



# Deregulation and Contracting Out Act 1994

## 1994 CHAPTER 40

### PART II

#### CONTRACTING OUT

##### *Supplemental*

#### **79 Interpretation of Part II.**

(1) In this Part—

“employee”, in relation to a body corporate, includes any director or other officer of that body;

“enactment” does not include an enactment contained in Northern Ireland legislation but, subject to that, includes an enactment contained in an Act (whenever passed) and an enactment contained in subordinate legislation (whenever made);

“function”, in relation to a local authority, includes any power to do any thing which is calculated to facilitate, or is conducive or incidental to, the exercise of a function;

“joint board”—

(a) in relation to England and Wales, means a joint or special planning board constituted for a National Park by order under paragraph 1, 3 or 3A of Schedule 17 to <sup>M1</sup> the Local Government Act 1972, or a joint planning board within the meaning of section 2 of <sup>M2</sup> the Town and Country Planning Act 1990;

(b) in relation to Scotland, has the same meaning as in the Local <sup>M3</sup>Government (Scotland) Act 1973;

“joint committee”—

(a) in relation to England and Wales, means a joint committee appointed under section 102(1)(b) of the Local Government Act 1972;

*Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.*

*Changes to legislation: Deregulation and Contracting Out Act 1994, Section 79 is up to date with all changes known to be in force on or before 06 August 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. (See end of Document for details)*

(b) in relation to Scotland, has the same meaning as in the Local Government (Scotland) Act 1973;

“local authority”—

(a) in relation to England, means a county council, district council or London borough council, [<sup>F1</sup>the Greater London Authority acting through the Mayor of London,]the Common Council of the City of London, the sub-treasurer of the Inner Temple, the under treasurer of the Middle Temple, the Council of the Isles of Scilly or a parish council;

(b) in relation to Wales, means a county council, county borough council or community council;

(c) in relation to Scotland, has the same meaning as in the Local Government (Scotland) Act 1973;

“Minister” has the same meaning as Minister of the Crown has in the Ministers <sup>M4</sup>of the Crown Act 1975;

“Northern Ireland legislation” means—

(a) Northern Ireland legislation within the meaning of section 24 of <sup>M5</sup>the Interpretation Act 1978; and

(b) instruments, within the meaning of <sup>M6</sup> the Interpretation Act (Northern Ireland) 1954, made under such legislation;

“office-holder” does not include a Minister, an officer of either House of Parliament, [<sup>F2</sup>the Auditor General for Wales,] the Parliamentary Commissioner for Administration [<sup>F3</sup>, the Welsh Administration Ombudsman]<sup>F4</sup>...[<sup>F5</sup>, the Health Service Commissioner for England or for Wales or the Scottish Public Services Ombudsman] but, subject to that, means—

(a) the holder of an office created or continued in existence by a public general Act of Parliament;

(b) the holder of an office the remuneration in respect of which is paid out of money provided by Parliament;

(c) the registrar of companies for England and Wales and the registrar of companies for Scotland; and

(d) the registrar of approved driving instructors;

“officer”—

(a) in relation to a Minister, means any person in the civil service of the Crown who is serving in his department;

(b) in relation to an office-holder, means any member of his staff, or any person in the civil service of the Crown who has been assigned or appointed to assist him in the exercise of his functions;

“the registrar of approved driving instructors” means the officer of the Secretary of State by whom the register of approved driving instructors established in pursuance of section 23 of <sup>M7</sup> the Road Traffic Act 1962 is compiled and maintained;

“subordinate legislation” has the same meaning as in the Interpretation <sup>M8</sup>Act 1978.

(2) In relation to any time before 1st April 1996, subsection (1) above shall have effect as if, in paragraph (b) of the definition of “local authority”, for the words “county borough” there were substituted the word “district”.

(3) Subject to subsection (4) below, this Part shall have effect as if—

*Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.*

*Changes to legislation: Deregulation and Contracting Out Act 1994, Section 79 is up to date with all changes known to be in force on or before 06 August 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. (See end of Document for details)*

- (a) any reference to a Minister included [<sup>F6</sup>a reference] to the Forestry Commissioners <sup>F7</sup>. . . ; and
  - (b) any reference to a local authority included references to a joint board and a joint committee.
- (4) Nothing in subsection (3) above shall be construed as enabling those Commissioners <sup>F8</sup>. . . to make an order under section 69 or 70 above <sup>F8</sup>. . .
- (5) Subject to subsection (6) below, any function of an examiner or other officer of the Patent Office which is conferred by or under any enactment shall be treated for all purposes of this Part as if it were a function of the Comptroller-General of Patents, Designs and Trade Marks.
- (6) In any case where by virtue of an order made under section 69 above a person is authorised by that Comptroller to exercise any such function as is mentioned in subsection (5) above, section 72(2) above shall have effect as if for paragraphs (a) and (b) there were substituted the words “ by or in relation to an examiner or other officer of the Patent Office in his capacity as such ”.

#### Textual Amendments

- F1** Words in the definition in s. 79(1) inserted (8.5.2000) by 1999 c. 29, s. 40(4); S.I. 2000/801, art. 2(2) (b), **Sch. Pt. 2**
- F2** Words in the definition in s. 79(1) inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 36(a)** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**
- F3** Words in the definition in s. 79(1) inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 36(b)** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**
- F4** Words in s. 79(1) omitted (14.7.2004) by virtue of Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **18**
- F5** Words in s. 79(1) substituted (14.7.2004) by Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **18**
- F6** Words in s. 79(3)(a) substituted (15.11.2001) by S.I. 2001/3686, **regs. 1(1)**, 6(11)(a)(i)
- F7** Words in s. 79(3)(a) repealed (15.11.2001) by S.I. 2001/3686, **regs. 1(1)**, 6(11)(a)(ii)
- F8** Words in s. 79(4) repealed (15.11.2001) by S.I. 2001/3686, **regs. 1(1)**, 6(11)(b)

#### Modifications etc. (not altering text)

- C1** S. 79(1) extended (1.7.1999) by S.I. 1999/1351, **arts. 1**, 17(2)(f) (with art. 8)

#### Marginal Citations

- M1** 1972 c.70.
- M2** 1990 c.8.
- M3** 1973 c.65.
- M4** 1975 c. 26.
- M5** 1978 c.30.
- M6** 1954 c.33 (N.I.).
- M7** 1962 c.59.
- M8** 1978 c.30.

**Status:**

Point in time view as at 22/07/2004. This version of this provision has been superseded.

**Changes to legislation:**

Deregulation and Contracting Out Act 1994, Section 79 is up to date with all changes known to be in force on or before 06 August 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.