

## SCHEDULES

### SCHEDULE 1

Article 4.

#### COMPETITION

##### *Collection of refuse*

1.—(1) The following (and only the following) fall within Article 4(1)(a)—

- (a) the collection of household waste;
- (b) the collection of commercial waste.

(2) In this paragraph “household waste” means anything (other than sewage) which is for the time being household waste for the purposes of Article 14 of the Pollution Control and Local Government (Northern Ireland) Order 1978(1); “commercial waste” means anything (other than sewage) which is for the time being commercial waste for those purposes; “sewage” has the same meaning as in Article 2 of the Water and Sewerage Services (Northern Ireland) Order 1973(2).

##### *Cleaning of buildings*

2.—(1) Subject to sub-paragraph (2), the cleaning of the windows of any building (whether inside or outside) and the cleaning of the interior of any building fall within Article 4(1)(b).

(2) The following do not fall within Article 4(1)(b)—

- (a) the cleaning of the exterior (which here excludes windows) of any building;
- (b) the cleaning of the administrative headquarters of any district council.

##### *Other cleaning*

3.—(1) The following (and only the following) fall within Article 4(1)(c)—

- (a) the removal of litter from any land;
- (b) the emptying of litter bins;
- (c) the cleaning (by sweeping or otherwise) of any street;
- (d) the cleaning of street name plates.

(2) In this paragraph—

“litter” includes leaves but not derelict vehicles, derelict vessels or scrap metal;

“litter bin” means a receptacle provided in a street for refuse or litter;

“street” has the same meaning as in the Public Health (Ireland) Act 1878(3).

##### *Catering*

4. The following (and only the following) fall within Article 4(1)(d)—

- (a) providing ingredients for, and preparing and serving, meals;

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(1) 1978 NI 19

(2) 1973 NI 2

(3) 1878 c. 52

*Status: This is the original version (as it was originally made).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

- (b) providing refreshments.

### *Maintenance of ground*

5.—(1) Subject to sub-paragraph (2), the following (and only the following) fall within Article 4(1)(e)—

- (a) cutting and tending grass (including re-turfing and re-seeding but not initial turfing or seeding);
- (b) planting and tending trees, hedges, shrubs, flowers and other plants (but excluding landscaping any area);
- (c) controlling weeds.

(2) An activity does not fall within Article 4(1)(e) if its primary purpose is research or securing the survival of any kind of plant.

### *Repair and maintenance of vehicles*

6.—(1) Subject to sub-paragraph (2), the repair and the maintenance of any motor vehicle or trailer fall within Article 4(1)(f).

(2) The repair of damage caused by an accident does not fall within Article 4(1)(f).

(3) In this paragraph

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads or otherwise on land;

“trailer” means a vehicle intended or adapted to be drawn by a motor vehicle.

### *Managing sports and leisure facilities*

7.—(1) Subject to sub-paragraph (2), managing any of the following facilities, including any of those facilities provided in sports centres or leisure centres or on other premises where facilities not mentioned in this sub-paragraph are also provided, falls within Article 4(1)(g)—

- (a) swimming pools, skating rinks, gymnasia;
- (b) tennis courts, squash courts, badminton courts, pitches for team games, athletics grounds;
- (c) tracks and centres for bicycles (whether motorised or not), golf courses, putting greens, bowling greens, bowling centres, bowling alleys;
- (d) riding centres, courses for horse racing, artificial ski slopes, centres for flying, ballooning or parachuting and centres for boating or water sports on inland or coastal waters.

(2) Managing any of the facilities described in sub-paragraph (1) provided on premises not predominantly used for sport or physical recreation shall not fall within Article 4(1)(g).

(3) For the purposes of this paragraph, without prejudice to the generality of the term, “managing” includes arranging—

- (a) for instruction in the sport or other physical recreational activity provided;
- (b) for supervision of the sport or activity;
- (c) catering;
- (d) the hiring out of equipment for use at the facility;
- (e) the marketing and promotion of the facility;
- (f) the taking of bookings;
- (g) the collection of, and accounting for, fees and charges;

- (h) the physical security of the premises;
  - (i) the cleaning and proper maintenance of the facility other than the external parts of buildings; and also includes assuming responsibility for heating, lighting and other service charges in relation to the facility. Construction and maintenance work

**8.—(1)** Subject to sub-paragraph (2), building or engineering work involved in the construction, improvement, maintenance or repair of buildings and other structures or in the laying out, construction, improvement, maintenance or repair of land falls within Article 4(1)(h).

(2) The following do not fall within Article 4(1)(h)—

- (a) work relating to parks, gardens, playing fields, open spaces or allotments, except to the extent that the work relates to a building or structure;
- (b) the routine maintenance of a specific building or structure or of specific buildings or structures by a person employed wholly or mainly for that purpose;
- (c) work undertaken by a council authorised by any statutory provision to carry on a dock or harbour undertaking if that work is undertaken for the purposes of or in connection with that undertaking.

(3) For the purpose of sub-paragraph (2)(b) a person shall be treated as employed mainly for the purpose referred to in that sub-paragraph if he is employed for that purpose and also to do security work or cleaning work in relation to the building or buildings or structure or structures concerned.