
STATUTORY INSTRUMENTS

1997 No. 935

LOCAL GOVERNMENT, ENGLAND AND WALES

WALES

**The Local Government Act 1988 (Competition)
(Housing Management) (Wales) Regulations 1997**

<i>Made</i>	- - - -	<i>17th March 1997</i>
<i>Laid before Parliament</i>		<i>20th March 1997</i>
<i>Coming into force</i>	- -	<i>18th April 1997</i>

The Secretary of State for Wales, 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 of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Government Act 1988 (Competition) (Housing Management) (Wales) Regulations 1997 and shall come into force on 18th April 1997.

(2) These Regulations apply only in relation to—

- (a) a county or county borough council in Wales(2); and
- (b) a joint committee to which section 1(4) of the Act applies and which is appointed only by two or more councils within paragraph (a) above.

Interpretation

2. In these Regulations—

“the Act” means the Local Government Act 1988;

“the cost” means the estimated total annual cost including overheads provided that those overheads are not treated by a relevant authority as forming part of the cost of—

- (a) another defined activity, or

(1) 1988 c. 9. Section 6(3) was amended by paragraph 12 of Schedule 1 to the Local Government Act 1992 (c. 19).
(2) See the meaning of “local authority”, in relation to Wales, in section 1(2A) of the Act, inserted by the Local Government Reorganisation (Wales) (Consequential Amendments) Order 1995 (S.I.1995/115), for the reference to ‘county council’ and ‘county borough council’

(b) work to which Part III of the Local Government, Planning and Land Act 1980⁽³⁾ applies; “housing management work” means, in relation to a relevant authority, work of any description falling within the defined activity mentioned in section 2(2)(h) of the Act⁽⁴⁾ 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: restrictions) applies;

“relevant authority” means a council or a committee to which these Regulations apply by virtue of regulation 1(2); and

“voluntary competitive tendering” means the awarding of housing management work before 18th April 1997 following a competitive process in which at least 3 persons other than defined authorities⁽⁵⁾ were invited to tender for that work.

Application of section 6

3.—(1) Subject to paragraph (2) below, section 6 of the Act (functional work: restrictions) shall apply to an amount, expressed as a sum of money, equal to ninety five per cent. of the cost of housing management work (‘the relevant amount’) if it is proposed to be carried out on or after—

- (a) 1st April 1998, by a relevant authority specified in Part I of the Schedule to these Regulations;
- (b) 1st July 1998, by the relevant authority specified in Part II of the said Schedule; and
- (c) 1st April 1999, by a relevant authority specified in Part III of the said Schedule.

(2) Where housing management work is being carried out by a relevant authority in consequence of voluntary competitive tendering, then, for the period ending on 17th April 2002 or 5 years after that work was awarded, whichever is shorter, the relevant amount shall be reduced in relation to that authority by an amount equal to the cost of that work which is being carried out by that authority.

Signed by authority of the Secretary of State for Wales

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

17th March 1997

(3) 1980 c. 65.

(4) Section 2(2)(h) was inserted by the Local Government Act 1988 (Competition) (Defined Activities) (Housing Management) Order 1994 (S.I. 1994/1671).

(5) For the meaning of “defined authority”, see section 1 of the Act.

THE SCHEDULE

Regulation 3

Part I

1. The councils of the following counties or, as the case may be, county boroughs.

Blaenau Gwent

Bridgend

Cardiff

Ceredigion

Isle of Anglesey

Merthyr Tydfil

Monmouthshire

Newport

The Vale of Glamorgan

Torfaen

2. Any joint committee.

Part II

Wrexham County Borough Council

Part III

1. The councils of the following counties or, as the case may be, county boroughs.

Caerphilly

Carmarthenshire

Conwy

Denbighshire

Flintshire

Gwynedd

Neath Port Talbot

Pembrokeshire

Powys

Rhondda, Cynon, Taff

Swansea

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 Regulations make provision under the competitive tendering requirements in Part I of the Local Government Act 1988 (“the Act”) in respect of the defined activity of housing management.

Regulation 3(1) applies section 6 of the Act (functional work: restrictions) to ninety five per cent. of this activity for county and county borough councils in Wales and joint committees of those councils so that those authorities must compete for such work in accordance with the Act’s requirements if they wish to carry it out themselves. Regulation 3(2) contains transitional provision (ending no later than 17th April 2002) in relation to such work being carried out by such an authority where that work was awarded before 18th April 1997 following a voluntary competitive tendering process.

Section 6 of the Act is applied from 1st April 1998 in respect of those authorities specified in Part I of the Schedule to the Regulations; from 1st July 1998 in respect of Wrexham County Borough Council as specified in Part II of that Schedule and from 1st April 1999 in respect of those authorities specified in Part III of that Schedule.