STATUTORY INSTRUMENTS

1997 No. 560

LOCAL GOVERNMENT, ENGLAND AND WALES

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

Made - - - - 4th March 1997

Laid before Parliament 6th March 1997

Coming into force - - 27th March 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 and commencement

1. This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemptions) (England) Order 1997 and shall come into force on 27th March 1997.

Interpretation and application

2.—(1) In this Order—

"trunk road" has the same meaning as in the Highways Act 1980(2); and

"trunk road connected land" means land which does not form part of a trunk road but which has been acquired in connection with a trunk road under section 239(2) or (4) or section 246 of that Act.

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

Exemption of defined activities

3. None of the activities mentioned in section 2(2) of the Local Government Act 1988(3) shall be treated as a defined activity so long as the work which would (apart from this Order) fall within such an activity is carried out by a local authority pursuant to—

^{(1) 1988} c. 9.

^{(2) 1980} c. 66; for "trunk road", see section 329.

⁽³⁾ Section 2(2)(ee) was inserted by S.I.1989/2488; section 2(2)(h) was inserted by S.I. 1994/1671; section 2(2)(ff), (g) and (gg) were substituted, and section 2(2)(i) and (j) inserted, by S.I. 1994/2884; section 2(2)(k) was inserted by S.I. 1994/2888 and section 2(2)(l), (m) and (n) were inserted by S.I. 1995/1915.

- (a) an agreement made under section 5 (agreement for local highway authority to maintain and improve certain highways constructed or to be constructed by the Minister) or section 6 (delegation etc. of functions with respect to trunk roads) of the Highways Act 1980; or
- (b) an agreement made under section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities)(4) with respect to a trunk road or trunk road connected land.

Signed by authority of the Secretary of State

Department of the Environment 4th March 1997

Paul Beresford Parliamentary Under-Secretary of State,

^{(4) 1970} c. 39; see S.I. 1996/342 and 1814 for persons who are public bodies by virtue of section 1(5) of this Act for the purposes of agreements relating to trunk roads and trunk road connected land.

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

This Order exempts from the requirements of Part I work carried out by a local authority in England pursuant to agreements made under section 5 or 6 of the Highways Act 1980 and agreements made under section 1 of the Local Authorities (Goods and Services) Act 1970 with respect to trunk roads and trunk road connected land.