
STATUTORY INSTRUMENTS

1995 No. 1326

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Changes for England
and Local Government Act 1988 (Competition)
(Miscellaneous Amendment) Regulations 1995**

<i>Made</i>	- - - -	<i>17th May 1995</i>
<i>Laid before Parliament</i>		<i>22nd May 1995</i>
<i>Coming into force</i>	- -	<i>12th June 1995</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 6(3) and 15(6) and (7) of the Local Government Act 1988⁽¹⁾ and sections 19 and 26(4) of the Local Government Act 1992⁽²⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART I
PRELIMINARY

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Changes for England and Local Government Act 1988 (Competition) (Miscellaneous Amendment) Regulations 1995 and shall come into force on 12th June 1995.

(2) References in Part II of these Regulations to numbered regulations are to the regulations so numbered in the Local Government Changes for England (Direct Labour and Service Organisations) Regulations 1994⁽³⁾.

(1) 1988 c. 9. Section 6 is amended by paragraph 12 of Schedule 1 to the Local Government Act 1992 (c. 19).
(2) 1992 c. 19.
(3) S.I. 1994/3167.

PART II

LOCAL GOVERNMENT CHANGES FOR ENGLAND: COMPETITION

Amendment of scope of 1994 regulations

- 2.—(1) Regulation 2 (Interpretation) is amended as provided in this regulation.
- (2) For the definition of “order” there is substituted—
- ““order” means an order under section 17 of the 1992 Act; “order date” in relation to a relevant authority means the date on which an order comes into force, or, if there is more than one such date, the first of them; “relevant order” means an order giving effect to recommendations made by the Local Government Commission in pursuance of a direction under section 13 of the 1992 Act which was given before 17th May 1995;.”
- (3) For the definition of “relevant authority” there is substituted—
- ““relevant authority” means—
- (a) a new authority or
 - (b) a local authority which, by virtue of a relevant order, is subject to a structural change or boundary change;.”
- (4) In the definition of “reorganisation date” the words “made for the purpose of facilitating a structural change” are omitted.
- (5) For the words from the beginning of the definition of “successor authority” to the end of the regulation there is substituted:
- ““successor authority” in relation to any functional work, rights or liabilities means a local authority which, in consequence of a relevant order, on the reorganisation date acquires the function in pursuance of which such work falls to be undertaken or carried out, or, as the case may be, those rights or liabilities, from another authority; and
- “transferor authority” in relation to a successor authority means the authority from which functions, rights or liabilities are acquired..”

Functional work

3. In regulation 14(7)(b) for the words “section 9(3) of the Act” there shall be substituted the words “section 9(4) of the Act”.

Housing management

- 4.—(1) In regulation 12(1)(c), for sub-paragraphs (i) and (ii) there is substituted—
- “(i) the gross cost of that activity as estimated by the transferor authority if carried out by or on behalf of that authority in the financial year immediately preceding the reorganisation date would not exceed £500,000; and by virtue of an order, or of regulations under section 19 of the 1992 Act, 1,000 dwellings or more transfer from that authority to the successor authority; or
- (ii) the total number of dwellings which on the reorganisation date are held by the successor authority for the purposes of Part II of the Housing Act 1985(4) is 15,000 or more;.”
- (2) After regulation 14 there is inserted—

(4) 1985 c. 68, to which there are amendments not relevant to these Regulations.

“Housing management: disapplication of competition provisions

14A. In relation to functional work of a relevant authority—

- (a) falling within the defined activity (housing management) in section 2(2)(h) of the Act, and
- (b) carried out in the reorganisation period,

section 6 of the Act shall not apply..”

PART III

LOCAL GOVERNMENT ACT 1988: AMENDMENT OF [S.I. 1994/3165](#)

Supervision of parking, management of vehicles and security work

5. In regulation 2(2) of the Local Government Act 1988 (Defined Activities) (Competition) (Supervision of Parking, Management of Vehicles and Security Work) (England) Regulations 1994(5) for the words “the Schedule” there is substituted the words “paragraph (1) above”.

Signed by authority of the Secretary of State

17th May 1995

Robert Jones
Parliamentary Under-Secretary of State,
Department of the Environment

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Local Government Changes for England (Direct Labour and Service Organisations) Regulations 1994 (“the 1994 Regulations”) provide inter alia for the application of the competition requirements of the Local Government Act 1988 in relation to authorities subject to structural change under the Local Government Act 1992.

Regulations 2 to 4 of these Regulations amend the 1994 Regulations by—

- (a) enlarging the description of authorities affected, to include any authority subject to a structural or boundary change resulting from the implementation of recommendations of the Local Government Commission made in pursuance of a direction given before 17th May 1995; and
- (b) providing for exemption, for a period calculated by reference to the 1994 Regulations, from the competition requirements of that Act in respect of functional housing management work carried out by a local authority affected by the implementation of such recommendations.

Regulations 3 and 5 correct cross-references in the 1994 Regulations and in the Local Government Act 1988 (Defined Activities) (Competition) (Supervision of Parking, Management of Vehicles and Security Work) (England) Regulations 1994.