
STATUTORY INSTRUMENTS

1994 No. 2888

The Local Government Act 1988 (Competition) (Defined Activities) (Construction and Property Services) Order 1994

Defined Activities

2.—(1) In section 2(2) of the Local Government Act 1988 (“the Act”) after paragraph (j) there shall be inserted the following paragraph—

“(k) construction and property services;”

(2) In Schedule 1 to the Act the following paragraph shall be inserted at the end—

“Construction and property services

12.—(1) The provision of construction and property services in connection with the development, maintenance or management of relevant land falls within section 2(2)(k) above.

(2) For the purposes of sub-paragraph (1) above, “construction and property services” means services in any of the following fields, namely—

- (a) architecture (including landscape architecture);
- (b) engineering;
- (c) valuation;
- (d) property management; and
- (e) surveying (including quantity and building surveying), being services which fall within sub-paragraph (3) below and are not excluded by sub-paragraph (4) below.

(3) Services fall within this sub-paragraph if they consist of or are provided for the purposes of, or in connection with, any of the following, namely—

- (a) the giving of advice to any of the following—
 - (i) a defined authority or its elected members;
 - (ii) any committee or sub-committee of a defined authority, or any other group of persons which reports to such an authority, committee or sub-committee; and
 - (iii) any officer or department of a defined authority;
- (b) the giving of advice to any other person in relation to the discharge of any functions of a defined authority;
- (c) the establishment and management of capital and revenue programmes for the development and maintenance of relevant land;
- (d) the design and planning of development projects and maintenance work, including feasibility studies, investigatory work and the preparation of plans, costings and reports;
- (e) the management of such projects and such work, including finance and contract management;
- (f) the management of relevant land, excluding the management of local authority housing (as defined in paragraph 9 above); and

- (g) the procuring, monitoring or supervision of, or the arranging of payment for, any services which fall within paragraphs (a) to (f) above and are provided for a defined authority by any person.
- (4) The following services are excluded by this sub-paragraph–
 - (a) any services provided in pursuance of section 6 of the Highways Act 1980⁽¹⁾ (delegation etc of functions with respect to trunk roads) or in pursuance of section 4 of the Roads (Scotland) Act 1984⁽²⁾ (agreements between authorities); and
 - (b) any services provided for the purposes of, or in connection with, sewerage functions carried out on behalf of sewerage undertakers in pursuance of arrangements entered into for the purposes of section 97 of the Water Industry Act 1991⁽³⁾.
- (5) The following are “relevant land” for the purposes of this paragraph–
 - (a) land which is occupied by a defined authority;
 - (b) land in which such an authority has or is seeking to acquire an interest;
 - (c) land for the maintenance or management of which such an authority assumes responsibility by agreement;
 - (d) highways for which such an authority is the highway authority and which are maintainable at the public expense; and
 - (e) public roads within the meaning of the Roads (Scotland) Act 1984 in relation to which such an authority is the local roads authority.”

⁽¹⁾ 1980 c. 66
⁽²⁾ 1984 c. 54
⁽³⁾ 1991 c. 56