
STATUTORY INSTRUMENTS

1992 No. 1626

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Act 1988 (Defined Activities) (Exemption) (Small Schools) Order 1992

<i>Made</i>	- - - -	<i>3rd July 1992</i>
<i>Laid before Parliament</i>		<i>10th July 1992</i>
<i>Coming into force</i>	- -	<i>1st August 1992</i>

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 2(9) and 15(5) and (7) of the Local Government Act 1988(1), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemption) (Small Schools) Order 1992 and shall come into force on 1st August 1992.

(2) In this Order—

“the Act” means the Local Government Act 1988;

“the relevant exemption order” in relation to an authority in England means the Local Government Act 1988 (Defined Activities) (Exemptions) (England) Order 1988(2), and in relation to an authority in Wales means the Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) Order 1988(3);

“relevant work” means work which would, but for this Order, fall within either of the defined activities mentioned in paragraphs (b) (cleaning of buildings) or (f) (maintenance of ground) of section 2(2) of the Act;

and for the purposes of this Order a full-time employee is an employee whose average weekly working hours (including any overtime worked) over the year do not exceed the standard working week for a full-time employee as specified for the time being by the National Joint Council for Local Authorities' Services (Manual Workers).

(1) 1988 c. 9.
(2) S.I.1988/1372.
(3) S.I. 1988/1469.

Exemption

2. Subject to article 4, relevant work carried out by a local education authority in any financial year shall not be treated as a defined activity so long as each of the conditions set out in article 3 is fulfilled.

The conditions

3.—(1) The first condition is that the relevant work is carried out on the premises of a school conducted by a governing body to whom the authority have for the time being delegated the management of the school's budget share in accordance with Chapter III of Part I of the Education Reform Act 1988(4).

(2) The second condition is that, before the beginning of the financial year in question, the authority have estimated that not more than the equivalent of three full-time employees will be required to carry out, on the premises of that school and in that year—

- (a) any relevant work; and
- (b) any work which would be relevant work were it not for section 2(6) of the Act or article 4 of the relevant exemption order.

(3) The third condition is that the authority have made the estimate referred to in paragraph (2), and after having regard to—

- (a) the advice of the governing body of the school concerned; and
- (b) the number of persons required to carry out the relevant work concerned in previous years.

Transitional

4. In relation to relevant work carried out in the financial year beginning in 1992, this Order shall have effect as if, in article 3(2)—

- (a) for the words “before the beginning of the financial year in question” there were substituted the words “before the work is treated by virtue of this Order as not being a defined activity”; and
- (b) for the words “in that year” there were substituted the words “in the financial year beginning in 1993”.

3rd July 1992

Michael Howard
Secretary of State for the Environment

3rd July 1992

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

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

This Order, which applies in England and Wales, exempts from the requirements of Part I in any financial year building cleaning and ground maintenance work (as defined in paragraphs 2 and 6 of Schedule 1 to the 1988 Act) so long as the work is carried out by a local education authority at a school with a delegated budget (under Chapter III of Part I of the Education Reform Act 1988) and so long as the authority have estimated that no more than the equivalent of three full-time employees will be required to carry out the work in that year. Article 4 makes transitional provision for work carried out in 1992/3.

A full-time employee is defined as one whose average weekly working hours (including overtime) do not exceed the standard working week specified for the time being by the National Joint Council for Local Authorities' Services (Manual Workers). This is currently 39 hours.