



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART III

DIRECT LABOUR ORGANISATIONS

Works Contracts

5 Meaning of " works contract"

- (1) Subject to subsection (2) below, in this Part of this Act " works contract" means a contract which is or comprises—
- (a) an agreement (in this Part of this Act referred to as a " maintenance agreement") under—
 - (i) section 5(3)(c) of the London Government Act 1963 (agreements between Greater London Council and other London authorities for the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which another party is responsible), or
 - (ii) section 1 of the Local Authorities (Goods and Services) Act 1970 (in this Part of this Act referred to as " the 1970 Act") (which provides for the carrying out by a local authority of such works of maintenance as are referred to in subsection (1)(d) of that section); or
 - (b) an agreement under section 18(4) of the London Government Act 1963 (agreements between Greater London Council and other London authorities with regard to metropolitan roads); or
 - (c) an agreement made by virtue of any other enactment (including a provision of a local Act) which provides for the carrying out by a local authority of any construction or maintenance work; and in this section " works authority ", in relation to a works contract, means the local authority or, if there is more than

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one, each of the local authorities, by whom construction or maintenance work is or is to be undertaken in pursuance of the contract.

- (2) A contract is not a works contract by reason only that it is or comprises an agreement under which the functions of a Minister of the Crown or of any public body, within the meaning of the 1970 Act, fall to be discharged by a local authority, notwithstanding that, in the exercise of the functions, the local authority undertake construction or maintenance work.
- (3) If and so far as the provision by a works authority of goods, materials, services, vehicles, plant or other equipment which is incidental to construction or maintenance work undertaken by that authority in pursuance of a works contract is the subject of a separate agreement, that agreement shall be treated as part of the works contract for the purposes of this Part of this Act.

6 Regulation of works contracts

- (1) Except in so far as section 7 below otherwise provides, a local authority may enter into a works contract in such circumstances and on such terms, having regard to the duty imposed on them by section 16 below, as they consider appropriate.
- (2) Notwithstanding anything in the 1970 Act or in any other enactment relating to such an agreement as is mentioned in section 5(1)(c) above, a body which is a public body within the meaning of the 1970 Act may not (whether as the works authority or as the body for whom any works are to be carried out) enter into a contract which in any respect contravenes any limitation imposed by section 7 below.
- (3) In any case where—
 - (a) before the appointed day, and whether before or after the passing of this Act, a local authority entered into a maintenance agreement, and
 - (b) the circumstances in which or the terms on which the maintenance agreement was entered into are such that, having regard to section 7 below and to any regulations made under that section, it would not be lawful for them to enter into a similar agreement immediately after the appointed day,
 then, at the expiry of the period of twelve months beginning on the appointed day, it shall cease to be lawful for the maintenance agreement to be carried out.
- (4) Accordingly, if the maintenance agreement is governed by English law and the parties to it do not make other provision before the expiry of that period of twelve months, the Law Reform (Frustrated Contracts) Act 1943 shall apply to the maintenance agreement with effect from the expiry of that period.

7 Limitations on power to enter into works contracts

- (1) A local authority may not—
 - (a) enter into a works contract whose value exceeds the prescribed amount unless they do so as the result of acceptance of a tender, or
 - (b) enter into a works contract whose value is equal to or less than the prescribed amount unless they have complied with such conditions as may be prescribed by regulations made by the Secretary of State.
- (2) In this section " the prescribed amount" means an amount specified in regulations made by the Secretary of State.

- (3) For the purposes of this Part of this Act an authority enter into a contract as the result of acceptance of a tender if—
- (a) the contract was made by acceptance of an offer on their part to carry out the work in question; and
 - (b) they made the offer in response to an invitation to submit such offers; and
 - (c) the invitation was extended to at least three other persons.
- (4) The Secretary of State may by regulations—
- (a) direct the manner in which the value of a contract is to be determined for the purposes of this section; and
 - (b) specify descriptions of contract to which subsection (1) above is not to apply ; and
 - (c) specify for the purposes of subsection (3)(c) above a number of persons different from three.
- (5) Without prejudice to the generality of subsection (4) above, regulations made by virtue of paragraph (a) of that subsection may direct that a number of contracts shall be treated as if they were one contract for the purpose of determining whether the prescribed amount is exceeded.
- (6) Regulations under this section may make different provision in relation to different contracts and descriptions of contracts.
- (7) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Functional work

8 Meaning of " functional work "

- (1) Subject to subsection (2) below, in this Part of this Act "functional work" means construction or maintenance work undertaken by a local authority otherwise than under a works contract or by a development body, for the performance of, or in connection with—
- (a) their functions; or
 - (b) their obligations under any arrangements, agreement or requirement made under any enactment and providing for the discharge by them of any functions of—
 - (i) a Minister of the Crown; or
 - (ii) a water authority; or
 - (iii) a local authority within the meaning of Part VI of the Local Government Act 1972; or
 - (iv) a regional, islands or district council; or
 - (v) a joint board within the meaning of section 235 of the Local Government (Scotland) Act 1973.
- (2) Subject to subsection (3) below, where a local authority or development body carry out construction or maintenance work for the performance of, or in connection with, any of their functions or any of their obligations such as are referred to in subsection (1) (b) above by placing a contract for the doing of the work by another person (either

directly or, in whole or in part, through sub-contractors) the work shall be treated as not being functional work.

- (3) Subsection (2) above shall not apply to work done under a contract if that work is dependent upon, or incidental or preparatory to, other construction or maintenance work undertaken or to be undertaken by persons in the employment of the local authority or development body.

9 Regulation of functional work

- (1) Subject to the following provisions of this section, a local authority or development body may undertake such functional work as they consider appropriate, having regard to the duty imposed by section 16 below.

- (2) A local authority or development body may not undertake functional work of any description unless they have first prepared a written statement—

- (a) of the amount which they will credit to their DLO revenue account in respect of carrying out the work or of carrying out work of that description which they intend or expect to carry out; or
- (b) of a method by which they intend that the amount to be so credited shall be calculated.

- (3) The Secretary of State may by regulations—

- (a) specify descriptions of functional work which a local authority or development body may not undertake unless they have first complied with the conditions specified in subsection (4) below as well as with subsection (2) above; and
- (b) specify conditions with which a local authority or development body must comply, as well as complying with subsection (2) above, before they undertake functional work of any other description.

- (4) The conditions mentioned in subsection (3) (a) above are—

- (a) that they have invited offers to undertake the work, in accordance with conditions specified by them, from at least three persons included in a list maintained by them of persons who are willing to undertake such work; and
- (b) that they have furnished any statement which they are required to furnish in pursuance of subsection (8) below.

- (5) The Secretary of State may by regulations specify for the purposes of subsection (4) (a) above a number of persons different from three.

- (6) Where a local authority or development body are required to comply with the conditions specified in subsection (4) above, the written statement which they are required to prepare under subsection (2) above is a statement consistent with conditions corresponding to those specified in the invitation mentioned in subsection (4)(a) above.

- (7) Where—

- (a) a local authority or development body are required to comply with conditions specified in regulations made by virtue of subsection (3)(b) above; and
- (b) the conditions require them to invite offers to undertake work,

the written statement which they are required to prepare under subsection (2) above is a statement consistent with conditions corresponding to those specified in the invitation.

- (8) If any person requires a local authority or development body to do so, they shall furnish him with a written statement showing who is to undertake the work, its estimated cost and the price of each offer submitted to the local authority or development body in consequence of the invitation mentioned in subsection (4)(a) above.
- (9) In subsection (8) above "estimated cost", in relation to any work, means—
- (a) if the local authority or development body are to carry out the work themselves, its cost as estimated under subsection (2) above; and
 - (b) if any other person is to carry it out, the price for which he has contracted to carry it out.
- (10) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Accounting Provisions

10 Accounts relating to construction or maintenance work

- (1) Every local authority who undertake construction or maintenance work—
- (a) under works contracts, or
 - (b) by way of functional work,
- and every development body who undertake construction or maintenance work by way of functional work shall keep, in respect of each of the descriptions of such work specified in subsection (2) below—
- (i) a revenue account (in this Act referred to as a "DLO revenue account"); and
 - (ii) such other accounts as may be directed by the Secretary of State.
- (2) The descriptions of construction or maintenance work mentioned in subsection (1) above are—
- (a) general highway works:
 - (b) works of new construction, other than general highway works, the cost of which in the estimation of the authority or development body will exceed £50,000;
 - (c) works of new construction, other than general highway works, the cost of which in the estimation of the authority or development body will not exceed £50,000; and
 - (d) works of maintenance within the meaning of the 1970 -Act, other than such works of maintenance in connection with highways.
- (3) In subsection (2) above "general highway works" means—
- (a) construction and maintenance work for the purpose of the laying out, construction, improvement, maintenance or repair of highways, other than work for the purpose of the construction of highways which is connected with the carrying out of other works of new construction ; and
 - (b) the gritting of or clearing of snow from highways.
- (4) The Secretary of State may by regulations—
- (a) amend subsection (2) above ;
 - (b) specify descriptions of construction or maintenance work, in addition to the descriptions of such work specified in that subsection, as being descriptions

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of such work in respect of which a local authority or development body are to be under a duty to keep the accounts mentioned in subsection (1) above.

- (5) A statutory instrument containing regulations under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section " works of new construction " means building or civil engineering works of any description which are not works of maintenance within the meaning of the 1970 Act.

11 Exemption from requirement to keep separate accounts under section 10

- (1) Subsection (1) of section 10 above does not require a local authority or development body to keep—
 - (a) in respect of any description of construction or maintenance work specified in subsection (2) of that section ; or
 - (b) in respect of any description of such work specified in regulations under subsection (4) of that section,
 accounts for any financial year separate from accounts kept for that year in respect of any other description of construction or maintenance work, if the local authority or development body did not at any one time in the previous financial year employ more than thirty persons, other than persons excluded by subsection (2) below, who were engaged (whether wholly or partly) in carrying out construction or maintenance work of that description.
- (2) The persons excluded by this subsection are persons engaged wholly or mainly upon the design, development or control of construction or maintenance work.
- (3) The Secretary of State may by order specify for the purposes of subsection (1) above a number of persons less than thirty.
- (4) The power to make an order conferred by subsection (3) above shall be exercisable by statutory instrument.
- (5) A statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

12 Contents of accounts relating to construction or maintenance work

- (1) Subject to subsection (4) below, a local authority or development body may not credit any DLO revenue account in respect of the cost of carrying out any functional work with a sum in excess of the appropriate amount.
- (2) Where they have prepared a written statement in accordance with section 9(2)(a) above, the appropriate amount is the amount specified in that statement.
- (3) Where they have prepared a written statement in accordance with section 9(2)(b) above, the appropriate amount is an amount calculated in accordance with the method in that statement.
- (4) Where the statement allowed for a variation in the appropriate amount in the event of changed circumstances, then if the circumstances arise (but not otherwise) the local authority or development body may credit the account with such sum as the statement allowed for in those circumstances.

- (5) Subject to subsections (1) and (4) above, the Secretary of State may give directions—
- (a) as to items which are to be included in accounts kept under section 10 above;
 - (b) as to the method of determining the amount of any item to be included in such accounts;
 - (c) as to the method of determining the cost of undertaking any construction or maintenance work ; and
 - (d) as to the extent to which the cost of providing professional, technical and administrative services for the purposes of or in connection with construction or maintenance work of any description is to be treated as part of the cost of undertaking such work of that description.

13 Annual balance sheet etc.

- (1) Every local authority who in any financial year undertake construction or maintenance work, whether under works contracts or by way of functional work or both, and every development body who in any financial year undertake construction or maintenance work by way of functional work, shall prepare the documents mentioned in subsection (2) below not later than 30th September in the financial year following that year.
- (2) The documents are—
- (a) a balance sheet;
 - (b) a revenue account;
 - (c) a statement of rate of return.
- (3) The balance sheet must show a true and fair view of the state of affairs of the local authority or development body, at the end of the financial year to which it relates, in respect of construction or maintenance work undertaken by them in that year.
- (4) Subject to subsection (5) below, a revenue account must show a true and fair view of the financial result of the local authority or development body having undertaken, in the financial year to which it relates, each description of construction or maintenance work to which it relates.
- (5) Where by virtue of section 11 above a revenue account relates to more than one description of construction or maintenance work, subsection (4) above shall have effect as if it required the account to show a true and fair view of the combined financial result of the local authority or development body having undertaken, in the financial year to which the account relates, all the descriptions of construction or maintenance work to which it relates.
- (6) A statement of rate of return must give such information as is necessary to show whether, in respect of the financial year to which it relates, the local authority or development body have complied with section 16(1) below.

14 Accounts under section 10 and other local authority accounts

- (1) Sections 10, 12 and 13 above are without prejudice to the power of the Secretary of State to make regulations under section 166 of the Local Government Act 1972 or section 105 of the Local Government (Scotland) Act 1973 (regulations relating to publication of information and the form, preparation, keeping and certification of

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accounts, etc.) relating to DLO revenue accounts and accounts required by directions under section 10(1)(ii) above.

- (2) Notwithstanding anything in subsection (2) of section 2 of the 1970 Act (local authorities, within the meaning of that Act, to keep a separate account in respect of agreements under section 1), a local authority shall not be required by that subsection to keep a separate account in respect of any agreement under section 1 of that Act which provides for the carrying out of such works of maintenance as are referred to in subsection (1)(d) of that section.

Financial provisions

15 Payment for construction or maintenance work undertaken in pursuance of delegated functions etc.

- (1) Where a local authority or development body undertake construction or maintenance work which is functional work by virtue of paragraph (b) of section 8(1) above, they shall be entitled notwithstanding anything in any enactment or in the arrangements or agreement referred to in that paragraph, to a payment in respect of undertaking that work equal to the amount which, in accordance with this Part of this Act, would be credited to the DLO revenue account kept by them in respect of work of that description if the work so undertaken were functional work by virtue of paragraph (a) of that subsection.
- (2) Subject to subsection (3) below, nothing in subsection (1) above applies to functional work undertaken in pursuance of an arrangement or agreement entered into before the appointed day.
- (3) If an arrangement or agreement entered into before the appointed day provides for the delegation of a function for an indefinite period or for a period terminable by the parties to it or by either or any of them, this section shall apply to work undertaken in pursuance of the arrangement or agreement in the first financial year which begins after the appointed day and in subsequent financial years.

16 General financial duty: treatment of deficits

- (1) Every local authority or development body who undertake construction or maintenance work—
- (a) of any of the descriptions specified in subsection (2) of section 10 above; or
 - (b) of any description specified by regulations under subsection (4) of that section,
- whether under works contracts or by way of functional work or both, shall secure that, in respect of each financial year, their revenue from work of that description shows such positive rate of return on the capital employed for the purpose of carrying out the work as the Secretary of State may direct.
- (2) Subject to subsection (3) below, the rate of return on capital employed shall be determined for the purposes of this section by such method as the Secretary of State may direct.
- (3) The rate of return shall in all cases be determined on a current cost accounting basis.

- (4) If at the end of any financial year any DLO revenue account of a local authority or development body is in deficit, the amount of the deficit shall be charged—
- (a) in the first instance to any DLO reserve fund established by them; and
 - (b) subject thereto—
 - (i) in the case of a local authority in England or Wales, to their rate fund; and
 - (ii) in the case of a local authority in Scotland or a development body, to their general fund.
- (5) In subsection (4) above, the reference in paragraph (a) to a DLO reserve fund established by a local authority or development body is a reference to a fund the sole purpose of which is to meet any expenditure incurred by them in connection with construction or maintenance work undertaken by them, whether under works contracts or by way of functional work.
- (6) In subsection (4)(b) above "rate fund"—
- (a) (in relation to the Greater London Council, means any fund for which a precept is issued;
 - (b) in relation to the Common Council of the City of London and the Council of the Isles of Scilly, means the general rate; and
 - (c) in relation to any other local authority, means the county fund or general rate fund.

17 Rates of return: powers of Secretary of State

- (1) If in respect of any financial year the rate of return shown on the capital employed by a local authority or development body for the purpose of carrying out construction or maintenance work—
- (a) of any of the descriptions specified in subsection (2) of section 10 above ; or
 - (b) of any description specified in regulations under subsection (4) of that section,
- as determined under section 16 above, is less than the rate for the time being required under section 16(1) above they shall notify the Secretary of State of that fact not later than the expiration of 6 months from the end of that financial year.
- (2) Subject to subsection (7) below, if by virtue of subsection (1) above a local authority or development body come under a duty to give a notification to the Secretary of State in respect of the same description of construction or maintenance work in each of three consecutive financial years, they shall prepare a report in respect of that description of work.
- (3) It shall be the duty of the local authority or development body
- (a) to consider any report prepared under subsection (2) above; and
 - (b) to send a copy to the Secretary of State.
- (4) The Secretary of State shall have power at any time, if he thinks fit, to direct a local authority or development body to make and submit to him, within such time as he may specify in the direction, a special report—
- (a) on all the construction or maintenance work undertaken by them during the three years preceding the date of the direction; or

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- (b) on the work of any of the descriptions specified in subsection (2) of section 10 above or of any description specified in regulations under subsection (4) of that section which they have undertaken during that period.
- (5) If—
- (a) the Secretary of State has given a direction under subsection (4) above; and
- (b) either—
- (i) he has received a special report within the time specified in the direction; or
- (ii) he has not received a report within that time,
- he may direct that, with effect from such date as may be specified in the direction, the local authority or development body to whom the direction under subsection (4) above related shall cease to have power to undertake construction or maintenance work or any description of such work, whether under works contracts or by way of functional work.
- (6) A direction under subsection (5) above may provide that the authority or body to whom it relates shall cease to have any power such as is mentioned in that subsection—
- (a) during a period specified in the direction; or
- (b) until such conditions as the Secretary of State may specify in the direction are satisfied; or
- (c) without specifying a period or conditions.
- (7) A local authority or development body need not notify the Secretary of State under subsection (1) above or prepare a report under subsection (2) above—
- (a) if the Secretary of State has directed under subsection (5) above that they should cease to have power to undertake construction or maintenance work or a description of such work ; and
- (b) if it is only in respect of work to which that direction relates that a required rate of return was not shown.
- (8) If the Secretary of State directs that a local authority or development body shall cease to have power to undertake construction or maintenance work of any description, the direction shall have effect notwithstanding any enactment by virtue of which they are required or authorised to discharge a function conferred on some other public authority or body.
- (9) If, at any time after a direction has been given under subsection (5) above with respect to a local authority or development body, it appears to the Secretary of State that within any particular time the authority or body would, apart from the direction, be able to undertake any description of construction or maintenance work which they are no longer empowered to undertake in such a manner that they would comply with section 16(1) above, he may direct that they shall have power to undertake that description of work from a date specified in the direction.
- (10) A direction under subsection (9) above may impose such conditions on the resumption of construction or maintenance work by a local authority or development body as the Secretary of State considers appropriate.
- (11) A direction under this section may contain such transitional and consequential provisions as the Secretary of State considers appropriate including, in particular, in the case of a direction under subsection (5), provisions with respect to construction or

maintenance work which is in progress and works contracts under which commitments are outstanding immediately before the date on which the direction takes effect.

Supplementary

18 Annual reports on construction or maintenance work

- (1) Every local authority who in any financial year undertake construction or maintenance work, whether under works contracts or by way of functional work or both, and every development body who in any financial year undertake construction or maintenance work by way of functional work shall prepare a report in accordance with subsection (2) below on the construction or maintenance work undertaken by them during that financial year.
- (2) A report under this section shall be prepared not later than 30th September in the financial year following that to which it relates and shall include such information as the Secretary of State may direct relating to construction or maintenance work of any description specified in subsection (2) of section 10 above or in regulations under subsection (4) of that section.
- (3) Any person may inspect a report of a local authority or development body under this section and shall be supplied with a copy of the report by the authority or body on payment of such charge for a copy as they may reasonably require.
- (4) A local authority or development body shall publish in at least one newspaper circulating in their area notice—
 - (a) of the place where and the time when any report under this section may be inspected;
 - (b) of the fact that copies of the report are available for supply to any person requiring them; and
 - (c) of the charge for each such copy.

19 Application to joint committees

- (1) Where two or more local authorities arrange for the discharge by a joint committee of theirs of any of their functions under any enactment not contained in this Part of this Act, this Part of this Act shall have effect as if any reference in it to a local authority other than the reference in section 16(4)(b) above, included a reference to the joint committee.
- (2) Notwithstanding anything in any enactment, a joint committee appointed by two or more local authorities may not at any time undertake construction or maintenance work—
 - (a) under works contracts, or
 - (b) by way of functional work,unless arrangements are in force at that time providing for the proportions in which they are to meet any deficit in any DLO revenue account of the joint committee.
- (3) In relation to any DLO revenue account of a joint committee, section 16(4)(b) above shall have effect as if the reference to the rate fund were a reference to the rate funds of the authorities by which the joint committee was appointed.

- (4) Where, by virtue of section 16(4)(b) and subsection (3) above, an amount falls to be charged to the rate funds of two or more authorities, the amount to be charged to each of those rate funds shall be determined in accordance with the arrangements referred to in subsection (2) above.

General

20 Interpretation of Part III

- (1) In this Part of this Act—

"appointed day" shall be construed in accordance with section 23 below;

"construction or maintenance work " means, subject to subsections (2) and (3) below—

- (a) building or engineering work involved in the construction, improvement, maintenance or repair of buildings and other structures or in the laying out, construction, improvement, maintenance or repair of highways and other land, and

- (b) the gritting of or clearing of snow from highways ;

" development body " means—

- (a) in relation to England and Wales—

(i) the Commission for the New Towns;

(ii) a development corporation established under the New Towns Act 1965 ; and

(iii) the Development Board for Rural Wales;

- (b) in relation to Scotland—

(i) any body established under section 3 or 5 of the Water (Scotland) Act 1967 ;

(ii) a development corporation established under the New Towns (Scotland) Act 1968; and

(iii) the Scottish Special Housing Association;

- (c) in relation to England and Wales and to Scotland, an urban development corporation established under this Act;

"DLO revenue account" has the meaning assigned to it by section 10(1) above ;

" functional work " shall be construed in accordance with section 8 above;

" local authority " means—

- (a) in relation to England and Wales, a county council, the Greater London Council, a district council, a London borough council or the Common Council of the City of London and the Council of the Isles of Stilly ;

- (b) in relation to Scotland, a regional, islands or district council;

" works contract" has the meaning assigned to it by subsection (1) of section 5 above ; and

" the 1970 Act" has the meaning assigned to it by paragraph (a) of that subsection.

- (2) Notwithstanding anything in subsection (1) above, in this Act " construction or maintenance work " does not include—

- (a) work relating to parks, gardens, playing fields, open spaces or allotments, except to the extent that the work relates to a building or structure; or
- (b) the routine maintenance of a specific building or structure or of specific buildings or structures by a person employed wholly or mainly for that purpose;

and a person shall be treated as employed mainly for the purpose referred to in paragraph (b) above If he is employed for that purpose and also to do security work or cleaning work in relation to the building or buildings or structure or structures concerned.

- (3) Notwithstanding anything in subsection (1) above, in this Act " construction or maintenance work " does not include work undertaken by a local authority authorised by any enactment to carry on a dock or harbour undertaking if that work is undertaken for the purposes of or in connection with that undertaking.

21 Exemption of small direct labour organisations from requirements of Part III

- (1) This Part of this Act does not apply to a local authority or development body in any year if they did not in the previous year at any one time employ more than thirty persons, other than persons excluded by subsection (2) below, who were engaged (whether wholly or partly) in carrying out construction or maintenance work.
- (2) The persons excluded by this subsection are persons engaged wholly or mainly upon the design, development or control of construction or maintenance work.
- (3) The Secretary of State may by order specify for the purposes of subsection (1) above a number of persons less than thirty.
- (4) The power to make an order conferred by subsection (3) above shall be exercisable by statutory instrument.
- (5) A statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The Secretary of State may direct that this Part of this Act shall not apply to a local authority or development body in any year if he is satisfied that the only reason why it would apply to that authority or body is that at some time in the previous year the number of their employees engaged in construction or maintenance work exceeded the relevant number because it was necessary to exceed that number in order to carry out urgent construction or maintenance work whose necessity could not reasonably have been foreseen by the authority or body.
- (7) In subsection (6) above " the relevant number " means thirty or such lesser number as may for the time being be specified for the purposes of subsection (1) above.

22 Consequential repeal or amendment of local statutory provisions

- (1) The Secretary of State may by order—
 - (a) repeal any provision of a local Act passed before or in the same Session as this Act or of an order or other instrument made under or confirmed by any Act so passed if it appears to him that the provision is inconsistent with or has become unnecessary in consequence of any provision of this Part of this Act; and

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- (b) amend any provision of such a local Act, order or instrument if it appears to him that the provision requires amendment in consequence of any provision contained in this Part of this Act or any repeal made by virtue of paragraph (a) above.
- (2) An order under subsection (1) above may contain such incidental or transitional provisions as the Secretary of State considers appropriate in connection with the order.
- (3) It shall be the duty of the Secretary of State, before he makes an order under subsection (1) above repealing or amending any provision of a local Act, to consult each local authority which he considers would be affected by the repeal or amendment of that provision.
- (4) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

23 Part III-supplementary

- (1) 'Any power to make regulations or give directions conferred by this Part of this Act includes power to make different provision in relation to local authorities or development bodies in England, in Wales and in Scotland.
- (2) Any power to make regulations conferred by this Part of this Act shall be exercisable by statutory instrument.
- (3) This Part of this Act, except this section, shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes; and any reference in any provision of this Part of this Act to the appointed day is a reference to the day appointed under this section for the coming into operation of that provision or, if different days are so appointed for different purposes of that provision, the first day so appointed.