



# Local Government (Contracts) Act 1997

## 1997 CHAPTER 65

### *Certified contracts*

#### **2 Certified contracts to be intra vires.**

- (1) Where a local authority has entered into a contract, the contract shall, if it is a certified contract, have effect (and be deemed always to have had effect) as if the local authority had had power to enter into it (and had exercised that power properly in entering into it).
- (2) For the purposes of this Act a contract entered into by a local authority is a certified contract if (and, subject to subsections (3) and (4), only if) the certification requirements have been satisfied by the local authority with respect to the contract and they were so satisfied before the end of the certification period.
- (3) A contract entered into by a local authority shall be treated as a certified contract during the certification period if the contract provides that the certification requirements are intended to be satisfied by the local authority with respect to the contract before the end of that period.
- (4) Where a local authority has entered into a contract which is a certified contract (“the existing contract”) and the existing contract is replaced by a contract entered into by it with a person or persons not identical with the person or persons with whom it entered into the existing contract, the replacement contract is also a certified contract if—
  - (a) the period for which it operates or is intended to operate ends at the same time as the period for which the existing contract was to operate, and
  - (b) apart from that, its provisions are the same as those of the existing contract.
- (5) In this Act “the certification period”, in relation to a contract entered into by a local authority, means the period of six weeks beginning with the day on which the local authority entered into the contract.
- (6) Subsection (1) is subject to section 5 (special provisions about judicial reviews and audit reviews).

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*Changes to legislation: Local Government (Contracts) Act 1997, Section 2 is up to date with all changes known to be in force on or before 15 June 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) View outstanding changes*

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- (7) The application of subsection (1) in relation to a contract entered into by a local authority does not affect any claim for damages made by a person who is not (and has never been) a party to the contract in respect of a breach by the local authority of any duty to do, or not to do, something before entering into the contract (including, in particular, any such duty imposed by a statutory provision for giving effect to any <sup>F1</sup>EU] obligation relating to public procurement or by section 17(1) of the <sup>M1</sup>Local Government Act 1988).

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#### **Textual Amendments**

- F1** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(4)(5))
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#### **Commencement Information**

- II** S. 2 wholly in force; s. 2 not in force at Royal Assent see s. 12(2); s. 2 in force at 30.12.1997 insofar as it applies to England and Wales by [S.I. 1997/2843](#), art. 2(2); s. 2 in force at 1.1.1998 insofar as it applies to Scotland by [S.I. 1997/2878](#), art. 2(2)
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#### **Marginal Citations**

- M1** 1988 c. 9.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2007/1182 art. 2Sch. 1](#)
- Act applied (with modifications) by [S.I. 2007/1182 art. 3Sch. 2](#)