
STATUTORY INSTRUMENTS

1995 No. 1040

LOCAL GOVERNMENT, ENGLAND AND WALES
WALES

**The Local Government (Wales) (Service
Agency Agreements) Regulations 1995**

<i>Made</i>	- - - -	<i>10th April 1995</i>
<i>Laid before Parliament</i>		<i>12th April 1995</i>
<i>Coming into force</i>	- -	<i>4th May 1995</i>

The Secretary of State for Wales, in exercise of the powers conferred upon him by sections 25(4) and (5)(a), and 63(5)(a) of the Local Government (Wales) Act 1994⁽¹⁾, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Local Government (Wales) (Service Agency Agreements) Regulations 1995 and shall come into force on 4th May 1995.

(2) In these Regulations—

“the 1980 Act” means the Local Government, Planning and Land Act 1980⁽²⁾;

“the 1988 Act” means the Local Government Act 1988⁽³⁾;

“the 1994 Act” means the Local Government (Wales) Act 1994;

“construction and property services” has the same meaning as in paragraph 12 of Schedule 1 to the 1988 Act⁽⁴⁾;

“legal services” has the same meaning as in paragraph 11 of Schedule 1 to the 1988 Act⁽⁵⁾;

“new authority” means a county or county borough council established under the 1994 Act;

“qualifying authority” means a new authority which exercises functions delegated to it by the Secretary of State for Wales under section 6(1) of the Highways Act 1980⁽⁶⁾;

“service agency agreement” has the same meaning as in section 25 of the 1994 Act;

⁽¹⁾ 1994 c. 19.

⁽²⁾ 1980 c. 65.

⁽³⁾ 1988 c. 9.

⁽⁴⁾ Paragraph 12 of Schedule 1 to the 1988 Act was inserted by article 2(2) of the Local Government Act 1988 (Competition) (Defined Activities) (Construction and Property Services) Order 1994 (SI 1994/2888).

⁽⁵⁾ Paragraph 11 of Schedule 1 to the 1988 Act was inserted by article 2(4) of the Local Government Act 1988 (Competition) (Defined Activities) Order 1994 (SI 1994/2884).

⁽⁶⁾ 1980 c. 66.

“works of construction” mean building or engineering work 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.

2.—(1) Subject to paragraph (2) there shall be excluded from those matters which may be the subject of a service agency agreement work which would be subject to competitive tendering under the provisions of either Part III of the 1980 Act or Part I of the 1988 Act.

(2) Notwithstanding the provisions of paragraph (1) a new authority may enter into a service agency agreement in respect of work otherwise excluded by that paragraph if the agreement—

- (a) is between a new authority and a qualifying authority in respect of construction and property services to be carried out by the qualifying authority for the purposes of, or in connection with, any functions of the new authority which are being exercised in its capacity as local highway authority;
- (b) is between new authorities in respect of legal services to be carried out by a new authority for the purposes of, or in connection with, any functions which are being exercised by the other authority in its capacity as local social services authority and which relate to the welfare or care of children; or
- (c) is in respect of work to be carried out before 1st April 1998 and, where that work would be subject to competitive tendering under the provisions of Part III of the 1980 Act, the value of any element of that work attributable to works of construction does not exceed £500,000.

10th April 1995

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

Section 25(1) of the Local Government (Wales) Act 1994 allows the new Welsh principal councils to enter into agreements whereby one council provides services to the other for the purposes of, or in connection with, the discharge of that other council's functions. These agreements are termed "service agency agreements".

Section 25(4) enables the Secretary of State by regulations to restrict the exercise of that power. In particular section 25(5)(a) provides that the Secretary of State may prescribe matters which may not be the subject of a service agency agreement.

These Regulations provide that work which is subject to competition requirements imposed under Part III of the Local Government and Planning Act 1980 and Part I of the Local Government Act 1988 is to be excluded from the power given in section 25(1) of the 1994 Act. Regulation 2(2), however, allows limited exceptions to the general exclusion.