



Local Government (Contracts) Act 1997

1997 CHAPTER 65

Certified contracts

7 Absence of relevant discharge terms.

- (1) Subsection (2) applies where—
 - (a) the result of a determination or order made by a court on an application for judicial review or an audit review is that a certified contract does not have effect, and
 - (b) there are no relevant discharge terms having effect between the local authority and a person who is a party to the contract.
- (2) That person shall be entitled to be paid by the local authority such sums (if any) as he would have been entitled to be paid by the local authority if the contract—
 - (a) had had effect until the time when the determination or order was made, but
 - (b) had been terminated at that time by acceptance by him of a repudiatory breach by the local authority.
- (3) For the purposes of this section the circumstances in which there are no relevant discharge terms having effect between the local authority and a person who is a party to the contract include (as well as circumstances in which no such terms have been agreed) circumstances in which the result of a determination or order of a court, made (despite section 6(4)) on an application for judicial review or an audit review, is that such terms do not have effect.

Commencement Information

- II** S. 7 wholly in force; s. 7 not in force at Royal Assent see s. 12(2); s. 7 in force at 30.12.1997 insofar as it applies to England and Wales by S.I. 1997/2843, art. 2(2); s. 7 in force at 1.1.1998 insofar as it applies to Scotland by S.I. 1997/2878, art. 2(2)

Changes to legislation:

Local Government (Contracts) Act 1997, Section 7 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2007/1182 art. 2Sch. 1](#)
- Act applied (with modifications) by [S.I. 2007/1182 art. 3Sch. 2](#)