
STATUTORY INSTRUMENTS

1991 No. 312

LOCAL GOVERNMENT, ENGLAND AND WALES

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

<i>Made</i>	- - - -	<i>22nd February 1991</i>
<i>Laid before Parliament</i>		<i>1st March 1991</i>
<i>Coming into force</i>	- -	<i>22nd March 1991</i>

The Secretary of State for the Environment, 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) (England) Order 1991 and shall come into force on 22nd March 1991.

(2) In this Order “the Act” means the Local Government Act 1988.

Application

2. This Order applies to the activity mentioned in section 2(2)(c) of the Act (other cleaning) if carried out by a defined authority mentioned in section 1(1) of the Act which has functions in England or if carried out in England 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. Where—

- (a) by virtue of article 3 of the Local Government Act 1988 (Defined Activities) (Exemptions) (England) Order 1988⁽²⁾ the activity to which this Order applies was not, in the case of the authority in question, treated as a defined activity in the financial year ending on 31 March 1991; and
- (b) that activity would, but for this Order, be treated as a defined activity in the case of that authority on 1st April 1991,

(1) 1988 c. 9.
(2) S.I. 1988/1372.

Status: This is the original version (as it was originally made).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

that activity shall not be treated as a defined activity so long as it is carried out before 1st August 1991.

22nd February 1991

Michael Heseltine
Secretary of State for the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

Under Part 1 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) (England) Order 1988 (“the 1988 Order”) exempts an activity from the requirements of Part I where the estimated gross cost to a particular authority of carrying it out in the previous financial year does not exceed £100,000.

This Order exempts from the requirements of Part I the activity of “other cleaning” (as defined in paragraph 3 of Schedule 1 to the 1988 Act) where, 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, so long as the activity is carried out before 1st August 1991.