

## SCHEDULES

### SCHEDULE 1

#### COMPETITION

##### *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;

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- (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.