STATUTORY INSTRUMENTS

1991 No. 262

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Act 1988 (Defined Activities) (Exemption) (Wales) Order 1991

Made - - - - 5th February 1991
Laid before Parliament 22nd February 1991
Coming into force - - 15th March 1991

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 2(9) and 15(5) of the Local Government Act 1988(1), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

- 1.—(1) This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemption) (Wales) Order 1991 and shall come into force on 15th March 1991.
 - (2) In this Order "the Act" means the Local Government Act 1988.

Application

2. This Order applies to an activity if carried out by a defined authority mentioned in section 1(1) of the Act which has functions in Wales or if carried out in Wales by a joint committee which falls to be treated as a defined authority by section 1(4) of the Act and of which at least one of the members is such an authority.

Exemption

- **3.** The activity mentioned in section 2(2)(c) of the Act (other cleaning) shall not be treated as a defined activity so long as the following conditions are fulfilled:
 - (a) that activity was not treated as a defined activity on 31st March 1991 by virtue of article 3 of the Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) Order 1988(2);
 - (b) on 1st April 1991 that activity would, but for this Order, be treated as a defined activity; and

^{(1) 1988} c. 9.

⁽²⁾ S.I. 1988/1469.

(c) that activity is carried out on or after 1st April 1991 and before 1st August 1991.

5th February 1991

David Hunt Secretary of State for Wales Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

Under Part I of the Local Government Act 1988 work falling within certain defined activities may only be carried out by local authorities if specified conditions are fulfilled.

Article 3 of the Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) Order 1988 ("the 1988 Order") exempts an activity from the requirements of Part I of the 1988 Act where the estimated gross cost to a particular authority in Wales of carrying it out in the previous financial year does not exceed £100,000.

This Order exempts from the requirements of Part I of the 1988 Act the activity of "other cleaning" (as defined in paragraph 3 of Schedule 1 to the 1988 Act) so long as, in respect of the authority concerned, that activity was exempt by virtue of article 3 of the 1988 Order on 31st March 1991 but not on 1st April 1991, and the activity is carried out before 1st August 1991.