



Local Government Act 1988

1988 CHAPTER 9

[^{F1}PART I]

COMPETITION

Accounts, reports and information

[^{F1}9] **Accounts to be kept.**

- (1) This section applies where a defined authority carry out, in the financial year beginning in 1989 or in a subsequent financial year, work which falls within a defined activity and fulfils the condition that—
 - (a) it is carried out under a works contract to which section 4 above applies, or
 - (b) section 6 above applies to it.
- (2) For each financial year in which the work is carried out, the authority shall keep an account as regards all work which falls within that activity, is carried out by them in that year and fulfils that condition.
- (3) Where any work falling within the activity is carried out under a works contract, the authority shall credit to the account kept under this section as regards the activity for the financial year in which the work is carried out such an amount as is specified in the contract, or ascertained under it, as the price for carrying out the work in that year.
- (4) Where any work falling within the activity is functional work, the authority shall enter, in the account kept under this section as regards the activity for the financial year in which the work is carried out, such item as is necessary to carry out any intention expressed by the authority in relation to the work in any bid prepared under section 7(6) above.
- (5) The Secretary of State may specify—
 - (a) items which are to be entered in accounts kept under this section (in addition to items to be entered by virtue of subsections (3) and (4) above), and

Status: Point in time view as at 27/07/1999.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1988, Cross Heading: Accounts, reports and information. (See end of Document for details)

- (b) the method of determining the amount of any item to be entered by virtue of the specification.
- (6) No item may be credited to an account kept under this section except an item required to be credited by subsection (3) or (4) above or by virtue of a specification under subsection (5) above.
- (7) Where an authority is required under this section to keep an account of work falling within a defined activity, nothing in section 2(2) of the^{M1} Local Authorities (Goods and Services) Act 1970 shall be taken to require the authority to keep a separate account in respect of any agreement for the carrying out of that work.]

Textual Amendments

- F1** S. 9 repealed (E.W.) (27.7.1999 with effect in accordance with ss. 21, 27 of the amending Act) by 1999 c. 27, ss. 21(1)(b), 34, **Sch. 2(1)**, Note

Modifications etc. (not altering text)

- C1** S. 9 applied (9.1.1995) by S.I. 1994/3167, **reg. 13**
S. 9 applied (with modification) (15.8.1994) by 1994 c. 19, s. 52 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2109, **art. 2**
- C2** S. 9(4) applied (9.1.1995) by S.I. 1994/3167, **reg. 14(5)(b)**

Marginal Citations

- M1** 1970 c. 39.

[^{F2}10 Financial objectives to be met.

- (1) This section applies where a defined authority carry out, in the financial year beginning in 1989 or in a subsequent financial year, work which falls within a defined activity and fulfils the condition that—
- it is carried out under a works contract to which section 4 above applies, or
 - section 6 above applies to it.
- (2) The authority shall secure that such financial objective as the Secretary of State may specify for the year concerned is met by—
- the revenue for all work which falls within that activity, is carried out by them in that year and fulfils that condition, or
 - that revenue, adjusted by making such additions or subtractions (or both) as may be required by the specification.
- (3) The reference in subsection (2) above to the revenue for the work concerned is to the aggregate of the items credited to the account kept under section 9 above as regards the work.
- (4) A specification under this section may define the financial objective concerned by reference to such factors as the Secretary of State thinks fit.]

Textual Amendments

- F2** S. 10 repealed (E.W.) (27.7.1999 with effect in accordance with ss. 21, 27 of the amending Act) by 1999 c. 27, ss. 21(1)(b), 34, **Sch. 2(1)**, Note

Status: Point in time view as at 27/07/1999.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1988, Cross Heading: Accounts, reports and information. (See end of Document for details)

Modifications etc. (not altering text)

- C3** S. 10 applied (9.1.1995) by S.I. 1994/3167, **reg. 13**
S. 10 applied (with modification) (15.8.1994) by 1994 c. 19, **s. 52** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2109, **art. 2**

[F3]11 Report for financial year.

- (1) This section applies where a defined authority carry out, in the financial year beginning in 1989 or in a subsequent financial year, work which falls within a defined activity and fulfils the condition that—
 - (a) it is carried out under a works contract to which section 4 above applies, or
 - (b) section 6 above applies to it.
- (2) The authority shall prepare a report for the financial year concerned, containing as regards all work which falls within that activity, is carried out by them in that year and fulfils that condition—
 - (a) a summary of the account kept for that year under section 9 above as regards the work,
 - (b) a statement showing whether the requirement under section 10 above has been fulfilled for that year as regards the work,
 - (c) a statement identifying such of the work (if any) as falls only within the activity by virtue of a decision under section 2(5) above,
 - (d) a statement identifying such of the work (if any) as falls within the activity by virtue of a decision under section 2(7) above, and
 - (e) a statement identifying such of the work (if any) as is work to which section 6 above applies by virtue of a decision under section 6(4) above.
- (3) The summary referred to in subsection (2)(a) above shall present fairly the financial result, during the financial year concerned, of the work having been carried out and shall be expressed in such form as the Secretary of State may specify.
- (4) A report under this section shall also contain, as regards the work, such other information (and expressed in such form) as the Secretary of State may specify.
- (5) A report under this section shall also contain such information (and expressed in such form) as the Secretary of State may specify as regards work which falls within the defined activity, was carried out by the authority in the financial year preceding the financial year concerned, and fulfils the condition that—
 - (a) it was carried out under a works contract to which section 4 above applies, or
 - (b) section 6 above applies to it.
- (6) The report may contain such other information as the authority think fit.
- (7) The report must be prepared not later than 30th September in the financial year following that for which it is prepared, and the authority concerned shall send a copy to the Secretary of State and to their auditor not later than 31st October in the financial year following that for which it is prepared.
- (8) Where an authority's auditor has been sent a copy of a report in accordance with subsection (7) above, he shall consider the statement contained in the report by virtue of subsection (2)(b) above, and shall give his written opinion on the statement to the authority and to the Secretary of State.

Status: Point in time view as at 27/07/1999.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1988, Cross Heading: Accounts, reports and information. (See end of Document for details)

- (9) For the purposes of subsections (7) and (8) above an authority's auditor is the person who under any enactment is appointed, for the financial year for which the report is prepared, to audit the authority's accounts.]

Textual Amendments

- F3** S. 11 repealed (E.W.) (27.7.1999 with effect in accordance with ss. 21, 27 of the amending Act) by 1999 c. 27, ss. 21(1)(b), 34, **Sch. 2(1)**, Note

Modifications etc. (not altering text)

- C4** S. 11 applied (9.1.1995) by **S.I. 1994/3167, reg. 13**
S. 11 applied (with modification) (15.8.1994) by 1994 c. 19, s. 52 (with ss. 54(5)(7), 55(5), **Sch. 17 para. 22(1), 23(2)**); **S.I. 1994/2109, art. 2**
- C5** S. 11(7) excluded (9.1.1995) by **S.I. 1994/3167, reg. 16(2)**

[^{F4}12 Information.

- (1) If a defined authority, having decided to carry out functional work to which section 6 above applies, are requested by a person to supply the person with a statement falling within subsection (2) below, they shall supply such a statement to the person.
- (2) A statement falling within this subsection is a written statement showing—
- the authority's decision to carry out the work,
 - the financial provisions shown in each offer (if any) to carry out the work made in response to an invitation made under section 7(4) above, and
 - the financial provisions of the bid prepared under section 7(6) above in relation to the work.
- (3) Subsections (4) to (6) below apply to any report required to be prepared under section 11 above.
- (4) Any person may, at a place and time stated by an authority who have prepared a report, inspect the report free of charge.
- (5) An authority who have prepared a report shall supply a copy (on request) to any person who pays such charge as the authority may reasonably require.
- (6) A defined authority shall publish in at least one appropriate newspaper notice of—
- the place and time at which any report prepared by the authority may be inspected in accordance with subsection (4) above,
 - the fact that copies of the report are available for supply in accordance with subsection (5) above, and
 - the charge for each copy.
- (7) For the purposes of subsection (6) above an appropriate newspaper is—
- in the case of the Commission for the New Towns, a national newspaper, and
 - in the case of any other defined authority, a newspaper circulating in their area.]

Status: Point in time view as at 27/07/1999.

Changes to legislation: *There are currently no known outstanding effects for the Local Government Act 1988, Cross Heading: Accounts, reports and information. (See end of Document for details)*

Textual Amendments

F4 S. 12 repealed (E.W.) (27.7.1999 with effect in accordance with ss. 21, 27 of the amending Act) by 1999 c. 27, ss. 21(1)(b), 34, **Sch. 2(1)**, Note

Modifications etc. (not altering text)

C6 S. 12 applied (9.1.1995) by S.I. 1994/3167, **reg. 13**
S. 12 applied (with modification) (15.8.1994) by 1994 c. 19, **s. 52** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1994/2109, **art. 2**

Status:

Point in time view as at 27/07/1999.

Changes to legislation:

There are currently no known outstanding effects for the Local Government Act 1988, Cross Heading: Accounts, reports and information.