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STATUTORY INSTRUMENTS

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**1990 No. 1484 (S.153)**

**LOCAL GOVERNMENT, SCOTLAND**

**The Local Government Act 1988 (Defined Activities) (Competition and Specified Periods) (Scotland) Regulations 1990**

<i>Made</i>	- - - -	<i>23rd July 1990</i>
<i>Laid before Parliament</i>		<i>24th July 1990</i>
<i>Coming into force</i>	- -	<i>20th August 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 6(3), 8(1) and 15(6) and (7) of the Local Government Act 1988<sup>(1)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and extent**

1. These Regulations may be cited as the Local Government Act 1988 (Defined Activities) (Competition and Specified Periods) (Scotland) Regulations 1990, shall come into force on 20th August 1990, and shall apply to Scotland only.

**Interpretation**

2. In these Regulations—

“the Act” means the Local Government Act 1988;

“local authority” means a regional, islands or district council, but does not include a joint committee or joint board within the meaning of section 235 of the Local Government (Scotland) Act 1973<sup>(2)</sup>;

“specified authority” means a joint committee or joint board within the meaning of section 235 of the Local Government (Scotland) Act 1973;

“specified work” means functional work<sup>(3)</sup> of any description falling within the defined activity mentioned in section 2(2)(ee) of the Act<sup>(4)</sup> (managing sports and leisure facilities), but does not include work carried out elsewhere than in Scotland.

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(1) 1988 c. 9.

(2) 1973 c. 65.

(3) For the meaning of “functional work”, see section 3(4) of the Local Government Act 1988 (c. 9).

(4) Section 2(2)(ee) was inserted by S.I. 1989/2488, article 2(1).

### Application of section 6 of the Act

3.—(1) Where a local authority or specified authority proposes to carry out specified work on or after 1st January 1992 but before 1st August 1992 (hereinafter referred to as “the first period”), or on or after 1st August 1992 but before 1st January 1993 (hereinafter referred to as “the second period”), section 6 of the Act shall apply in each of those periods to the regulated proportion of that work.

(2) In paragraph (1) above, the expression “the regulated proportion” means work to the value of the product of—

$$(EW \times \frac{P}{100}) - Y$$

where—

EW is the gross amount estimated by the local authority or specified authority, as the case may be, as the cost of the specified work carried out or treated as carried out by or for that authority in the financial year ending on 31st March 1991;

P equals 35 in respect of the first period, and 70 in respect of the second period; and

Y is the gross amount estimated by that authority as the cost of the specified work proposed to be carried out for, but not by, the authority in the first or second period, as appropriate.

(3) Section 6 of the Act shall apply to all specified work which is proposed to be carried out by a local authority or specified authority on or after 1st January 1993.

### Specified periods

4. The second condition, set out in section 7(3) of the Act, shall not be treated as fulfilled in respect of specified work if the period stated by virtue of section 7(3)(c) in the detailed specification is less than 4 years or exceeds 6 years.

St. Andrew’s House,  
Edinburgh  
23rd July 1990

*Michael B. Forsyth*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision under Part I of the Local Government Act 1988 (“the Act”) in respect of the activity of managing sports and leisure facilities by local authorities and specified authorities (defined in regulation 2) in Scotland. Managing sports and leisure facilities is one of the “defined activities” to which Part I of the Act applies, having been added to the list of defined activities in section 2(2) of the Act by the Local Government Act 1988 (Competition in Sports and Leisure Facilities) Order 1989 (S.I. [1989/2488](#)).

Regulation 3 applies section 6 of the Act to this activity in stages, that is to the extents and in accordance with the dates specified in that regulation, and with full application from 1st January 1993. Local authorities and specified authorities are thus required, in accordance with section 6, to submit functional work falling within that activity (defined in regulation 2 as “specified work”) to competition before they can carry it out themselves.

Regulation 4 specifies the minimum and maximum periods for which local authorities and specified authorities may invite offers to carry out functional work falling within this activity.