
STATUTORY INSTRUMENTS

1996 No. 3179

LOCAL GOVERNMENT, ENGLAND AND WALES
WALES

**The Local Government Act 1988 (Defined Activities)
(Exemptions) (Wales) (Amendment) Order 1996**

Made - - - - *16th December 1996*
Laid before Parliament *19th December 1996*
Coming into force - - *14th January 1997*

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 and Commencement

1. This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) (Amendment) Order 1996 and shall come into force on 14th January 1997.

Interpretation

2. In this Order, “the 1994 Order” means the Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) Order 1994(2).

Amendments to the 1994 order

3.—(1) Article 4 of the 1994 Order (defined activity exemption conditions) shall be amended in accordance with the following provisions of this article.

(2) For paragraph (1), substitute the following paragraph—

“(1) Subject to paragraphs (4) and (5), during the period beginning with 1st April 1994 and ending on 30th September 1997 none of the activities mentioned in section 2(2) of the Act shall be treated as a defined activity if carried out during that period by a defined authority to which this Order applies, so long as any one of the conditions specified in paragraph (2) is fulfilled.”.

(1) 1988 c. 9.

(2) S.I. 1994/339, amended by S.I. 1995/2996.

(3) For paragraph (4), substitute the following paragraph—

“For each of the defined authorities specified on column 1 of Part I of the Schedule to this Order, the period provided for in paragraph (1) shall, in respect of the defined activity specified opposite to the authority in column 2 of that Part of the Schedule, be treated as ending on 31st March 1997.”.

(4) After paragraph (4), add the following paragraph—

“(5) For each of the defined authorities specified in column 1 of Part II of the Schedule to this Order, the period provided for in paragraph (1) shall, in respect of the defined activities specified opposite to the authority in column 2 of that Part of the Schedule, be treated as ending on 30th June 1997.”.

4. For the Schedule to the 1994 Order, there shall be substituted the following Schedule—

“SCHEDULE

article 4(4) and (5)

PART I

Competitive tendering exemption period ending on 31 March 1997

(1) <i>Defined Authority</i>	(2) <i>Defined Activity</i>
Isle of Anglesey County Council ⁽³⁾	Collection of refuse
Blaenau Gwent County Borough Council	Collection of refuse
Bridgend County Borough Council	Collection of refuse
Ceredigion County Council ⁽⁴⁾	Collection of refuse
Monmouthshire County Council	Collection of refuse
Newport County Borough Council	Collection of refuse
The Vale of Glamorgan County Borough Council	Collection of refuse
Wrexham County Borough Council	Collection of refuse
A joint committee continued in existence by virtue of section 59(12) of the Local Government (Wales Act 1994) ⁽⁵⁾	All defined activities

PART II

Competitive tendering exemption period ending on 30th June 1997

(1) <i>Defined Authority</i>	(2) <i>Defined Activity</i>
Merthyr Tydfil County Borough Council	Collection of refuse; other cleaning

⁽³⁾ On 2nd April 1996 the name of the county of Anglesey was changed to Isle of Anglesey.

⁽⁴⁾ On 2nd April 1996 the name of the county of Cardiganshire was changed to Ceredigion.

⁽⁵⁾ 1994 c. 19.

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

(1) <i>Defined Authority</i>	(2) <i>Defined Activity</i>
Torfaen County Borough Council	Collection of refuse; other cleaning”.

Revocation

5. The Local Government Act 1988 (Defined Activities, Exemptions) (Wales) (Amendment) Order 1995(6) is revoked.

Signed by authority of the Secretary of State for Wales

16th December 1996

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

(6) S.I. 1995/2996.

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)

The Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) Order 1994 (S.I.1994/339), as amended by S.I. 1995/2996, provides an exemption from the competition requirements of Part I of the Local Government Act 1988 for the new Welsh County and County Borough Councils during the period of local government reorganisation. Generally, the exemption provided for by the 1994 Order is to continue until 30 September 1997, although for certain councils in respect of certain defined activities the exemption period is only until 31 March 1997

Articles 3 and 4 of this Order amend the 1994 Order. Article 3 substitutes new paragraphs (1) and (4) of, and adds a new paragraph (5) to, article 4 of the 1994 Order, while article 4 substitutes a new Schedule to that Order. These extend the exemption period for Powys County Council ('catering for purposes of schools and welfare') and for the County Council of the City and County of Cardiff ('collection of refuse') until 30 September 1997. They also change the exemption period for Merthyr Tydfil and Torfaen County Borough Council in relation to the 'collection of refuse' and 'other cleaning'. The new exemption period for both those activities in respect of those councils will now end on 30 June 1997, (instead of 31 March 1997 for 'collection of refuse' and instead of 30 September 1997 for 'other cleaning'). Article 5 revokes the Local Government Act 1988 (Defined Activities, Exemptions) (Wales) (Amendment) Order 1995 (S.I. 1995/2996)