
STATUTORY INSTRUMENTS

1997 No. 2748

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Act 1988 (Defined Activities) (Exemptions) (Schools) Order 1997

<i>Made</i>	- - - -	<i>18th November 1997</i>
<i>Laid before Parliament</i>		<i>21st November 1997</i>
<i>Coming into force</i>		
<i>in relation to authorities in England:</i>		
<i>— for the purposes of the activities specified in section 2(2)(a) to (i) of the Local Government Act 1988</i>		<i>12th December 1997</i>
<i>— for the purposes of the activities specified in section 2(2)(j) and (k) of that Act</i>		<i>1st October 1998</i>
<i>— for the purposes of the activities specified in section 2(2)(l) and (n) of that Act</i>		<i>1st January 1999</i>
<i>— for the purposes of the activity specified in section 2(2)(m) of that Act</i>		<i>1st April 1999</i>
<i>in relation to authorities in Wales</i>		<i>12th December 1997</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:

(1) 1988 c. 9.

Citation, commencement, and application

1.—(1) This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemptions) (Schools) Order 1997 and shall come into force—

(a) in relation to authorities in England—

- (i) for the purposes of the activities specified in section 2(2)(a) to (i) of the Local Government Act 1988, on 12th December 1997;
- (ii) for the purposes of the activities specified in section 2(2)(j) and (k) of that Act, on 1st October 1998;
- (iii) for the purposes of the activities specified in section 2(2)(l) and (n) of that Act, on 1st January 1999; and
- (iv) for the purposes of the activity specified in section 2(2)(m) of that Act, on 1st April 1999; and

(b) in relation to authorities in Wales, on 12th December 1997.

(2) Where, as regards particular work comprised within an activity mentioned in paragraph (1), a notice has been published by the authority which intends to carry out the work (in accordance with subsection (1) of section 7 (the conditions) of the Local Government Act 1988) before the date specified in that paragraph as the date on which this Order comes into force for the purposes of that activity and as regards that authority, this Order does not apply to that work.

Exemption

2. An activity specified in any of paragraphs (a) to (n) of subsection (2) of section 2 (defined activities) of the Local Government Act 1988(2), if carried out by a defined authority, shall not be treated as a defined activity so long as it is so carried out for or on behalf of a school maintained by a defined authority.

Revocation and saving

3.—(1) Subject to paragraph (2), the Local Government Act 1988 (Defined Activities) (Exemption) (Small Schools) Order 1992(3) is hereby revoked.

(2) The exemption for which the Order revoked by paragraph (1) provides shall continue to have effect in relation to any relevant work (within the meaning of that Order) to which this Order does not apply.

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

(2) Section 2(2) is amended by S.I. 1989/2488, 1994/1671, 2884 and 2888 and 1995/1915.

(3) S.I. 1992/1626.

Signed by authority of the Secretary of State for Wales

18th November 1997

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

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 (competition) of the Local Government Act 1988 (“the 1988 Act”) 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 of the 1988 Act each of the activities specified in section 2(2) of that Act so long as the activity is carried out by a defined authority for or on behalf of a school maintained by such an authority.

The exemption applies, in relation to defined authorities in Wales, from 12th December 1997, and, in relation to defined authorities in England, from the various dates specified, according to the activity in question, in article 1(1)(a). The exemption does not apply where the authority have, before the relevant date, given public notice under the 1988 Act that the work is to be carried out.

The Local Government Act 1988 (Defined Activities) (Exemption) (Small Schools) Order 1992 is revoked by article 3 of the Order, subject to a saving for work exempted by that Order (cleaning of buildings and maintenance of grounds at certain small schools) which is not exempted by this Order.