
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 carry out functional work falling within an activity listed in section 2(2) and described in Schedule 1 to the Act (“a defined activity”), only after subjecting the work to competition. The Local Government Act 1988 (Competition in Sports and Leisure Facilities) Order 1989 (S.I.1989/2488) added the managing of sports and leisure facilities to the activities listed in section 2(2) and described in Schedule 1 to the Act. These Regulations specify the dates from which and the circumstances in which those bodies who are defined authorities (referred to in the Regulations as “specified authorities”) in Wales may not conduct the management of sports and leisure facilities (“the defined activity”) without first subjecting them to competition.

All specified authorities (with the exception of local authorities and police authorities) are required to compete for functional work falling within the defined activity which they wish to carry out on or after 1st January 1992. Community Councils and police authorities, other than county police authorities, are required to compete for such work which they wish to carry out on or after 1st January 1993 (regulation 3).

Work is to be competed for by the local and county police authorities listed in the Schedule in accordance with the timetables there set out (regulation 4).

The minimum and maximum periods for which specified authorities must invite offers to carry out such work will be four and six years respectively (regulation 5).

These Regulations replace the Local Government Act 1988 (Defined Activities) (Competition) (Wales) Regulations 1990 (S.I. 1990/1498) (regulation 6). These previous Regulations made provisions similar to those made by the present Regulations and were intended to apply to individual authorities within the specified groups. The present Regulations expressly provide for this.