
STATUTORY INSTRUMENTS

1997 No. 2733

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Act 1988 (Defined Activities)
(Housing Management and Security Work)
(Exemptions) (England) (Amendment) Order 1997**

Made - - - - *17th November 1997*
Laid before Parliament *21st November 1997*
Coming into force - - *12th December 1997*

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 application

1.—(1) This Order may be cited as the Local Government Act 1988 (Defined Activities) (Housing Management and Security Work) (Exemptions) (England) (Amendment) Order 1997 and shall come into force on 12th December 1997.

(2) This Order applies in relation to defined authorities in England only.

Amendment of the Local Government Act 1988 (Defined Activities) (Housing Management and Security Work) (Exemptions) (England) Order 1997

2.—(1) The Local Government Act 1988 (Defined Activities) (Housing Management and Security Work) (Exemptions) (England) Order 1997(2) is amended—

(a) in article 2 (housing management)—

(i) in paragraph (1), by the omission of the definition of “relevant year”; and

(ii) by the substitution of the following for paragraphs (2) and (3)—

“(2) In each financial year commencing with that beginning on 1st April 1999, housing management carried out by a defined authority shall not be treated as a

(1) 1988 c. 9.
(2) S.I. 1997/176.

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defined activity so long as, on the 31st March immediately preceding the beginning of the year in question, the authority's housing stock is not more than 4,000.”⁽³⁾;

(b) by the omission of article 3 (security work); and

(c) by the insertion, at the end of article 4 (revocations), of the words “with effect from 1st April 1999”.

Signed by authority of the Secretary of State for the Environment

Hilary Armstrong
Minister of State,

Department of the Environment, Transport and
the Regions

17th November 1997

(3) See the definition of “financial year” in section 3(5) of the Local Government Act 1988.

EXPLANATORY NOTE

(This note is not part of the Order)

The Local Government Act 1988 (Defined Activities) (Housing Management and Security Work) (Exemptions) (England) Order 1997 exempted the defined activity of housing management from the competition requirements of Part I of the Local Government Act 1988 (“the competition requirements”) so long as the condition specified in the Order was fulfilled. For the twelve months beginning on 1st August 1998 the condition was to be that an authority’s housing stock did not exceed 4,000 on 1st July 1998. For later years the condition was to be that an authority’s housing stock did not exceed 2,500 on the immediately preceding 1st July.

This Order substitutes 1st April 1999 for 1st August 1998 as the date from which the housing stock of a defined authority in England is the criterion for determining whether that authority’s housing management is exempt from the competition requirements. It also secures that the exemption applies in respect of a financial year beginning on or after 1st April 1999 so long as the number of houses provided by the authority under Part II of the Housing Act 1985⁽⁴⁾ (excluding flats in relation to which the right to buy has been exercised and hostels) as at the 31st March of the immediately preceding financial year is not more than 4,000.

The Order also revokes a provision which, had it taken effect, would have replaced the second condition of the exemption from the defined activity of security work provided for by the Local Government Act 1988 (Security Work) (Exemption) (England) Order 1995 (S.I. [1995/2074](#)). That condition, which now continues to have effect, requires the employee to carry out the greater part of his work in relation to a controlled place (as defined in article 2(2)(a) of the Order).

The exemption for the defined activity of housing management provided for by the Local Government Act 1988 (Defined Activities) (Exemptions) (England) Order (S.I. [1988/1372](#), as amended by S.I. [1990/1565](#) and [1994/2296](#)), is revoked with effect from 1st April 1999. (That exemption is conditional and is concerned with the estimated gross cost of the defined activity for the financial year immediately preceding the one in question.)

(4) [1995 c. 68](#).