

Local Authorities (Goods and Services) Act 1970 (c. 39)

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Local Authorities (Goods and Services) Act 1970

1970 CHAPTER 39

An Act to make further provision with respect to the supply of goods and services by local authorities to certain public bodies, and for purposes connected therewith.

[29th May 1970]

Annotations:

Modifications etc. (not altering text)

- C1** Act saved (E.W.) by Local Government Act 1972 (c. 70), ss. 101(14), 112(6), 201(5) and (S.) by Local Government (Scotland) Act 1973 (c. 65), ss. 56(15), 64(6), 149(2)
- C2** Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3
- C3** Act excluded by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 6(2)
- C4** Act extended by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), s. 163(1)(2)
- C5** Act extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13, para. 18
- C6** Act amended by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), Sch. 12 para. 11(1)
- C7** Act amended by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), Sch. 12 para. 68(1)(2)(which was repealed (1. 4. 1993) by Further and Higher Education Act 1992 (c. 13), s. 93, Sch. 8 Pt. I para. 66, Sch.9; S.I. 1992/831, art. 2, Sch.3).
- C8** Act amended (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–10, 190, 193(1), Sch. 25 para. 40, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- C9** Act amended by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:1), s. 82(1), Sch. 10 para. 3
- C10** Act amended (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 Pt. II para.71(1)(2); S.I. 1992/831, art. 2, Sch. 3.
- C11** Act extended (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 12(10), Sch. 2 para. 21; S.I. 1992/817, art. 3(2), Sch. 1.
Act restricted (3.4.1995) by 1994 c. 19, s. 25(7) (with ss. 54(5)(7), 55(3), 66(7), Sch. 17 paras. 22 (1), 23(2); S.I. 1995/852, art. 4(1), Sch. 2
Act extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(a) (with ss. 54(5)(7), 55(3), 66(7), Sch. 17 paras. 22(1), 23(2)
Act applied (with modifications) (1.4.1994) by S.I. 1994/653, reg. 42(1), Sch. Pt. I
Act applied (with modifications) (9.5.1994) by S.I. 1994/1084, reg. 8(1), Sch. 2 Pt. I
Act extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 5 (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Act extended (1.2.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 13 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 2
Act modified (E.W.) (1.4.1995) by S.I. 1995/401, art. 18, Sch. para. 4
Act applied (S.) (6.4.1995) (temp.) by S.I. 1995/789, art. 2, Sch. para. 2
Act amended (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), Sch. 37 Pt. I para. 17 (with ss. 1(4), 561, 562)

Act amended (1.10.1997) by 1997 c. 44, s. 57(1), Sch. 7 para. 2(1)(a)(2); S.I. 1997/1468, art. 2, Sch. 1 Pt. III
 Act amended (1.3.1998) by 1997 c. 44, s. 57(1), Sch. 7 para. 2(1)(b); S.I. 1998/386, art. 2 Sch. 1 Pt. I
 Act extended (1.10.1998) by 1998 c. 31, s. 140(1), Sch. 30 para. 2(1)(2) (with ss. 138(9), 144(6); S.I. 1998/2212, art. 2, Sch. 1
 Act amended (25.11.1998 for specified purposes otherwise 3.7.2000) by 1998 c. 45, s. 32, Sch. 7 para. 3; S.I. 1998/2958, art. 2; S.I. 2000/1173, art. 2(2)(c)
 Act amended (E.) (8.2.2000) by S.I. 2000/63, arts. 2, 3, Sch.
 Act extended (8.9.2000) by 2000 asp 10, s. 9, Sch. 2 para. 11 (with s. 32); S.S.I. 2000/312, art. 2

C12 Act: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

C13 Act modified (S.) (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 61 (with s. 67); S.S.I. 2002/118, art. 2(3)

Commencement Information

I1 Act wholly in force at Royal Assent

1 Supply of goods and services by local authorities

- (1) Subject to the provisions of this section, a local authority and any public body within the meaning of this section may enter into an agreement for all or any of the following purposes, that is to say—
- the supply by the authority to the body of any goods or materials;
 - the provision by the authority for the body of any administrative, professional or technical services;
 - the use by the body of any vehicle, plant or apparatus belonging to the authority and, without prejudice to paragraph (b) above, the placing at the disposal of the body of the services of any person employed in connection with the vehicle or other property in question;
 - the carrying out by the authority of works of maintenance in connection with land or buildings for the maintenance of which the body is responsible;

and a local authority may purchase and store any goods or materials which in their opinion they may require for the purposes of paragraph (a) of this subsection.

- (2) Nothing in paragraphs (a) to (c) of the preceding subsection authorises a local authority—
- to construct any buildings or works; or
 - to be supplied with any property or provided with any service except for the purposes of functions conferred on the authority otherwise than by this Act.
- (3) Any agreement made in pursuance of subsection (1) of this section may contain such terms as to payment or otherwise as the parties consider appropriate.
- (4) In this Act—

“Local authority”, in relation to England and Wales, means the council of [**F1**any county, county borough], . . . **F2**, county district or London borough [**F3**the Greater London Authority][**F4**the Broads Authority], . . . **F5**, the Common Council of the City of London, the Council of the Isles of Scilly and any joint board, joint committee and combined authority [**F6** . . . **F7** and any joint authority established by Part IV of the Local Government Act 1985 [**F8**and the London Fire and Emergency Planning Authority, Transport for London and the London Development Agency]] and, in relation to Scotland, [**F9**means a [**F10**council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] or any joint board or combination of those councils];

“public body” means any local authority [**F11**, any police authority established under [**F12**section 3 of the Police Act 1996], **F13**. . . , any][**F14**housing action trust established under Part III of the Housing Act 1988], any person who is a public body by virtue of subsection (5) of this section and, in relation to England and Wales, any parish council, . . . **F2** and representative body of a rural parish; and

“works of maintenance” include minor renewals, minor improvements and minor extensions.

- (5) The following Ministers, that is to say—
- in relation to England and Wales, the Minister of Housing and Local Government and the Secretary of State acting jointly; and

(b) in relation to Scotland, the Secretary of State,

may by order made by statutory instrument provide that any person who is specified in the order or is of a description so specified, being a person or description of persons appearing to those Ministers or the Secretary of State to be exercising functions of a public nature, shall be a public body for the purposes of this Act in its application to England and Wales or Scotland, as the case may be; and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (6) An order under the preceding subsection may contain such provisions as the person making it considers appropriate—
- (a) for restricting the agreements which may by virtue of the order be entered into by a public body;
 - (b) without prejudice to the preceding paragraph, for securing the inclusion in any agreement made by virtue of the order of terms imposing restrictions.

[F15(7) [The Great Yarmouth Port and Haven Commissioners shall be treated as a public body for the purposes of paragraphs \(a\) and \(b\) of subsection \(1\) above as those paragraphs apply in relation to agreements entered into by the Broads Authority.](#)]

Annotations:

Amendments (Textual)

- F1** Words in s. 1 substituted (3.4.1995) by 1994 c. 19, s. 25(8) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1), Sch.
- F2** Words repealed by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 30
- F3** Words in s. 1(4) inserted (8.5.2000) by 1999 c. 29, s. 388(a) (with Sch. 12 para. 9(1); S.I. 1999/3434, art. 3
- F4** Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), Sch. 6 para. 8(1)
- F5** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
- F6** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. II para. 47
- F7** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. I
- F8** Words in s. 1(4) inserted (3.7.2000) by 1999 c. 29, s. 388(b) (with Sch. 12 para. 9(1); S.I. 1999/3434, art. 4
- F9** Words substituted by the Local Government (Scotland) Act 1973 (C. 65, SIF 81:1), Sch. 27 Pt. II para. 195
- F10** Words substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 84; S.I. 1996/323, art. 4(1)(c)
- F11** S. 1(4): words in definition inserted (1.10.1994) by 1994 c. 29, s. 43, Sch. 4 para. 5; S.I. 1994/2025, art. 6(2)(e)
- F12** Words substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), Sch. 7 Pt. I, para. 2(g)
- F13** Words in the definition of "public body" in s. 1(4) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, Sch. 6 Pt. 3 para. 58, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(k)(m) (with transitional provisions in art. 4)
- F14** Words inserted (E.W.) by Housing Act 1988 (c. 50, SIF 61), s. 89(2)
- F15** S. 1(7) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), Sch. 6 para. 8(2)

Modifications etc. (not altering text)

- C1** S. 1 extended (E.W.) by Water Act 1973 (c. 37), s. 7(1)
- C2** Functions of Minister of Housing and Local Government now exercisable by Secretary of State: S.I. 1970/1681
- C3** S. 1 amended (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 145(2)(3), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- C4** S. 1 amended (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 40, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- C5** S. 1 extended (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), ss. 4(4)(5), 225(2) (with ss. 179, 222(3), 224(1), 225(4), Sch. 22 para. 1, Sch. 23 para. 6)
- C6** S. 1 extended (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), Sch. 1 para. 20
S. 1 modified (S.) (17.7.1995) by 1994 c. 39, s. 122; S.I. 1995/1898, art. 2, Sch.
S. 1(1)–(3) applied (with modifications) (E.W.) (1.4.1995) by 1964 c. 48, s. 8A (as inserted by 1994 c. 29, s. 9; S.I. 1994/3262, art. 4, Sch.)
S. 1(1)–(3) applied (with modifications) (E.W.) (22.8.1996) by 1996 c. 16, s. 18 and applied (with modifications) (1.10.2002) by that section as substituted by Police reform Act 2002 (c. 30), s. 101 ; S.I. 2002/2306, art. 2(f)(x)

- C7** S. 1 applied (with modifications) (S.) (1.11.2001) by 2001 asp 10, s. 107; S.S.I. 2001/336, art. 2(3), Sch. Pt. II (subject to art. 3)
- C8** S. 1(4) extended (E.W.) by National Health Service Act 1977 (c. 49, SIF 113:2), s. 28(1)
- C9** S. 1(4) extended by S.I. 1985/1884, art. 10, Sch. 3 para. 4(h)
- C10** S. 1(4) extended by S.I. 1987/2110, art. 2(2), Sch. 1 para. 8(e)
- C11** S. 1(4) amended by S.I. 1989/1815, art. 2, Sch. 1 para. 6(a)
- C12** In s. 1(4) definition of "public body" extended (1.10.1993) by 1993 c. 35, s. 307(1), Sch. 19 para. 43; 1993/1975, art. 9, Sch. 1.
In s. 1(4) definition of "public body" extended (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 para. 44(1); S.I. 2001/919, art. 2(f)(ii)
- C13** S. 1(5) extended (E.W.) by National Health Service Reorganisation Act 1973 (c. 32), s. 12(1)
- C14** S. 1(5) extended (E.W.) by National Health Service Act 1977 (c. 49, SIF 113:2), s. 28(2) and (E.W.S.) by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), s. 163(2)(3)
S. 1(5) extended (with modifications) (E.W.)(1.10.1998) by 1998 c. 31, s. 140(1), Sch. 30 para. 2(2)(3) (with ss. ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, Sch. 1
S. 1(5) power to repeal provisions of 2000 c. 43, Sch. 7 para. 44(1) conferred (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 para. 44(2); S.I. 2001/919, art. 2(f)(ii)

2 Supplemental

- (1) Nothing in section 1 of this Act shall be construed as derogating from any powers exercisable by any public body apart from that section.
- (2) The accounts of a local authority by whom agreements in pursuance of the said section 1 are entered into under which the authority are to provide any such property or service or do such work as is mentioned in subsection (1) of that section shall include a separate account in respect of the agreements; and subsections (4), (6) and (7) of section 283 of the **M1**Local Government Act 1933 and sections [**F1**101 and 105 of the **M2**Local Government (Scotland) Act 1973] (which relate to the inspection and taking of copies of the abstract of accounts of authorities) shall have effect as if any reference to an abstract of the accounts of an authority included a reference to such a separate account as aforesaid . . . **F2**.
- (3) Subsections (1), (2), (4) and (5) of section 82 of the **M3**Public Health Act 1961 (which provide among other things, in relation to England and Wales, for the amendment or repeal, on the application of or after consultation with the authorities concerned, of local enactments which are inconsistent with that Act or unnecessary in consequence of it) shall have effect as if references to that Act included references to this Act and references to a local Act included references to the provisions of sections 5(3) and 72 of the **M4**London Government Act 1963 and as if, in relation to those provisions, the application mentioned in subsection (2) were an application by the Greater London Council.
- (4) Section 14 of the **M5**Local Government (Development and Finance) (Scotland) Act 1964 (which contains similar provisions for the amendment or repeal of local enactments in Scotland) shall have effect as if references therein to that Act included references to this Act.
- (5) An order under section 1(5) of this Act may be revoked or varied by a subsequent order thereunder, and the subsequent order may contain such transitional provisions as the person making it considers appropriate.

Annotations:

Amendments (Textual)

- F1** Words substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 27 Pt. II para. 196
- F2** Words repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

Modifications etc. (not altering text)

- C1** S. 2(2) excluded by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 14(2)
- C2** S. 2(2) excluded by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 9(7)

Marginal Citations

- M1** 1933 c. 51.
- M2** 1973 c. 65.
- M3** 1961 c. 64.
- M4** 1963 c. 33.
- M5** 1964 c. 67.

3 Short title and extent

- (1) This Act may be cited as the Local Authorities (Goods and Services) Act 1970.
- (2) This Act does not extend to Northern Ireland.