SCOTTISH LOCAL AUTHORITIES (TENDERING) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

1. As required under Rule 9.3 of the Parliament’s Standing Orders, the following documents are published to accompany the Scottish Local Authorities (Tendering) Bill introduced in the Scottish Parliament on 5 April 2001:

   • Explanatory Notes;
   
   • a Financial Memorandum;
   
   • an Executive Statement on Legislative Competence; and
   
   • the Presiding Officer’s Statement on Legislative Competence.

A Policy Memorandum, also prepared by the Scottish Executive, is printed separately as SP Bill 28–PM.
INTRODUCTION

2. These Explanatory Notes have been prepared by the Scottish Executive in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

3. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

THE BILL

Section 1 Compulsory competitive tendering: local authorities

4. The Local Government Act 1988 requires local authorities to seek tenders for work within the scope of the “defined activities” set out in section 2(2) of the Act. This opens up the relevant activities to competition. Section 2(10) of the Act enables the Scottish Ministers to make orders modifying the application of the competition provisions in Part I of the Act in their application to local authorities. Orders made under this section may have effect until 31 December 2001.

5. Section 1 deletes the reference to 31 December 2001 in section 2(10). The consequence of this section will be to allow orders made under section 2(10) to have effect after this date.

Section 2 Short title and commencement

6. This section makes provision as to citation and commencement. The Bill will come into force one month after Royal Assent.

FINANCIAL MEMORANDUM

7. The Bill involves no costs to the Scottish Administration, local authorities, other bodies, individuals and businesses.
EXECUTIVE STATEMENT ON LEGISLATIVE COMPETENCE

8. On 4 April 2001, the Minister for Finance and Local Government (Angus MacKay) made the following statement:

“In my view, the provisions of the Scottish Local Authorities (Tendering) Bill would be within the legislative competence of the Scottish Parliament.”

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

9. On 5 April 2001, the Presiding Officer (Sir David Steel) made the following statement:

“In my view, the provisions of the Scottish Local Authorities (Tendering) Bill would be within the legislative competence of the Scottish Parliament.”