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STATUTORY INSTRUMENTS

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**1994 No. 3164**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Act 1988 (Competition)  
(Legal Services) (England) Regulations 1994**

*Made* - - - - *12th December 1994*  
*Laid before Parliament* *19th December 1994*  
*Coming into force* - - *9th January 1995*

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

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Local Government Act 1988 (Competition) (Legal Services) (England) Regulations 1994 and shall come into force on 9th January 1995.

(2) These Regulations apply to defined authorities in England only.

**Interpretation**

2. In these Regulations—

“the Act” means the Local Government Act 1988;

“the cost” means the estimated total annual cost including overheads;

“the specified proportion” means an amount equal to the product of the following formula—

$$T - (A + B + C + D + E + F)$$

where

- T = an amount equal to the cost to a defined authority of the specified work;
- A = an amount equal to 55% of T or £300,000, whichever is greater;
- B = for the period ending on 31st March 1999 or five years after work was awarded, whichever is the shorter, an amount equal to the cost of specified work which is being carried out by a defined authority following voluntary competitive tendering;

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(1) 1988 c. 9. Section 6 is amended by paragraph 12 of Schedule 1 to the Local Government Act 1992 (c. 19).

- C = an amount equal to the cost of specified work carried out by a defined authority on behalf of a school with a delegated budget provided under a scheme prepared in accordance with section 33 of the Education Reform Act 1988<sup>(2)</sup>;
- D = until 1st April 1999, an amount equal to the cost of specified work which is being carried out by a defined authority in connection with functional work falling within the defined activity mentioned in section 2(2)(h) of the Act (housing management)<sup>(3)</sup> where that functional work is not subject to section 6 of the Act;
- E = an amount equal to the cost of specified work carried out by a defined authority in connection with functional work falling within any other defined activity where that functional work is being carried out by a defined authority in accordance with the provisions of the Act; and
- F = an amount equal to the cost of specified work carried out by a defined authority in connection with functional work to which Part III of the Local Government, Planning and Land Act 1980<sup>(4)</sup> applies where that functional work is being carried out by a defined authority in accordance with the provisions of that Act;

“specified work” means work of any description falling within the defined activity mentioned in section 2(2)(j) of the Act (legal services)<sup>(5)</sup> other than work carried out by a bidding authority to which section 4 of the Act (works contracts: restrictions) applies;

“voluntary competitive tendering” means the awarding of work before 1st April 1994 following a competitive process in the course of which at least three persons who are not defined authorities were invited to tender for that work.

### Application of section 6

3. Section 6 of the Act shall apply to the specified proportion of any specified work if it is proposed to be carried out—

- (a) on or after 1st April 1997 by a local authority which is subject to, or created by, a structural change or substantial boundary change effected by an order made under section 17 of the Local Government Act 1992<sup>(6)</sup> (“a structural change”) where that structural change takes effect from 1st April 1995; or
- (b) on or after 1st April 1998 by a local authority which is subject to, or created by, a structural change where that structural change takes effect from 1st April 1996; or
- (c) on or after 1st April 1999 by a local authority which is subject to, or created by, a structural change where that structural change takes effect from 1st April 1997; or
- (d) on or after 1st April 1996 by any other defined authority except—
  - (i) those mentioned in section 1(1)(b), 1(1)(c) and 1(1)(d) of the Act;
  - (ii) county councils or non-metropolitan district councils which are not subject to a structural change; and
  - (iii) a police authority.

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(2) 1988 c. 40.

(3) Section 2(2)(h) was inserted by S.I.1994/1671.

(4) 1980 c. 65.

(5) Section 2(2)(j) was inserted by S.I. 1994/2884.

(6) 1992 c. 19.

Signed by authority of the Secretary of State for the Environment

12th December 1994

*Robert Jones*  
Parliamentary Under-Secretary of State,  
Department of the Environment

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

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

These regulations, which apply to England only, make provision under Part I of the Local Government Act 1988 (“the Act”) in respect of the defined activity of legal services.

Regulation 3 applies section 6 of the Act to a specified proportion of this activity from the dates specified in that regulation, so that defined authorities are required to compete for such work if they wish to carry it out themselves.