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STATUTORY INSTRUMENTS

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**1994 No. 338**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

The Local Government, Planning and Land Act  
1980 (Competition) (Wales) Regulations 1994

<i>Made</i>	- - - -	<i>14th February 1994</i>
<i>Laid before Parliament</i>		<i>21st February 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

The Secretary of State for Wales, in exercise of the powers conferred by sections 7(2), 7(4)(a), 7(4)(b), 7(5) and 7(6), 9(3)(a) and 23(1) of the Local Government, Planning and Land Act 1980<sup>(1)</sup>, and all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Local Government, Planning and Land Act 1980 (Competition) (Wales) Regulations 1994 and shall come into force on 1st April 1994.

**Interpretation**

2. In these Regulations—

“the Act” means the Local Government, Planning and Land Act 1980;

“emergency work” means work of any description the necessity for which could not reasonably have been foreseen by the local authority concerned and which is—

- (a) required to avert, alleviate or eradicate in its area, or any part of it, the effects or potential effects of any emergency or disaster which involves or is likely to involve risk of serious damage to or destruction of property or risk of injury or danger to health or life;
- (b) required to be put in hand as a matter of urgency within 48 hours of the emergency or disaster occurring; and
- (c) not work on a scale or of a nature normally undertaken by that local authority;

“DLO revenue account” has the meaning given to it by sections 10(1) and 20(1) of the Act;

“estimated cost” in relation to a job, means the aggregate of the amounts which a local authority will credit to its DLO revenue account in respect of the carrying out of the job—

- (a) so far as such amounts will fall to be determined in accordance with a written statement prepared in compliance with section 9(2)(a) of the Act, as so determined; and
- (b) so far as such amounts will fall to be determined in accordance with a method specified in a written statement prepared in accordance with section 9(2)(b) of the Act, as estimated in accordance with that method;

“functional work” has the meaning given to it by sections 8 and 20(1) of the Act;

“job” means all the functional work which can reasonably be carried out most economically and efficiently under one arrangement;

“local authority” means such of the local authorities specified in the definition of “local authority” in section 20(1) of the Act as exist in Wales<sup>(2)</sup>;

“works contract” has the meaning given to it by sections 5(1) and 20(1) of the Act;

“works of construction” means building or engineering works of any description not being the construction of a sewer or works of maintenance;

“works of maintenance” includes minor renewals, minor improvements and minor extensions.

### **Application**

- 3. These Regulations apply only to local authorities in Wales.

### **Prescribed amounts for works contracts**

- 4. For the purposes of section 7(1) of the Act (prescribed amounts of certain works contracts) the amount of £500,000 is hereby prescribed in respect of a works contract.

### **Determination of amount for works contracts**

- 5. In ascertaining (for the purposes of these Regulations) whether a works contract exceeds the prescribed amount regard shall be had only to so much of the value of the contract as is attributable to works of construction.

### **Treatment of certain works contracts as a single contract**

- 6. For the purposes of determining whether the value of a works contract exceeds the amount prescribed by regulation 4 the value of any other contract made within the preceding 6 months by the local authority in question for work of the same or similar description on the same site or surface or on an adjacent site or surface shall be treated as forming part of the value of that contract.

### **Exempted works contracts**

- 7. Section 7(1) of the Act shall not apply to a works contract where, notwithstanding that the value of the contract exceeds the prescribed amount of £500,000, it is a contract for the carrying out of emergency work.

### **Functional work**

- 8. Subject to regulation 9 a local authority may not unless they have first complied with the conditions mentioned in section 9(3)(a) of the Act, as well as with those in section 9(2), undertake functional work which is a job involving works of construction where the estimated cost of that job, which is attributable to works of construction, exceeds £500,000.

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(2) The definition of “local authority” was inserted by the Local Government Act 1988 (c. 9), section 32 and Schedule 6.

**Exempted functional work**

9. Regulation 8 shall not apply to emergency work.

**Provision superseded**

10. The Local Government (Direct Labour Organisations) (Competition) Regulations 1989(3) shall on 1st April 1994 cease to apply to local authorities in Wales.

14th February 1994

*John Redwood*  
Secretary of State for Wales

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations replace on 1st April 1994 the Local Government (Direct Labour Organisations) (Competition) Regulations 1989 so far as they apply to local authorities in Wales. This is in recognition of the additional administrative work which local government reorganisation in Wales will place upon Welsh local authorities.

Under these Regulations the requirements imposed by the Act will continue to apply to any works contract where the value of any work attributable to works of construction exceeds £500,000 (regulations 4 and 5), and to any functional work, where the estimated cost of that job, which is attributable to works of construction, exceeds £500,000 (regulation 8).

Regulation 7 provides an exemption for works contracts, which would otherwise be subject to the requirements imposed by the Act, where it is emergency work.

Regulation 9 similarly provides an exemption for functional work if it is emergency work. Emergency work for the purpose of the Regulations is defined in regulation 2.