



# Public Sector Legal News Update

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## Cases

### PUBLIC PROCUREMENT

***Heron Bros Ltd v Central Bedfordshire Council [2015] EWHC 604 (TCC). Queen's Bench Division (Technology & Construction Court) (QBD (TCC)). Edwards-Stuart, J. March 20, 2015***

Adopting a purposive approach, the Public Contracts Regulations 2006 reg.47F(5) was to be construed so that the words "serve in accordance with rules of court" were treated to mean that valid service in a public procurement action was achieved when the relevant step mentioned in CPR r.7.5(1) was completed. Provided that was done within seven days, the requirement of reg.47F(1), namely that the claim form had to be served within seven days of issue, would be met. For the purposes of acknowledging service and other steps in the action, the deemed date of service was to be as provided in CPR r.6.14.

### Application refused

### SOCIAL SECURITY

***R. (on the application of Hardy) v Sandwell MBC. [2015] EWHC 890 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Phillips, J. March 30, 2015***

A local authority's policy of taking into account the care component of disability living allowance when assessing the amount of a discretionary housing payment was an unlawful fetter on its discretion and constituted disability discrimination.

### Application granted

## Legislation

### CHARITIES

**The Local Audit and Accountability Act 2014 (Special Trustees) Amendment Regulations 2015 (SI 2015/975)**

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These Regulations amend the Local Audit and Accountability Act 2014 Sch.2 para.24 so that the Act only applies to special trustees if the trust of which they are trustees relates to non-charitable matters.

[Read full text here](#)

**In Force:** April 1, 2015

**Made under** Local Audit and Accountability Act 2014 s.2(3)

**Legislation amended:** Local Audit and Accountability Act 2014

### LOCAL GOVERNMENT

#### Local Government (Review of Decisions) Act 2015

An Act to make provision about the procedure for conducting investigations under the Local Government Act 1974 Pt 3; and to make provision for cases where an authority to which that Part applies takes a decision that affects the holding of an event for a reason relating to health or safety.

[Read full text here](#)

**Royal Assent:** March 26, 2015

### LOCAL GOVERNMENT

#### Local Government (Religious etc. Observances) Act 2015

An Act to make provision about the inclusion at local authority meetings of observances that are, and about powers of local authorities in relation to events that to any extent are, religious or related to a religious or philosophical belief.

[Read full text here](#)

**Royal Assent:** March 26, 2015



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## Further Reading

### DISPUTE RESOLUTION

**Oil on troubled waters.** *P. & O.J. 2015, Mar/Apr, 20-21.* By John Sykes.

Examines, with reference to relevant case law, the growth in the use of mediation in the public sector to resolve disputes and grievances and the benefits it can provide compared to litigation. Reviews the development of mediation by public authorities since the 1990s. Explains the different approach which must be taken to mediation when used to resolve public procurement disputes.

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