

1988 No. 1371

LOCAL GOVERNMENT, ENGLAND AND WALES

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

<i>Made</i> - - - -	<i>29th July 1988</i>
<i>Laid before Parliament</i>	<i>8th August 1988</i>
<i>Coming into force</i>	<i>1st September 1988</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 6(3) and (4) and 15(6) of the Local Government Act 1988(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Local Government Act 1988 (Defined Activities) (Competition) (England) Regulations 1988 and shall come into force on 1st September 1988.

Interpretation

2. In these Regulations—

“the Act” means the Local Government Act 1988;

“county police authority” means a police authority constituted under section 2 of the Police Act 1964(b);

“specified authority” means—

(i) any defined authority 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; or

(c) the Inner London Education Authority; 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;

“work” does not include work carried out elsewhere than in England.

Application of Section 6

3.—(1) Section 6 of the Act shall apply to functional work of any description falling within any defined activity other than the maintenance of ground if the work is proposed to be carried out on or after 1st August 1989 by—

(a) the Council of the Isles of Scilly; or

(a) 1988 c.9.

(b) 1964 c.48; section 2 was amended by the Local Government Act 1972 (c.70), section 196 and Schedule 30, the Courts Act 1971 (c.23), section 53(5) and the Local Government Act 1985 (c.51), Schedule 11, paragraph 1.

(b) any other specified authority other than a local authority or a county police authority.

(2) Section 6 shall apply to functional work mentioned in paragraph (1) if it is proposed to be carried out on or after 1st August 1990 by a parish council.

(3) Section 6 shall apply to functional work of any description falling within the defined activity mentioned in section 2(2)(a) (collection of refuse) if it is proposed to be carried out on or after 1st August 1989 by a county council.

(4) Section 6 shall apply to functional work of any description falling within the defined activity mentioned in section 2(2)(d) (catering for purposes of schools and welfare) if it is proposed to be carried out on or after 1st August 1989 by a district council other than a metropolitan district council.

4.—(1) Section 6 shall apply to functional work of any description falling within the defined activity mentioned in section 2(2)(f) (maintenance of ground) if it is proposed to be carried out—

(a) on or after 1st January 1990 by the Council of the Isles of Scilly, a parish council, or any other specified authority which is neither a local authority nor a county police authority;

(b) on or after 1st January 1994 by any specified authority.

(2) Where any specified authority other than one mentioned in sub-paragraph (a) of paragraph (1) proposes to carry out functional work of any description falling within the defined activity mentioned in that paragraph in any of the calendar years 1990 to 1993, section 6 shall apply in each of those years to such part of that work as is estimated by the authority to equal in value the percentage of the value of earlier work specified below in relation to that year—

1990	20%
1991	40%
1992	60%
1993	80%

(3) For the purposes of paragraph (2)—

“earlier work” means work falling within the defined activity mentioned in section 2(2)(f) of the Act and carried out or treated as carried out by or for the authority in the financial year ending nine months before the beginning of the calendar year in question; and

“value” means in relation to earlier work the gross amount estimated by the authority as the cost of that work.

5.—(1) Section 6 shall apply in accordance with this regulation as respects functional work of any description if carried out by an authority named in Schedule I hereto.

(2) In the case of work falling within a defined activity mentioned in column 1 of Schedule 2, section 6 shall apply if the work is carried out by a non metropolitan district council on or after the date specified in that Schedule in relation to that activity and to the group in Schedule 1 in which the council in question is included.

(3) In the case of work falling within a defined activity mentioned in column 1 of Schedule 3, section 6 shall apply if the work is carried out by a county council on or after the date specified in that Schedule in relation to that activity and to the group in Schedule 1 in which the council in question is included.

(4) In the case of work falling within a defined activity mentioned in column 1 of Schedule 4, section 6 shall apply if the work is carried out by a London borough or metropolitan district council on or after the date specified in that Schedule in relation to that activity and to the group in Schedule 1 in which the council in question is included.

(5) This regulation shall apply—

(a) to a county police authority as if it were a member of the same numbered group as the county council for its area; and

(b) to the Common Council of the City of London (whether in its capacity as local authority or police authority) as if it were a London borough council in the group numbered 1.

6. Where a specified authority propose to carry out functional work of any description which falls within a defined activity (whether or not by virtue of section 2(5) or (7) of the Act) and to which section 6 of the Act would not otherwise apply, it shall (if the authority so decide) be treated as work to which section 6 applies.

29th July 1988

Nicholas Ridley
Secretary of State for the Environment

SCHEDULE 1

Regulation 5(1)

GROUPS OF LOCAL AUTHORITIES

GROUP 1

COUNTY COUNCILS

Avon
Cheshire
Devon
Gloucestershire
Isle of Wight
Norfolk
Oxfordshire
Surrey

LONDON BOROUGH COUNCILS

Barking and Dagenham
Hammersmith and Fulham
Islington
Newham
Waltham Forest

METROPOLITAN DISTRICT COUNCILS

Barnsley
Coventry
Leeds
Rochdale
Solihull
Trafford

NON-METROPOLITAN DISTRICT COUNCILS

Adur	Middlesbrough
Ashfield	Newbury
Basildon	North Dorset
Beverley	North Shropshire
Bolsover	Northavon
Braintree	Oswestry
Bristol	Plymouth
Burnley	Reading
Carlisle	Richmondshire
Chelmsford	Rugby
Chesterfield	Ryedale
Cleethorpes	Sedgemoor
Cotswold	Slough
Darlington	South Hams
Derwentside	South Norfolk
East Devon	South Somerset
East Staffordshire	Spelthorne
Ellesmere Port and Neston	Stevenage
Exeter	Suffolk Coastal
Fylde	Taunton Deane
Gosport	Tewkesbury
Halton	Tonbridge and Malling
Hart	Uttlesford
Hertsmere	Warrington
Hove	Wealden
Kerrier	West Dorset
Lancaster	West Wiltshire
Lichfield	Woking
Maldon	Wrekin
Mendip	York

GROUP 2

COUNTY COUNCILS

Bedfordshire
Cleveland
Dorset
Hampshire
Kent
Northamptonshire
Shropshire
Warwickshire

LONDON BOROUGH COUNCILS

Barnet
Croydon
Haringey
Kensington & Chelsea
Redbridge
Wandsworth

METROPOLITAN DISTRICT COUNCILS

Birmingham
Doncaster
Liverpool
Rotherham
South Tyneside
Wakefield

NON-METROPOLITAN DISTRICT COUNCILS

Allerdale	Milton Keynes
Ashford	Newcastle-under-Lyme
Basingstoke and Deane	North East Derbyshire
Blaby	North Warwickshire
Boothferry	Norwich
Breckland	Oxford
Broadland	Poole
Cambridge	Redditch
Carrick	Rochester upon Medway
Cheltenham	Runnymede
Chichester	Salisbury
Colchester	Selby
Craven	South Bedfordshire
Dartford	South Herefordshire
Dover	South Northamptonshire
East Hampshire	South Staffordshire
East Yorkshire	St. Albans
Elmbridge	Stockton-on-Tees
Fareham	Surrey Heath
Gedling	Teesdale
Gravesham	Thamesdown
Hambleton	Torbay
Hartlepool	Vale Royal
High Peak	Warwick
Huntingdonshire	Wear Valley
Kettering	West Lancashire
Langbaugh-on-Tees	Weymouth and Portland
Lincoln	Wokingham
Malvern Hills	Wychavon
Mid Bedfordshire	

GROUP 3

COUNTY COUNCILS

Berkshire
Cornwall
Durham
Hereford and Worcester
Lancashire
Northumberland
Somerset
West Sussex

LONDON BOROUGH COUNCILS

Bexley
Ealing
Harrow
Kingston-upon-Thames
Richmond-upon-Thames
Westminster

METROPOLITAN DISTRICT COUNCILS

Bolton
Dudley
Manchester
Salford
St. Helens
Walsall

NON-METROPOLITAN DISTRICT COUNCILS

Alnwick	Mid Devon
Aylesbury Vale	Mole Valley
Bassetlaw	North Bedfordshire
Blackburn	North Hertfordshire
Boston	North West Leicestershire
Brentwood	Nottingham
Bromsgrove	Pendle
Cannock Chase	Portsmouth
Castle Morpeth	Reigate and Banstead
Cherwell	Rochford
Chiltern	Rushcliffe
Congleton	Scarborough
Crawley	Sevenoaks
Daventry	South Bucks
Durham	South Holland
East Dorset	South Oxfordshire
East Hertfordshire	South Wight
Eastbourne	St. Edmundsbury
Epping Forest	Stoke-on-Trent
Fenland	Swale
Gillingham	Teignbridge
Great Grimsby	Thanet
Harborough	Torridge
Hastings	Vale of White Horse
Hinckley and Bosworth	Watford
Hyndburn	Wellingborough
King's Lynn and West Norfolk	West Lindsey
Leicester	Woodspring
Luton	Wycombe
Mansfield	

GROUP 4

COUNTY COUNCILS

Buckinghamshire
Cumbria
East Sussex
Hertfordshire
Leicestershire
North Yorkshire
Staffordshire
Wiltshire

LONDON BOROUGH COUNCILS

Brent
Enfield
Havering
Lambeth
Southwark

METROPOLITAN DISTRICT COUNCILS

Bradford
Gateshead
Newcastle-upon-Tyne
Sandwell
Stockport
Wigan

NON-METROPOLITAN DISTRICT COUNCILS

Amber Valley	New Forest
Babergh	North Cornwall
Bath	North Kesteven
Blackpool	North Wiltshire
Bournemouth	Nuneaton and Bedworth
Bridgnorth	Penwith
Broxbourne	Preston
Canterbury	Restormel
Castle Point	Rossendale
Chester	Rushmoor
Chorley	Scunthorpe
Copeland	Shepway
Crewe and Nantwich	South Cambridgeshire
Derby	South Kesteven
Easington	South Ribble
East Lindsey	Southampton
Eastleigh	Stafford
Epsom and Ewell	Stratford on Avon
Forest Heath	Tamworth
Glanford	Tendring
Great Yarmouth	Three Rivers
Harlow	Tunbridge Wells
Havant	Wansbeck
Holderness	Waveney
Ipswich	Welwyn Hatfield
Kingston upon Hull	West Oxfordshire
Leominster	Winchester
Macclesfield	Worcester
Medina	Wyre
Mid Suffolk	

GROUP 5

COUNTY COUNCILS

Cambridgeshire
Derbyshire
Essex
Humberside
Lincolnshire
Nottinghamshire
Suffolk

LONDON BOROUGH COUNCILS

Bromley
Greenwich
Hillingdon
Lewisham
Sutton

METROPOLITAN DISTRICT COUNCILS

Bury
Kirklees
North Tyneside
Sefton
Sunderland
Wirral

NON-METROPOLITAN DISTRICT COUNCILS

Arun	Newark & Sherwood
Barrow in Furness	North Devon
Berwick-upon-Tweed	North Norfolk
Blyth Valley	Northampton
Bracknell Forest	Oadby and Wigston
Brighton	Peterborough
Broxtowe	Purbeck
Caradon	Ribble Valley
Charnwood	Rother
Chester-le-Street	Rutland
Christchurch	Sedgefield
Corby	Shrewsbury and Atcham
Dacorum	South Derbyshire
Derbyshire Dales	South Lakeland
East Cambridgeshire	South Shropshire
East Northamptonshire	Southend-on-Sea
Eden	Staffordshire Moorlands
Erewash	Stroud
Forest of Dean	Tandridge
Gloucester	Test Valley
Guildford	Thurrock
Harrogate	Tynedale
Hereford	Wansdyke
Horsham	Waverley
Kennet	West Devon
Kingswood	West Somerset
Lewes	Windsor and Maidenhead
Maidstone	Worthing
Melton	Wyre Forest
Mid Sussex	

GROUP 6

METROPOLITAN DISTRICT COUNCILS

Calderdale
Knowsley
Oldham
Sheffield
Tameside
Wolverhampton

LONDON BOROUGH COUNCILS

Camden
Hackney
Hounslow
Merton
Tower Hamlets

SCHEDULE 2

Regulation 5(2)

COMPETITION BY ACTIVITY AND DATE: NON-METROPOLITAN DISTRICT COUNCILS

(1) <i>Defined activity</i>	(2) <i>Group 1</i>	(3) <i>Group 2</i>	(4) <i>Group 3</i>	(5) <i>Group 4</i>	(6) <i>Group 5</i>
Collection of refuse	1st August 1991	1st January 1991	1st August 1990	1st January 1990	1st August 1989
Cleaning of buildings	1st January 1990	1st August 1989	1st August 1991	1st January 1991	1st August 1990
Other cleaning	1st August 1989	1st August 1991	1st January 1991	1st August 1990	1st January 1990
Other catering	1st August 1990	1st January 1990	1st August 1989	1st August 1991	1st January 1991
Repair and maintenance of vehicles	1st January 1991	1st August 1990	1st January 1990	1st August 1989	1st August 1991

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SCHEDULE 3

Regulation 5(3)

COMPETITION BY ACTIVITY AND DATE: COUNTY COUNCILS

(1) <i>Defined activity</i>	(2) <i>Group 1</i>	(3) <i>Group 2</i>	(4) <i>Group 3</i>	(5) <i>Group 4</i>	(6) <i>Group 5</i>
Cleaning of buildings	1st August 1989	1st August 1991	1st January 1991	1st August 1990	1st January 1990
Other cleaning	1st August 1991	1st January 1991	1st August 1990	1st January 1990	1st August 1989
Catering for purposes of schools and welfare	1st August 1990	1st January 1990	1st August 1989	1st August 1991	1st January 1991
Other catering	1st January 1990	1st August 1989	1st August 1991	1st January 1991	1st August 1990
Repair and maintenance of vehicles	1st January 1991	1st August 1990	1st January 1990	1st August 1989	1st August 1991

SCHEDULE 4

Regulation 5(4)

COMPETITION BY ACTIVITY AND DATE: LONDON BOROUGH AND METROPOLITAN DISTRICT COUNCILS

(1) <i>Defined activity</i>	(2) <i>Group 1</i>	(3) <i>Group 2</i>	(4) <i>Group 3</i>	(5) <i>Group 4</i>	(6) <i>Group 5</i>	(7) <i>Group 6</i>
Collection of refuse	1st January 1992	1st August 1991	1st January 1991	1st August 1990	1st January 1990	1st August 1989
Cleaning of buildings	1st January 1990	1st August 1989	1st January 1992	1st August 1991	1st January 1991	1st August 1990
Other cleaning	1st August 1989	1st January 1992	1st August 1991	1st January 1991	1st August 1990	1st January 1990
Catering for purposes of schools and welfare	1st January 1991	1st August 1990	1st January 1990	1st August 1989	1st January 1992	1st August 1991
Other catering	1st August 1990	1st January 1990	1st August 1989	1st January 1992	1st August 1991	1st January 1991
Repair and maintenance of vehicles	1st August 1991	1st January 1991	1st August 1990	1st January 1990	1st August 1989	1st January 1992

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 6(3) of the Local Government Act 1988 enables the Secretary of State to require that an authority mentioned in section 1(1) of the Act (a defined authority) may only carry out functional work falling within an activity listed in section 2(2) of the Act (a defined activity) after subjecting the work to competition. These Regulations exclude the Inner London Education Authority, new town development corporations and the Commission for the New Towns from the competition requirements and specify the dates from which and the circumstances in which other defined authorities ("specified authorities") in England may not carry out functional work without first exposing it to competition.

If they wish to carry out the work on or after 1st August 1989, the Council of the Isles of Scilly and all other specified authorities (with the exception of other local authorities and county police authorities) are required to compete for work falling within any defined activity other than ground maintenance; all county councils are required to compete for refuse collection; and all non-metropolitan district councils are required to compete for school and welfare catering. Parish and community councils are required to compete for work falling within any defined activity other than ground maintenance where they wish to carry out the work on or after 1st August 1990 (regulation 3).

If they wish to carry out ground maintenance work on or after 1st January 1990, the Council of the Isles of Scilly, all parish and community councils and all other specified authorities are required to compete for it. Other specified authorities who wish to carry out such work between 1st January 1990 and 1st January 1994 are required to subject varying percentages to competition (regulation 4).

All other work is to be competed for by the groups of authorities listed in Schedule 1, county police authorities and the Common Council of the City of London in accordance with the timetables set out in Schedules 2 to 4 (regulation 5).

If any specified authority wishes to carry out work falling within a defined activity but for which competition is not required, it may treat that work as if the competition requirements applied to it (regulation 6).