



Local Government Act 1988

1988 CHAPTER 9

PART I

COMPETITION

Functional work: restrictions

7 The conditions

- (1) The first condition is that, before carrying out the work, the authority published, in at least one newspaper circulating in the locality in which the work is to be carried out and at least one publication circulating among persons who carry out work of the kind concerned, a notice containing the matters mentioned in subsection (2) below.
- (2) The matters are—
 - (a) a brief description of the work,
 - (b) a statement that during a period specified in the notice any person may inspect a detailed specification of the work free of charge at a place and time specified in the notice,
 - (c) a statement that during that period any person will be supplied with a copy of the detailed specification on request and on payment of such charge as is specified in the notice,
 - (d) a statement that any person who may wish to carry out the work should notify the authority of that fact within a period specified in the notice, and
 - (e) a statement that the authority intend to make, in accordance with the third condition, an invitation to carry out the work.
- (3) The second condition is that—
 - (a) the periods, place, time and charge specified in the notice are reasonable,
 - (b) before carrying out the work, the authority made a detailed specification of the work available for inspection, and copies of it available for supply, in accordance with the notice, and

Status: This is the original version (as it was originally enacted).

- (c) the detailed specification includes a statement of the period during which the work is to be carried out.
- (4) The third condition is that, if any person notified the authority in accordance with the statement under subsection (2)(d) above, the authority made an invitation to carry out the work in accordance with the following rules—
- (a) the invitation was made by the authority before carrying out the work, and not less than 3 nor more than 6 months after complying with the first condition;
 - (b) if more than three persons who are not defined authorities notified the authority, at least three of them were invited;
 - (c) if less than four persons who are not defined authorities notified the authority, each of them was invited;
 - (d) if a defined authority or defined authorities notified the authority, such one or more (if any) of them as the authority decided was invited.
- (5) The Secretary of State may by regulations amend paragraphs (b) and (c) of subsection (4) above so as to vary the number of persons who are not defined authorities who must be invited to carry out work in particular circumstances.
- (6) The fourth condition is that before carrying out the work the authority, through their direct labour organisation or a similar organisation, prepared a written bid indicating their wish to carry out the work.
- (7) The fifth condition is that the authority, in reaching the decision that they should carry out the work and in doing anything else (whether or not required by this Part) in connection with the work before reaching the decision, did not act in a manner having the effect or intended or likely to have the effect of restricting, distorting or preventing competition.
- (8) The sixth condition is that in carrying out the work the authority comply with the detailed specification of it mentioned in subsections (2) and (3) above.