

1988 No. 1413 (S.130)

LOCAL GOVERNMENT, SCOTLAND

**The Local Government Act 1988 (Defined Activities)
(Competition) (Scotland) Regulations 1988**

<i>Made</i> - - - -	<i>8th August 1988</i>
<i>Laid before Parliament</i>	<i>11th August 1988</i>
<i>Coming into force</i>	<i>1st September 1988</i>

The Secretary of State, in exercise of the powers conferred on him by sections 6(3) and (4) and 15(6) of the Local Government Act 1988(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations may be cited as the Local Government Act 1988 (Defined Activities) (Competition) (Scotland) Regulations 1988, shall come into force on 1st September 1988 and shall apply to Scotland only.

Interpretation

2. In these Regulations—

“the Act” means the Local Government Act 1988;

“local authority” means a regional, islands or district council but does not include a joint committee or joint board within the meaning of section 235 of the Local Government (Scotland) Act 1973(b);

“specified authority” means a joint committee or joint board within the meaning of section 235 of the Local Government (Scotland) Act 1973, a development corporation established for the purposes of a new town or a water development board;

“work” does not include work carried out elsewhere than in Scotland.

Application of section 6

3. Section 6 of the Act shall apply to functional work of any description falling within any defined activity mentioned in section 2(2)(a) to (e) and (g) of the Act if it is proposed to be carried out on or after 1st August 1989 by a specified authority.

4.—(1) Section 6 of the Act shall apply to functional work of any description falling within the defined activity mentioned in section 2(2)(f) (maintenance of ground) if it is to be carried out on or after 1st January 1994 by a specified authority or a local authority.

(2) Where any specified authority or local authority proposes to carry out functional work of any description falling within the defined activity mentioned in paragraph (1) above in any of the calendar years 1990 to 1993, section 6 shall apply in each of those years to only such

(a) 1988 c.9.
(b) 1973 c.65.

part of that work as is estimated by the specified authority or local authority to equal in value the percentage of the value of earlier work specified below in relation to that year—

1990	20%
1991	40%
1992	60%
1993	80%.

(3) For the purposes of paragraph (2) above—

“earlier work” means work falling within the defined activity mentioned in section 2(2)(f) of the Act and carried out or treated as carried out by or for the specified authority or local authority in the financial year ending nine months before the beginning of the calendar year in question; and

“value” means in relation to earlier work the gross amount estimated by the specified authority or local authority as the cost of that work.

5.—(1) Section 6 of the Act shall apply in accordance with this regulation as respects functional work of any description if carried out by a local authority named in any of the groups in Schedule 1 hereto.

(2) In the case of functional work falling within a defined activity mentioned in the heading of each of the columns numbered 2 to 7 of Schedule 2 hereto, section 6 shall apply if the work is carried out by a local authority on or after the date specified in column 1 of that Schedule in relation to that activity and to the group in Schedule 1 hereto in which the local authority in question is included.

6. Where a specified authority or a local authority propose to carry out functional work of any description which falls within a defined activity (whether or not by virtue of section 2(5) or (7) of the Act) and to which section 6 of the Act would not otherwise apply, it shall (if the authority so decide) be treated as work to which section 6 applies.

St. Andrew's House, Edinburgh
8th August 1988

Ian Lang
Minister of State,
Scottish Office

GROUPS OF LOCAL AUTHORITIES

Group 1

Borders Region
Grampian Region
Tayside Region

Group 2

Central Region
Highland Region

Group 3

Dumfries & Galloway Region
Lothian Region

Group 4

Fife Region
Strathclyde Region

Group 5

City of Aberdeen District
Banff & Buchan District
Clydebank District
Dumbarton District
Eastwood District
Gordon District
Kincardine & Deeside District
Monklands District
North East Fife District
Skye & Lochalsh District
Tweeddale District

Group 6

Annandale & Eskdale District
Bearsden & Milngavie District
Clydesdale District
City of Dundee District
City of Edinburgh District
Hamilton District
Kirkcaldy District
Moray District
Perth & Kinross District
Strathkelvin District
West Lothian District

Group 7

Angus District
Berwickshire District
Cumbernauld & Kilsyth
District
Dunfermline District
Ettrick & Lauderdale District
Inverclyde District
Kyle & Carrick District
Motherwell District
Renfrew District
Stirling District
Wigtown District

Group 8

Argyll & Bute District
Caithness District
Cumnock & Doon Valley District
East Kilbride District
Falkirk District
Inverness District
Lochaber District
Nairn District
Ross & Cromarty District
Stewartry District

Group 9

Badenoch & Strathspey District
Clackmannan District
Cunninghame District
East Lothian District
City of Glasgow District
Kilmarnock & Loudoun District
Midlothian District
Nithsdale District
Roxburgh District
Sutherland District

Group 10

Orkney Islands Area

Group 11

Shetland Islands Area

Group 12

Western Isles Islands Area

SCHEDULE 2

Regulation 5(2)

COMPETITION BY DATE AND ACTIVITY—SCOTTISH LOCAL AUTHORITIES

1 <i>Date</i>	2 <i>Refuse Collection</i>	3 <i>Building Cleaning</i>	4 <i>Other Cleaning</i>	5 <i>School & Welfare Catering</i>	6 <i>Other Catering</i>	7 <i>Vehicle Maintenance</i>
1 August 1989	Groups 5 & 10	Groups 1, 6 & 11	Group 9	Groups 2 & 12	Groups 3 & 7	Groups 4 & 8
1 January 1990	Group 9	Groups 4, 5 & 10	Group 8	Groups 1 & 11	Groups 2, 6 & 12	Groups 3 & 7
1 August 1990	Group 8	Groups 3 & 9	Group 7	Groups 4 & 10	Groups 1, 5 & 11	Groups 2, 6 & 12
1 January 1991	Group 7	Groups 2 & 8	Groups 6 & 12	Group 3	Groups 4, 9 & 10	Groups 1, 5 & 11
1 August 1991	Groups 6 & 12	Group 7	Groups 5 & 11	—	Group 8	Groups 9 & 10
1 January 1992	Group 11	Group 12	Group 10	—	—	—

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 specified 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 specify the dates from which and the circumstances in which defined authorities in Scotland (which are divided into specified authorities and local authorities for the purpose of these Regulations) may not carry out functional work without first subjecting it to competition.

If specified authorities wish to carry out work falling within any defined activity other than ground maintenance on or after 1st August 1989, they are required to compete for it (regulation 3).

If specified authorities or local authorities wish to carry out ground maintenance work on or after 1st January 1994 they are required to compete for it. If they wish to carry out such work between 1st January 1990 and 1st January 1994 they are required to subject varying percentages of such work to competition (regulation 4).

All other work is to be competed for by the groups of local authorities listed in Schedule 1 in accordance with the timetable set out in Schedule 2 (regulation 5).

If any specified authority or local 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).