.
- 14 In section 14 of the 1988 Act (power to give directions restricting a power to carry out work or imposing conditions with respect to the carrying out of work), after subsection (4) there shall be inserted the following subsections—
- “(4A) The conditions that may be imposed by a direction given under this section in relation to the carrying out of any work include a condition restricting the carrying out of the work to cases where—
- (a) the Secretary of State has been satisfied as to any matter specified or described in the direction, or
 - (b) the work is carried out under and in accordance with an authorisation or consent given for the purposes of the direction by the Secretary of State.
- (4B) Where a direction under this section imposes any condition in relation to the carrying out of any work, that direction may provide that the requirement that the condition is fulfilled is to have effect, in relation to that work, instead of any requirement which (apart from the direction) would have effect in relation to that work by virtue of this Part.
- (4C) Without prejudice to subsection (3) above, the power to give a direction under this section shall include power, at any time, to make such variations of a direction under this section as may be agreed with the authority to which the direction relates.”