
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 6(3) of the Local Government Act 1988 enables the Secretary of State to require that an authority mentioned in section 1(1) of the Act (a defined authority) may only carry out functional work falling within an activity listed in section 2(2) of the Act (a defined activity) after subjecting the work to competition. These Regulations exclude the Inner London Education Authority, new town development corporations and the Commission for the New Towns from the competition requirements and specify the dates from which and the circumstances in which other defined authorities (“specified authorities”) in England may not carry out functional work without first exposing it to competition.

If they wish to carry out the work on or after 1st August 1989, the Council of the Isles of Scilly and all other specified authorities (with the exception of other local authorities and county police authorities) are required to compete for work falling within any defined activity other than ground maintenance; all county councils are required to compete for refuse collection; and all non-metropolitan district councils are required to compete for school and welfare catering. Parish and community councils are required to compete for work falling within any defined activity other than ground maintenance where they wish to carry out the work on or after 1st August 1990 (regulation 3).

If they wish to carry out ground maintenance work on or after 1st January 1990, the Council of the Isles of Scilly, all parish and community councils and all other specified authorities are required to compete for it. Other specified authorities who wish to carry out such work between 1st January 1990 and 1st January 1994 are required to subject varying percentages to competition (regulation 4).

All other work is to be competed for by the groups of authorities listed in Schedule 1, county police authorities and the Common Council of the City of London in accordance with the timetables set out in Schedules 2 to 4 (regulation 5).

If any specified authority wishes to carry out work falling within a defined activity but for which competition is not required, it may treat that work as if the competition requirements applied to it (regulation 6).