



Local Government (Contracts) Act 1997

1997 CHAPTER 65

Certified contracts

5 Special provision for judicial reviews and audit reviews.

- (1) Section 2(1) does not apply for the purposes of determining any question arising on—
 - (a) an application for judicial review, or
 - (b) an audit review,as to whether a local authority had power to enter into a contract (or exercised any power properly in entering into a contract).
- (2) Section 2(1) has effect subject to any determination or order made in relation to a certified contract on—
 - (a) an application for judicial review, or
 - (b) an audit review.
- (3) Where, on an application for judicial review or an audit review relating to a certified contract entered into by a local authority, a court—
 - (a) is of the opinion that the local authority did not have power to enter into the contract (or exercised any power improperly in entering into it), but
 - (b) (having regard in particular to the likely consequences for the financial position of the local authority, and for the provision of services to the public, of a decision that the contract should not have effect) considers that the contract should have effect,the court may determine that the contract has (and always has had) effect as if the local authority had had power to enter into it (and had exercised that power properly in entering into it).
- (4) In this section and sections 6 and 7 references to an application for judicial review include any appeal (or further appeal) against a determination or order made on such an application.

Changes to legislation: Local Government (Contracts) Act 1997, Section 5 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

- II** [S. 5](#) wholly in force; [s. 5](#) not in force at Royal Assent see [s. 12\(2\)](#); [s. 5](#) in force at 30.12.1997 insofar as it applies to England and Wales by [S.I. 1997/2843](#), [art. 2\(2\)](#); [s. 5](#) in force at 1.1.1998 insofar as it applies to Scotland by [S.I. 1997/2878](#), [art. 2\(2\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2007/1182 art. 2Sch. 1](#)
- Act applied (with modifications) by [S.I. 2007/1182 art. 3Sch. 2](#)