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STATUTORY INSTRUMENTS

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**1993 No. 2810**

**The Education and Libraries (Northern Ireland) Order 1993**

**PART II**  
**COMPETITION**

*Interpretation*

**Works contract and functional work**

**3.** In this Part—

“works contract” means a contract constituting or including an agreement which provides for the carrying out of work by a board; and

“functional work” means—

- (a) work carried out by a board, other than work carried out under a works contract; and
- (b) work which is carried out otherwise than by a board but which is dependent upon, or incidental or preparatory to, other work which, by virtue of paragraph (a), is functional work in relation to that board;

and work carried out as mentioned in paragraph (b) shall be treated as carried out by the board.

**Defined activities**

**4.—(1)** Subject to the following provisions of this Article, each of the following is a defined activity for the purposes of this Part—

- (a) cleaning of buildings;
- (b) catering;
- (c) maintenance of ground; and
- (d) repair and maintenance of vehicles;

and Schedule 1 applies for the purpose of interpreting the preceding provisions of this paragraph.

(2) The Department may by order subject to affirmative resolution provide for an activity to be a defined activity by adding a sub-paragraph to those for the time being appearing in paragraph (1) or by modifying any provision of Schedule 1 which for the time being excludes anything from the activities falling within any of those sub-paragraphs.

(3) Before making an order under paragraph (2), the Department shall consult the boards.

(4) Where work would (apart from this paragraph) fall within more than one defined activity it shall be treated as falling only within such one of them as the board carrying out the work decides.

(5) Work which is carried out by a board through an employee and which would (apart from this paragraph) fall within a defined activity shall not do so if it is incidental to the greater part of the work he is employed to do and the greater part does not constitute a defined activity.

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(6) If a board carries out work which (apart from this paragraph) would not fall within a defined activity, and which in the opinion of the board cannot be carried out efficiently separately from a particular defined activity, the work shall (if the board so decides) be treated as falling within that defined activity.

(7) Work which would (apart from this paragraph) fall within a defined activity shall not do so if it is calculated to avert, alleviate or eradicate the effects or potential effects of an emergency or disaster (actual or potential) involving or likely to involve danger to life or health or serious damage to or destruction of property.

(8) The Department may provide by order subject to negative resolution that any activity specified in the order, if carried out by a board or boards so specified, shall not be treated as a defined activity so long as conditions so specified are fulfilled.