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STATUTORY INSTRUMENTS

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**1995 No. 3302**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Act 1988 (Competition)  
(Legal and Construction etc. Services)  
(Police Authorities) Regulations 1995**

*Made* - - - - *14th December 1995*  
*Laid before Parliament* *5th January 1996*  
*Coming into force* - - *26th January 1996*

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 on them by sections 6(3) 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, commencement and interpretation**

1.—(1) These Regulations may be cited as the Local Government Act 1988 (Competition) (Legal and Construction etc. Services) (Police Authorities) Regulations 1995 and shall come into force on 26th January 1996.

(2) In these Regulations,

“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 Act” means the Local Government Act 1988.

**Application of section 6**

2.—(1) Section 6 of the Act shall apply, in relation to a police authority, to the specified proportion of work of any description falling within each of—

- (a) the defined activity mentioned in section 2(2)(j)(3) of the Act (“legal services”) and

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(1) 1988 c. 9. Section 6(3) is amended by the Local Government Act 1992 (c. 19), Schedule 1 paragraph 12.  
(2) 1964 c. 48. Section 3 is substituted by section 2 of the Police and Magistrates' Courts Act 1994 (c. 29).  
(3) Sub-paragraph (j) of section 2(2) is inserted by S.I.1994/2884.

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(b) the defined activity mentioned in section 2(2)(k)(4) of the Act (“construction and property services”),

other than work carried out, under a works contract in relation to which that authority were a bidding authority to which section 4 of the Act (works contracts) applies, if it is proposed to be carried out after the date specified in relation to each police authority—

(i) in Schedule 1 in relation to legal services and

(ii) in Schedule 2 in relation to construction and property services.

(2) In this regulation, “the specified proportion” in relation to each of the defined activities mentioned in paragraph (1) means an amount equal to the product of the formula specified in relation to that activity in Schedule 3.

Signed by authority of the Secretary of State

11th December 1995

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

Signed by authority of the Secretary of State for Wales

14th December 1995

*Gwilym Jones*  
Parliamentary Under-Secretary of State, Welsh  
Office

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(4) Sub-paragraph (k) of section 2(2) is inserted by S.I. [1994/2888](#).

SCHEDULE 1

Regulation 2(1)

LEGAL SERVICES

Police authority	Date from which section 6 applies
Greater Manchester	} 1 April 1997
Merseyside	
South Yorkshire	
West Midlands	
West Yorkshire	
City of London	
Cambridgeshire	} 1 October 1997
Cheshire	
Cumbria	
Gloucestershire	
Hertfordshire	
Kent	
Lancashire	
Lincolnshire	
Norfolk	
Northamptonshire	
Northumbria	
Suffolk	
Surrey	
Warwickshire	
Avon and Somerset	} 1 April 1998
Cleveland	
Humberside	
North Yorkshire	

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Police authority	Date from which section 6 applies
Dyfed-Powys	
Gwent	
North Wales	
South Wales	
Bedfordshire	} 1 April 1999
Derbyshire	
Devon and Cornwall	
Dorset	
Durham	
Essex	
Hampshire	
Leicestershire	
Nottinghamshire	
Staffordshire	
Sussex	
Thames Valley	
West Mercia	
Wiltshire	

SCHEDULE 2

Regulation 2(1)

CONSTRUCTION AND PROPERTY SERVICES

Police authority	Date from which section 6 applies
Greater Manchester	} 1 October 1997
Merseyside	
South Yorkshire	
West Midlands	
West Yorkshire	

Police authority	Date from which section 6 applies
City of London	
Cambridgeshire	
Cheshire	
Cumbria	
Gloucestershire	
Hertfordshire	
Kent	
Lancashire	
Lincolnshire	
Norfolk	
Northamptonshire	
Northumbria	
Suffolk	
Surrey	
Warwickshire	
Avon and Somerset	} 1 April 1998
Cleveland	
Humberside	
North Yorkshire	
Dyfed-Powys	
Gwent	
North Wales	
South Wales	
Bedfordshire	} 1 April 1999
Derbyshire	
Devon and Cornwall	
Dorset	

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Police authority	Date from which section 6 applies
Durham	
Essex	
Hampshire	
Leicestershire	
Nottinghamshire	
Staffordshire	
Sussex	
Thames Valley	
West Mercia	
Wiltshire	

### SCHEDULE 3

Regulation 2(2)

#### MEANING OF “SPECIFIED PROPORTION”

##### Formula specified in relation to legal services

$$T - (A + B + C)$$

where

- T = an amount equal to the cost to a police authority of the specified work;
- A = an amount equal to 55 per cent of T or £300,000, whichever is greater;
- B = for the period ending on 31st March 1999 or five years after work was awarded,, whichever is shorter,, an amount equal to the cost of specified work which is being carried out by a police authority following voluntary competitive tendering; and
- C = an amount equal to the cost of specified work carried out by a defined authority in connection with functional work falling within any other defined activity where that functional work is being carried out by a defined authority in accordance with the provisions of the Act.

##### Formula specified in relation to construction and property services

$$T - (A + B + C + D)$$

where

- T = an amount equal to the cost to a police authority of the specified work;
- A = an amount equal to 35 per cent of T or £450,000,, whichever is greater;
- B = for the period ending on 31st March 1999 or five years after work was awarded,, whichever is shorter,, an amount equal to the cost of specified work which is being carried out by a police authority following voluntary competitive tendering;

- C = an amount equal to the cost of specified work carried out by a defined authority in connection with functional work falling within any other defined activity where that functional work is being carried out by a defined authority in accordance with the provisions of the Act; and
- D = for the allowable period,, an amount equal to the cost of work falling within paragraphs 12(3)(d) and (e) of Schedule 1 to the Act(5), where that work has been started by a defined authority before the commencement of the allowable period.

### **Interpretation**

#### **3. In this Schedule—**

- (a) “the allowable period” means the period commencing on the date when section 6 of the Act first applies to the police authority in question in respect of specified work and ending —
- (i) as respects work falling within paragraph 12(3)(d) of Schedule 1 to the Act, on the date when that work is completed;
  - (ii) as respects work falling within paragraph 12(3)(e) of Schedule 1 to the Act, on the date when the document verifying completion of the work is issued;
- (b) “the cost” means the estimated total annual cost including overheads;
- (c) “the specified work” means work within the defined activity mentioned in section 2(2)(j) or, as the case may be, section 2(2)(k) of the Act, and
- (d) “voluntary competitive tendering” means the awarding of work before 1st April 1994 following a competitive process in the course of which at least three persons who are not defined authorities were invited to tender for the work.

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### **EXPLANATORY NOTE**

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

These Regulations make provision under Part I (competition) of the Local Government Act 1988 (“the Act”) in respect of the defined activities of legal services and construction and property services.

Regulation 2 applies section 6 of the Act to a specified proportion (determined in accordance with Schedule 3) of each activity of a police authority from the dates specified in Schedule 1 in relation to legal services and Schedule 2 in relation to construction and property services, so that such authorities are required, if they wish themselves to carry out work within such an activity on and after that date, to have first competed for such work.

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(5) Paragraphs 12(3)(d) and (e) were inserted by S.I. 1994/2888.