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STATUTORY INSTRUMENTS

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**1998 No. 2188**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Act 1988 (Defined Activities)  
(Exemptions) (Wales) (Amendment) Order 1998**

<i>Made</i>	- - - -	<i>1st September 1998</i>
<i>Laid before Parliament</i>		<i>9th September 1998</i>
<i>Coming into Force</i>	- -	<i>30th September 1998</i>

The Secretary of State for Wales, in exercise of the powers conferred upon him by sections 2(9) and 15(5) and (7) of the Local Government Act 1988<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) (Amendment) Order 1998 and shall come into force on 30th September 1998.

(2) In this Order,

“the 1994 Order” means the Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) Order 1994<sup>(2)</sup>.

**Amendments of the 1994 Order**

2.—(1) The 1994 Order shall be amended in accordance with the following provisions of this article.

(2) In article 4(1) (defined activity exemption conditions)—

(a) for “Subject to paragraphs (4) and (5),” substitute “Except in a case to which article 5(1) applies,”;

(b) in sub-paragraph (a) for “31st March 1999” substitute “31st March 2000”; and

(c) in sub-paragraph (b) for “31st May 1999” substitute “31st May 2000”.

(3) Omit paragraphs (4) and (5).

(4) After article 4 add the following—

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(1) 1988 c. 9.

(2) S.I. 1994/339 amended by S.I. 1996/3179 and S.I. 1997/1698.

“5.—(1) This paragraph applies in relation to work carried out—

- (a) after 31st March 1997 by a defined authority specified in column (1) of Part I of the Schedule to this Order; and
- (b) after 31st May 1997 by a defined authority specified in column (1) of Part II of that Schedule,

in respect of a defined activity specified opposite the name of that authority in column (2) of the said Part I or, as the case may be, Part II.

(2) In relation to a case to which paragraph (1) applies, during the period beginning with 1st October 1998 and ending on 31st March 2000 such an activity shall not be treated as a defined activity if carried out during that period by such authority so long as any one of the conditions specified in paragraph (3) is fulfilled.

(3) The conditions mentioned in paragraph (2) are—

- (a) that the work to be carried out is not work in respect of which the Secretary of State has, during the period beginning with 1st April 1997 and ending on 30th September 1998, served a notice under section 13(2) of the Act or given a direction under section 14(2) of the Act;
- (b) that, notwithstanding a failure to meet the conditions specified in the preceding subparagraph (a) by reason of the service of a notice under section 13(2) of the Act, the Secretary of State has consented to the defined authority entering into a works contract, or carrying out functional work, in respect of the work in question;
- (c) that, in any case where a direction under section 14(2) of the Act has been given in respect of the work to be carried out within the terms of sub-paragraph (a) above, the Secretary of State has given a further direction under section 14(3)(a) or (c) of the Act, with the effect that the work to be carried out is no longer subject to any prohibition.”

(5) The Schedule to this Order substitutes a new Schedule to the 1994 Order.

### **Revocation**

**3.** The Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) (Amendment) Order 1996, so far as not revoked, is revoked<sup>(3)</sup>.

Signed by authority of the Secretary of State for Wales

1st September 1998

*Jon Owen-Jones,*  
Parliamentary Under Secretary of State, Welsh  
Office

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(3) S.I. [1996/3179](#). Article 3(2) of that Order was impliedly revoked by S.I. [1997/1698](#).

SCHEDULE

Article 2(6)

For the Schedule to the 1994 Order substitute—

“Schedule

article 5(1)

Part I

(1) <i>Defined Authority</i>	(2) <i>Defined Activity</i>
Isle of Anglesey County Council	Collection of refuse
Blaenau Gwent County Borough Council	Collection of refuse
Bridgend County Borough Council	Collection of refuse
Ceredigion County Council	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(4)	Collection of refuse; cleaning of buildings; other cleaning; catering for purposes of schools and welfare; other catering; managing sports and leisure facilities; maintenance of ground; and repair and maintenance of vehicles(5)

Part II

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

(4) 1994 c. 19.

(5) These are the defined activities specified in section 2(2)(a)–(e), (ee), (f) and (g) of the Local Government Act 1988. Section 2(2)(ee) was inserted by S.I. 1989/2488.

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

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## 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. 1996/3179 and S.I. 1997/1698) (“the 1994 Order”) provides an exemption from the competition requirements of Part I of the Local Government Act 1988 (Competition) for Welsh county councils, county borough councils, combined fire authorities and certain joint committees thereof in relation to certain defined activities within section 2(2) of that Act. The 1994 Order was applied to Welsh National Park authorities by S.I. 1995/2803, Schedule 8 para. 2.

Article 2 of the present Order amends the 1994 Order as follows:–

- (a) paragraph (2) amends article 4(1) to extend in relation to other Welsh authorities, the exemption period from 31st March 1999 to 31st March 2000 in relation to refuse collection, other cleaning, maintenance of ground and the repair and maintenance of vehicles and from 31st May 1999 to 31st May 2000, in relation to cleaning of buildings, catering for purposes of schools and welfare, other catering and managing sports and leisure facilities;
- (b) paragraph (3) omits article 4(4) and (5). This is in consequence of the new article 5 inserted into the 1994 Order (see paragraph (c) below);
- (c) paragraph (4) adds a new article 5 which, in effect, provides a new exemption for certain county and county borough councils and certain joint committees in relation to certain defined activities in relation to the period from 1st October 1998 until 31st March 2000 provided that one of the conditions specified in article 5(3) is met;
- (d) paragraph (5) and the Schedule substitutes a new Schedule to the 1994 Order specifying the county and county borough councils and the joint committees and the defined activities to which article 5 applies.

Article 3 makes a consequential revocation of S.I. 1996/3179.