



# Local Government Act 1999

## 1999 CHAPTER 27

### PART I

#### BEST VALUE

##### *[<sup>F1</sup>Exclusion of non-commercial considerations]*

#### Textual Amendments

- F1** S. 19 cross-heading inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 2\(2\)](#); S.I. 2008/917, art. 2(1)(a)

#### **19 Contracts: exclusion of non-commercial considerations.**

- (1) The Secretary of State may by order provide, [<sup>F2</sup>in relation to—
- (a) all [<sup>F3</sup>relevant authorities],
  - (b) particular [<sup>F4</sup>relevant authorities], or
  - (c) particular descriptions of [<sup>F5</sup>relevant authority],
- for] a specified matter to cease to be a non-commercial matter for the purposes of section 17 of the <sup>M1</sup>Local Government Act 1988 (local and other public authority contracts: exclusion of non-commercial considerations).
- (2) An order under this section may—
- (a) provide for a matter to cease to be a non-commercial matter for specified purposes or to a specified extent;
  - (b) apply in relation to specified authorities, functions or contracts;
  - (c) make different provision for different cases;
  - (d) include consequential or transitional provision (including provision amending an enactment).

[<sup>F6</sup>(2A) The power under subsection (2)(c) includes, in particular, power to make different provision for different authorities or descriptions of authority.]

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*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1999, Cross Heading: Exclusion of non-commercial considerations. (See end of Document for details)*

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- (3) <sup>F7</sup>Subject to subsection (3A),] no order shall be made under this section unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- <sup>F8</sup>(3A) An order under this section which is made only for the purpose of amending an earlier order under this section—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
  - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (4) In exercising a function regulated by section 17 of the Local Government Act 1988 with reference to a matter which is the subject of an order under this section a <sup>F9</sup>relevant authority] shall have regard to any guidance issued by the Secretary of State.
- <sup>F10</sup>(5) In this section, “relevant authority” means—
- (a) a best value authority,
  - <sup>F11</sup>(aa) a county council or county borough council in Wales,]
    - <sup>F12</sup>(ab) [ a National Park authority for a National Park in Wales,]
    - <sup>F12</sup>(ac) [ a fire and rescue authority in Wales, constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,]
  - (b) a parish council, or
  - (c) a community council.]

### Textual Amendments

- F2** S. 19(1)(a)-(c) and words substituted for words (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 3 para. 10\(2\)](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F3** Words in s. 19(1)(a) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 2\(3\)\(a\)](#); S.I. 2008/917, art. 2(1)(a)
- F4** Words in s. 19(1)(b) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 2\(3\)\(a\)](#); S.I. 2008/917, art. 2(1)(a)
- F5** Words in s. 19(1)(c) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 2\(3\)\(b\)](#); S.I. 2008/917, art. 2(1)(a)
- F6** S. 19(2A) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 3 para. 10\(3\)](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F7** Words in s. 19(3) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 3 para. 10\(4\)](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F8** S. 19(3A) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), [Sch. 3 para. 10\(5\)](#); S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F9** Words in s. 19(4) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 2\(3\)\(b\)](#); S.I. 2008/917, art. 2(1)(a)

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government Act 1999, Cross Heading: Exclusion of non-commercial considerations. (See end of Document for details)

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**F10** S. 19(5) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 7 para. 2(3)(c)**; S.I. 2008/917, art. 2(1)(a)

**F11** S. 19(5)(aa) substituted (1.4.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments) Regulations 2021 (S.I. 2021/296), regs. 1(2), **4(2)(a)**

**F12** S. 19(5)(ab)(ac) inserted (1.4.2021) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments) Regulations 2021 (S.I. 2021/296), regs. 1(2), **4(2)(b)**

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#### **Commencement Information**

**I1** S. 19 wholly in force at 27.7.2000; s. 19 not in force at Royal Assent see s. 27; s. 19 in force (E.) at 27.9.1999 and (W.) for certain purposes at 27.9.1999 by S.I. 1999/2169, art. 3(2), **Sch. 2**; s. 19(1)(2)(4) in force (W.) at 1.10.1999 by S.I. 1999/2815, **art. 2**; s. 19 in force at 27.7.2000 in so far as not already in force see s. 27

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#### **Marginal Citations**

**M1** 1988 c.9.

**Changes to legislation:**

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Heading: Exclusion of non-commercial considerations.