



# Local Government (Wales) Act 1994

## 1994 CHAPTER 19

### PART II

#### FUNCTIONS

##### *Services*

#### **25 Provision of services by one new principal council for another.**

- (1) Any new principal council (“the contracting council”) may enter into an agreement with another such council (“the supplying council”) for the provision by the supplying council of services which the contracting council require for the purpose of, or in connection with, the discharge of any of their functions.
- (2) Any agreement under subsection (1) (a “service agency agreement”) may be made on such terms as to payment or otherwise as the parties consider appropriate.
- (3) Subsection (1) is subject to—
  - (a) the provisions made by or under this Act;
  - (b) any other enactment which provides for specific functions of a local authority to be discharged only by that authority;
  - (c) any other enactment which imposes requirements which must be satisfied before a local authority may enter into any agreement of the kind provided for by subsection (1) including, in particular, the provisions of—
    - (i) Part III of the <sup>M1</sup>Local Government, Planning and Land Act 1980 (restrictions on use by local authorities of direct labour organisations); and
    - (ii) Part I of the <sup>M2</sup>Local Government Act 1988 (local authorities to undertake certain activities only if they can do so competitively).
- (4) The power conferred by subsection (1) shall be exercisable subject to such regulations (if any) as the Secretary of State sees fit to make for the purposes of this section.
- (5) Any such regulations may, in particular, make provision—

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, Cross Heading: Services. (See end of Document for details)*

- (a) excluding prescribed matters from those which may be the subject of a service agency agreement;
  - (b) restricting (whether by reference to one or more areas or otherwise) the councils with which a principal council may make a service agency agreement;
  - (c) restricting the area or areas with respect to which the supplying council may provide services under a service agency agreement.
- (6) As respects the exercise of any of their other statutory powers, anything which falls to be done by the supplying council under a service agency agreement shall be treated as one of their statutory functions.
- (7) The provisions of the <sup>M3</sup>Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities) do not affect, and are not affected by, the powers conferred on new principal councils by this section.
- (8) In section 1(4) of that Act (authorities to which Act applies), for “any county” substitute “ any county, county borough ”.
- (9) For the purposes of this section the Residuary Body shall be treated as a new principal council.

**Modifications etc. (not altering text)**

**C1** S. 25 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 12** (with ss. 7(6), 115, 117)

**C2** S. 25: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

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**Commencement Information**

**I1** S. 25 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 4(1), **Sch. 2** (subject to art. 4(2)-(6))

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**Marginal Citations**

**M1** 1980 c. 65.

**M2** 1988 c. 9.

**M3** 1970 c. 39.

**26 Service delivery plans.**

**F1** .....

**Textual Amendments**

**F1** S. 26 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 3}

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