STATUTORY INSTRUMENTS

1990 No. 1564

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Act 1988 (Defined Activities) (Competition) (England) Regulations 1990

Made - - - -	*27th July 1990*
Laid before Parliament	*6th August 1990*
Coming into force -	*30th August 1990*

The Secretary of State for the Environment, 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(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:–

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Act 1988 (Defined Activities) (Competition) (England) Regulations 1990 and shall come into force on 30th August 1990.

(2) In these Regulations–

"the Act" means the Local Government Act 1988;

"specified authority" means–

(i) any defined authority(b) which has functions in England other than–

(a) a development corporation established for the purposes of a new town;

(b) the Commission for the New Towns; and

(ii) any joint committee which falls to be treated as a defined authority by section 1(4) of the Act and of which at least one of the members is an authority which is a specified authority by virtue of sub-paragraph (i) above;

"specified work" means functional work(c) of any description falling within the defined activity mentioned in section 2(2)(ee) of the Act(d) (managing sports and leisure facilities), but does not include work carried out elsewhere than in England.

Application of section 6

2.—(1) Where a specified authority proposes to carry out specified work on or after 1st January 1992 and before 1st August 1992 ("the first period"), or on or after 1st August 1992 and before 1st January 1993 ("the second period"), section 6 of the Act shall apply in each of those periods to the regulated amount of that work.

(a) 1988 c.9.
(b) For "defined authority" *see* section 1 of the Act.
(c) For "functional work" *see* section 3(4) of the Act.
(d) Section 2(2)(ee) was inserted by S.I. 1989/2488, article 2(1).

(2) In paragraph (1) above "the regulated amount" means work to the value of the product of–

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

where–

EW = the gross amount estimated by the authority as the cost of the specified work carried out or treated as carried out by or for the authority in the financial year ending on 31st March 1991;

Y = the gross amount estimated by the authority as the cost of the specified work proposed to be carried out for but not by the authority in the relevant period; and

P = 35 in respect of the first period, and
70 in respect of the second period.

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

Specified periods

3. 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 in the detailed specification by virtue of section 7(3)(c) is less than 4 years or exceeds 6 years.

Chris Patten
27th July 1990 — Secretary of State for the Environment

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 specified authorities (defined in regulation 1(2)) in England.

Regulation 2 applies section 6 of the Act to this activity, to the extent and from the dates specified in that regulation, so that specified authorities are required to compete for such work if they wish to carry it out themselves. Transitional provision is made in respect of 1992.

Regulation 3 specifies the minimum and maximum periods for which specified authorities may invite offers to carry out such work.

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