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STATUTORY INSTRUMENTS

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**2001 No. 909**

**The Local Government Best Value (Exclusion of Non-commercial Considerations) Order 2001**

**Matters not to be non-commercial matters in relation to best value authorities**

**3.** The matters specified in section 17(5)(a) and the conduct of contractors or workers in industrial disputes between them as specified in section 17(5)(d) of the 1988 Act (Local and other public authority contracts: exclusion of non-commercial considerations) shall cease to be non-commercial matters for the purposes of section 17 of that Act—

- (a) to the extent that a best value authority considers it necessary or expedient, in order to permit or facilitate compliance with the requirements of Part I of the 1999 Act (Best Value), to exercise the functions regulated by that section in relation to its public supply or works contracts with reference to those matters; or
- (b) for the purposes of any functions regulated by that section in relation to a public supply or works contract which involves a transfer of staff to which the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 1981<sup>(1)</sup> may apply.

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(1) S.I.1981/1794 as amended by S.I. 1987/442 and Section 33 of the Trade Union Reform and Employment Rights Act 1993 (1993 c. 19).