

## ELIZABETH II



## 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]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(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—

Supply of goods and services by local authorities.

- (a) the supply by the authority to the body of any goods or materials;
- (b) the provision by the authority for the body of any administrative, professional or technical services;
- (c) 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;
- (d) 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—

(a) to construct any buildings or works; or

(b) 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 any county, county borough, county district or London borough, the Greater London Council, the Common Council of the City of London, the Council of the Isles of Scilly and any joint board, joint committee and combined authority and, in relation to Scotland, has the meaning assigned to it by section 113(1) of the Town and Country Planning (Scotland) Act 1947;

“public body” means any local authority, 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, council of a borough included in a rural district 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—

(a) 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.

2.—(1) Nothing in section 1 of this Act shall be construed as Supplemental. 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 Local Government Act 1933 and sections 199 and 200 of the Local Government (Scotland) Act 1947 (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 and, in relation to such a separate account, as if the words from “which shall” to “may prescribe” in subsection (1) of the said section 200 were omitted. 1933 c. 51. 1947 c. 43.

(3) Subsections (1), (2), (4) and (5) of section 82 of the 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 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. 1961 c. 64. 1963 c. 33.

(4) Section 14 of the 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. 1964 c. 67.

(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.

3.—(1) This Act may be cited as the Local Authorities (Goods and Services) Act 1970. Short title and extent.

(2) This Act does not extend to Northern Ireland.

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

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