

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1992. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E+W+S**

Section 11.

AMENDMENTS OF COMPETITION PROVISIONS

[^{F1} The Local Government, Planning and Land Act 1980 (c. 65)

Textual Amendments

- F1** Sch. 1 repealed (E.W.) (2.1.2000) by 1999 c. 27, ss. 21(1)(d), 34, **Sch. 2(1)**, Note
Sch. 1 repealed (S.) (1.4.2003) by Local Government in Scotland Act 2003 (asp 1), **ss. 60(1)(h)**, 62(2);
S.S.I. 2003/134, art. 2(1), Sch.

- 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. ”

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- (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.”
- 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
- (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, ” .

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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. ”
- 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

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of a direction under this section as may be agreed with the authority to which the direction relates.”]

F²SCHEDULE 2 U.K.

Section 12.

Textual Amendments

F2 Sch. 2 repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), ss. 66(a), 148(3)(b), **Sch. 7 Pt. 3**; S.I. 2009/3318, art. 4(m)(hh)

SCHEDULE 3 U.K.

Section 27.

AMENDMENTS CONSEQUENTIAL ON PART II

Commencement Information

II Sch. 3 wholly in force 31.10.1992 see [s. 30\(3\)\(b\)](#) and [S.I. 1992/2371](#), **art. 2**

The Fire Services Act 1947 (c. 41)

1 In section 6 of the Fire Services Act 1947 (power of the Secretary of State to make combination schemes)—

- (a) in subsection (2), after the word “thereto” there shall be inserted the words “ or subsection (2A) of this section applies ”; and
- (b) after that subsection there shall be inserted the following subsection—

“(2A) If, in a case where the authorities to whom notice of a proposed scheme has been given under subsection (2) of this section do not assent thereto—

- (a) it appears to the Secretary of State that the proposed scheme contains only such provision as is appropriate in consequence of an order under Part II of the Local Government Act 1992 containing provision for giving effect to a structural change (within the meaning of that Part); and
- (b) the period (if any) that has elapsed between the making of that order and the giving of that notice does not exceed twelve months,

the Secretary of State shall be under a duty to consider any representations made by those authorities with respect to the proposed scheme within such period as may have been specified in the notice, but shall not be required under that subsection to cause a public local inquiry to be held.”

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Commencement Information

I2 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 2 In section 10 of that Act (schemes for combination of fire areas in advance of alterations of local government areas)—
- (a) for the words from “constituting” to “a county” there shall be substituted the words “ or Part II of the Local Government Act 1992 affecting any area ”;
 - (b) for the words “that date” there shall be substituted the words “ the date on which that order gives effect to any transfer of functions or alteration of boundaries in relation to that area ”; and
 - (c) for the words from “as if” onwards there shall be substituted the words “as if—
 - (a) references to the area of a fire authority included references to any area which (apart from any combination scheme under this section) would become such an area by virtue of such an order or which, in accordance with such an order, is to be treated, for the purposes of the making of any combination scheme, as an area which would become the area of a fire authority by virtue of that order; and
 - (b) references, in relation to such an area, to the fire authority were references to the fire authority for any area the whole or any part of which will be included in that area.”

Commencement Information

I3 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

The Police Act 1964 (c. 48)

F3³

Textual Amendments

F3 Sch. 3 paras. 3-5 repealed (1.4.1995) by 1994 c. 29, s. 93, Sch. 9 Pt. I; S.I. 1994/3262, art. 4, Sch.

F4⁴

Textual Amendments

F4 Sch. 3 paras. 3-5 repealed (1.4.1995) by 1994 c. 29, s. 93, Sch. 9 Pt. I; S.I. 1994/3262, art. 4, Sch.

F5⁵

Textual Amendments

F5 Sch. 3 paras. 3-5 repealed (1.4.1995) by 1994 c. 29, s. 93, Sch. 9 Pt. I; S.I. 1994/3262, art. 4, Sch.

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The Local Government Act 1972 (c.70)

- 6 In section 6(2)(c) of the 1972 Act (term of office and retirement of councillors), for the words “Part IV of this Act” there shall be substituted the words “ Part II of the Local Government Act 1992 ”.

Commencement Information

I4 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 7 (1) In subsection (6) of section 7 of the 1972 Act (election of councillors), for the words “section 51 below” there shall be substituted the words “ section 17 of the Local Government Act 1992 ”.
- (2) In subsection (7) of that section—
- (a) for the words “ask the English Commission to make proposals” there shall be substituted the words “ direct the Local Government Commission for England to conduct a review and make recommendations ”; and
- (b) for the words following paragraph (b) there shall be substituted the words — “ and the provisions of Part II of the Local Government Act 1992 shall apply accordingly ”.

Commencement Information

I5 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 8 In section 9(4) of the 1972 Act (parish meetings and councils), for the words “section 10 or 11 or Part IV below” there shall be substituted the words “ section 10 or 11 below or Part II of the Local Government Act 1992 ”.

Commencement Information

I6 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 9 In section 11(5)(a) of the 1972 Act (orders for grouping parishes, dissolving groups and separating parishes from groups), for the words “Part IV below” there shall be substituted the words “ Part II of the Local Government Act 1992 ”.

Commencement Information

I7 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 10 In subsection (2) of section 12 of the 1972 Act (provision supplementary to sections 9 to 11 of that Act), for the words from “section 68 below” to the end of the subsection there shall be substituted the words “ section 20 of the Local Government Act 1992 shall apply as if the order were made under Part II of that Act ”.

Commencement Information

I8 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

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- 11 In section 30(1)(b) and (3) of the 1972 Act (restriction on community applications during and after reviews under Part IV of that Act), for the words “the Commission or Commissions”, in each place where they occur, there shall be substituted the words “ the Welsh Commission ”.

Commencement Information

I9 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 12 In section 54(1)(e) of the 1972 Act (proposals for change in local government areas in Wales), for the words “a substantive change” there shall be substituted the words “ a change (hereafter in this Part referred to as a substantive change) which is independent of any change in local government areas so proposed ”.

Commencement Information

I10 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 13 (1) In subsection (1) of section 60 of the 1972 Act (procedure for reviews), for the words “A Commission or” there shall be substituted the words “ The Welsh Commission or a ”.
- (2) In subsections (2) to (7) of that section, for the words “a Commission”, in each place where they occur, there shall be substituted the words “ the Welsh Commission ”.

Commencement Information

I11 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 14 In section 61(1) of the 1972 Act (local inquiries), for the words “A Commission or” there shall be substituted the words “ The Welsh Commission or a ”.

Commencement Information

I12 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 15 (1) In subsection (1) of section 65 of the 1972 Act (delegation of functions), for the words “A Commission” there shall be substituted the words “ The Welsh Commission ”.
- (2) In subsection (2) of that section, for the words “a Commission” there shall be substituted the words “ the Welsh Commission ”.

Commencement Information

I13 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 16 (1) In subsection (1) of section 71 of the 1972 Act (modification of seaward boundaries of local government areas), for the words “A Commission” there shall be substituted the words “ The Welsh Commission ”.
- (2) In subsection (2) of that section, for the words “a Commission”, in each place where they occur, there shall be substituted the words “ the Welsh Commission ”.

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Commencement Information

I14 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 17 In section 73(2) of the 1972 Act (alteration of local boundaries consequent on alteration of water course), for the words “the English Commission” there shall be substituted the words “ the Local Government Commission for England ”.

Commencement Information

I15 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 18 (1) In subsection (1) of section 78 of the 1972 Act (supplementary), in the definition of “substantive change” for the words “section 47(1)(i)” there shall be substituted the words “ section 54(1)(e) ”.
- (2) In subsection (2) of that section, for the words “each of the Commissions” there shall be substituted the words “ the Welsh Commission ”.

Commencement Information

I16 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 19 (1) In paragraph 7(1)(b) of Schedule 2 to the 1972 Act (constitution of London borough councils), for the words “Part IV of this Act” there shall be substituted the words “ Part II of the Local Government Act 1992 ”.
- (2) In paragraph 7(2) of that Schedule, for the words “Part IV of this Act”, in the first place where they occur, there shall be substituted the words “ Part II of the Local Government Act 1992 ”.

Commencement Information

I17 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

- 20 In paragraph 10 of Schedule 3 to the 1972 Act (establishment of local authorities in England), for the words “Part IV of this Act”, in each place where they occur, there shall be substituted the words “ Part II of the Local Government Act 1992 ”.

Commencement Information

I18 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

The Interpretation Act 1978 (c. 30)

- 21 In Schedule 1 to the Interpretation Act 1978, in the definition of “London borough” after the words “the Local Government Act 1972” there shall be inserted the words “ or Part II of the Local Government Act 1992 ”.

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Commencement Information

I19 Sch. 3 wholly in force 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

The Banking Act 1987 (c. 22)

F622

Textual Amendments

F6 Sch. 3 para. 22 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 331

SCHEDULE 4 **U.K.**

Section 29.

REPEALS

PART I E+W

REPEALS RELATING TO PART I

Commencement Information

I20 Sch. 4 Pt. I partly in force; Sch. 4 Pt. I in force for certain purposes at 6.5.1992 see s. 30(2); Sch. 4 Pt. I in force for certain purposes at 8.8.1996 by S.I. 1996/1888, art. 2

Chapter	Short title	Extent of repeal
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Section 13(6).In section 16, subsections (2) and (3).In section 19A(1)(f), the words “(1) to (3)”
1982 c. 32.	The Local Government Finance Act 1982.	In section 15(1), the word “and” immediately preceding paragraph (c).
1988 c. 9.	The Local Government Act 1988.	In section 7(3)(a), the word “periods”.

PART II U.K.

REPEALS RELATING TO PART II

Extent Information

E1 Sch. 4 Pt. II does not extend to Scotland or Northern Ireland with exceptions specified in s. 30(4)(5)

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Commencement Information

I21 Sch. 4 Pt. II wholly in force at 31.10.1992 see s. 30(3)(b) and S.I. 1992/2371, art. 2

Chapter	Short title	Extent of repeal
1972 c. 70.	The Local Government Act 1972.	Sections 46 to 52..Sections 62 and 63.Section 66.Section 196(7) and (8). onwards..Schedule 7.Schedule 9.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Local Government Boundary Commission for England.
1 1985 c. 51.	The Local Government Act 1985.	In Schedule 16, paragraphs 4 to 6.

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