
STATUTORY INSTRUMENTS

1995 No. 1973

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Act 1988 (Defined Activities) (Cleaning of Police Buildings) (England and Wales) Regulations 1995

<i>Made</i>	- - - -	<i>24th July 1995</i>
<i>Laid before Parliament</i>		<i>27th July 1995</i>
<i>Coming into force</i>	- -	<i>17th August 1995</i>

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred by sections 6(3), 8(1) and 15(6) of the Local Government Act 1988(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Local Government Act 1988 (Defined Activities) (Cleaning of Police Buildings) (England and Wales) Regulations 1995 and shall come into force on 17th August 1995.

(2) These Regulations apply in relation to police authorities in England and Wales only.

Interpretation

2. In these Regulations—

“the Act” means the Local Government Act 1988;

“commencement day” means 1st October 1996;

“the cost” means the estimated total annual cost including overheads;

“police authority” means—

(a) a police authority constituted under section 3 of the Police Act 1964(2), and

(b) the Common Council of the City of London in its capacity as a police authority;

“the specified proportion” in relation to the specified work means an amount equal to the product of the following formula—

(1) 1988 c. 9. Section 6 is amended by paragraph 12 of Schedule 1 to the Local Government Act 1992 (c. 19).
(2) 1964 c. 48. Section 3 is substituted by section 2 of the Police and Magistrates' Courts Act 1994 (c. 29).

$T - (A - B)$,

where—

- T = an amount equal to the cost to a police authority of the specified work;
 A = 20 per cent of T, and
 B = for the permitted period and in relation to a police authority, an amount equal to the cost of the specified work which is being carried out during that period by that authority following voluntary competitive tendering;

“the permitted period” in relation to the specified work means—

- (a) where the work was awarded not more than 5 years before commencement day, the period ending on 30th September 1997;
- (b) where the work was awarded not more than 4 years before commencement day, the period ending on 30th September 1998;
- (c) where the work was awarded not more than 3 years before commencement day, the period ending on 30th September 1999;
- (d) where the work was awarded not more than 2 years before the commencement day, the period ending on 30th September 2000;
- (e) where the work was awarded not more than 1 year before commencement day, the period ending on 30th September 2001;

“the specified work” means functional work falling within section 2(2)(b) (cleaning of buildings) of the Act by reason only of article 3 of the Local Government Act 1988 (Competition) (Defined Activities) Order 1995(3); and

“voluntary competitive tendering” means the awarding of work following a competitive process in the course of which at least 3 persons were invited to tender for the work, being persons other than the police authority carrying out the work or the police authority which, by virtue of the Police and Magistrates' Courts Act 1994, it supersedes.

Disapplication of 1988 Regulations

3. Regulation 5 of the Local Government Act 1988 (Defined Activities) (Competition) (England) Regulations 1988(4) and regulation 5 of the Local Government Act 1988 (Defined Activities) (Competition) (Wales) Regulations 1988(4) do not apply in relation to the specified work.

Application of section 6

4. Section 6 of the Act shall apply to the specified proportion of the specified work if it is proposed to be carried out on or after commencement day by a police authority.

Specified periods

5. In relation to each of the specified activities, the second condition set out in subsection (3) of section 7 of the Act shall not be treated as fulfilled if the period stated in the detailed specification made available in accordance with that subsection is less than 3 years or more than 5 years (in relation to a police authority in Wales) or less than 4 years or more than 6 years (in relation to a police authority in England).

(3) S.I.1995/1915.

(4) S.I. 1988/1468.

(4) S.I. 1988/1468.

Signed by authority of the Secretary of State

20th July 1995

Paul Beresford
Parliamentary Under-Secretary of State,
Department of the Environment

24th July 1995

Gwilym Jones
Parliamentary Under-Secretary of State, Welsh
Office

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)

Under Part I of the Local Government Act 1988, the cleaning of buildings by defined authorities may be carried out by defined authorities only after it has been put out to tender. The exemption from this requirement for certain police buildings is removed by article 3 of the Local Government Act 1988 (Competition) (Defined Activities) Order 1995, except in relation to buildings used (in England and Wales) by regional crime squads.

Regulations 3 and 4 apply the competitive tendering requirements in Part I of the Local Government Act 1988 to specified proportions of the cleaning of police buildings as from 1st October 1996.

Regulation 5 specifies the minimum and maximum periods for which police authorities may resolve to undertake building cleaning work, prior to putting the work out to competitive tender.