



Local Government Act 1988

1988 CHAPTER 9

[^{F1}PART I]

COMPETITION

Miscellaneous

[^{F1}15 Orders, regulations, specifications and directions.

- (1) The power to make an order under section 2(3) above shall be exercisable by statutory instrument, and no such order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (2) The power to make an order under section 2(9) [^{F2}or 2(10)]above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power to make regulations under any of sections 4 to 8 above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The power to specify under section 9, 10 or 11 above, and the power to give a direction under section 14 above, shall be exercised in writing.
- (5) An order under section 2(9) [^{F2} or 2(10)]above, and a specification under section 9, 10 or 11 above, may make different provision for different cases or descriptions of case (whether for different areas, different defined authorities or kinds of authority, different defined activities, or otherwise).
- (6) Regulations under any of sections 4 to 8 above may make different provision for different cases or descriptions of case (whether for different areas, different defined authorities or kinds of authority, different defined activities, different kinds of work falling within the same activity, or otherwise).

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- (7) Any order, regulations, specification or direction mentioned in this section may include such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (8) In particular—
- (a) an order under section 2(3) above may include provision amending or adapting any provision of this Act for the purpose of interpreting any paragraph added by the order or for purposes of commencement or otherwise, and
 - (b) a direction under section 14 above may include provision with respect to work in progress or outstanding contractual commitments.]

Subordinate Legislation Made

- P1** S. 15: for exercises of this power see Index to Government orders.
- P2** S. 15(5); S. 2(9)(with s. 15(5)) power exercised by [S.I. 1991/262](#) and [1991/312](#)
S. 15(5): s. 2(9) (with s. 15(5)) power exercised by [S.I. 1991/2438](#)
S. 15(5): s. 2(9) (with s. 15(5)) power exercised by [S.I. 1991/2783](#).
- P3** S. 15(6)(7): s. 6(3) (with s. 15(6)(7)) power exercised by [S.I. 1991/2006](#)
S. 15(6)(7): s. 6(3) (with s. 15(6)(7)) power exercised (S.) by [S.I. 1991/2548](#)
S. 15(6)(7): s. 6(3) (with s. 15(6)(7)) power exercised by [S.I. 1991/2711](#)
S. 15(6)(7): s. 6(3) (with s. 15(6)(7)) power exercised by [S.I. 1991/2782](#)
- P4** S. 15. 15(6); S. 6(3) (with ss. 8(1) and 15(6)) power exercised by [S.I. 1991/232](#).

Textual Amendments

- F1** S. 15 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
- F2** Words in s. 15(2)(5) inserted (S.) (4.1.1995) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 156\(4\)](#); [S.I. 1994/2850, art. 3](#)

Modifications etc. (not altering text)

- C1** S. 15 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}16 Supplementary.

- (1) No provision of this Part relating to accounts shall prejudice any provision of [^{F4}the Audit Commission Act 1998], or Part VII of the ^{M1}Local Government (Scotland) Act 1973, relating to the accounts.
- (2) Nothing in sections 13 and 14 above shall prejudice any remedy available to a person (apart from those sections) in respect of a failure to observe a provision of this Part.
- (3) In Schedule 1 to the ^{M2}Local Government Finance Act 1987 (list of accounts) the following shall be inserted after paragraph 13—

“14 Any account kept under section 9 of the Local Government Act 1988.”]

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Textual Amendments

- F3** S. 16 repealed (E.W.) (27.7.1999 in accordance with ss. 21, 27 of the amending Act) by 1999 c. 27, ss. 21(1)(b), 34, **Sch. 2(1)**, Note
- F4** Words in s. 16(1) substituted (E.W.) (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 15**

Modifications etc. (not altering text)

- C2** S. 16 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**

Marginal Citations

- M1** 1973 c. 65.
- M2** 1987 c. 6.

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