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*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1988, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1 **E+W+S**

Section 2.

#### COMPETITION

##### *Collection of refuse*

- 1 (1) <sup>F1F2</sup>... The following (and only the following) fall within section 2(2)(a) above—
- (a) the collection of household waste, and
  - (b) the collection of commercial waste.
- (2) In sub-paragraph (1) above—
- (a) household waste means anything (other than sewage) which is for the time being household waste for the purposes of [<sup>F3</sup>section 45 of the Environmental Protection Act 1990], and
  - (b) commercial waste means anything (other than sewage) which is for the time being commercial waste for those purposes.
- (3) In sub-paragraph (2) above “sewage” has the same meaning as in [<sup>F4</sup>section 75(8) of the Environmental Protection Act 1990].
- <sup>F5F6</sup>(4) .....

#### Textual Amendments

- F1** Words in Sch. 1 para. 1(1) omitted (1.5.1994) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), ss. 162(1), 164(3), [Sch. 15 para. 27\(a\)](#); S.I. 1994/1096, [art. 2\(1\)](#) and expressed to be repealed (*prosp.*) by 1990 c. 43, s. 162(2), [Sch. 16 Pt. II](#)
- F2** Words in Sch. 1 para. 1(1) repealed (1.4.2015 for S.) by [Environmental Protection Act 1990 \(c. 43\)](#), s. 164(3), [Sch. 16 Pt. 2](#); S.S.I. 2015/72, [art. 2\(2\)\(c\)\(i\)](#)
- F3** Words in Sch. 1 para. 1(2)(a) substituted (1.5.1994) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 27\(b\)](#); S.I. 1994/1096, [art. 2\(1\)](#)
- F4** Words in Sch. 1 para. 1(3) substituted (1.5.1994) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 27\(c\)](#); S.I. 1994/1096, [art. 2\(1\)](#)
- F5** Sch. 1 para. 1(4) repealed (1.4.2015 for S.) by [Environmental Protection Act 1990 \(c. 43\)](#), s. 164(3), [Sch. 16 Pt. 2](#); S.S.I. 2015/72, [art. 2\(2\)\(c\)\(ii\)](#)
- F6** Sch. 1 para. 1(4) omitted (1.5.1994) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), 164(3), [Sch. 15 para. 27\(d\)](#); S.I. 1994/1096, [art. 2\(1\)](#) and expressed to be repealed (*prosp.*) by 1990 c. 43, s. 162(2), [Sch. 16 Pt. II](#)

##### *Cleaning of buildings*

- 2 (1) The cleaning of the windows of any building (whether inside or outside) and the cleaning of the interior of any building fall within section 2(2)(b) above.
- (2) But the following do not fall within section 2(2)(b) above—

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- (a) the cleaning of the exterior (which here excludes windows) of any building;
  - (b) the cleaning of the windows or interior of a dwelling, residential establishment or [<sup>F7</sup>regional police establishment].
- (3) In sub-paragraph (2) above “dwelling” means a building or part of a building occupied as a person’s home or as other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied.
- (4) In sub-paragraph (2) above “residential establishment” means (except in relation to Scotland) a building or part of a building in which residential accommodation is provided under—
- (a) section 21 or 29 of the National Assistance Act 1948,
  - (b) <sup>F8</sup> . . . , or
  - [<sup>F9</sup>(c) section 53 of the Children Act 1989.]
- (5) In sub-paragraph (2) above “residential establishment”, in relation to Scotland, has the same meaning as in the <sup>M1</sup>Social Work (Scotland) Act 1968.
- [<sup>F10</sup>(6) In sub-paragraph (2) above “regional police establishment” means a building or part of a building which, in pursuance of an agreement under section 13 of the Police Act 1964 <sup>F11</sup> or section 12 of the Police (Scotland) Act 1967 <sup>F12</sup>, is used by two or more police forces for the joint discharge by them of functions relating to the investigation of crime.]

#### Textual Amendments

- F7** Words in Sch. 1 para. 2(2)(b) substituted (20.8.1995) by S.I. 1995/1915, art. 3(1)
- F8** Words in Sch. 1 para. 2(4)(b) repealed (1.4.1993) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), Sch. 10; S.I. 1992/2975, art. 2 (2), Sch.
- F9** Sch. 1 para. 2(4)(c) substituted (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5), Sch. 13 para. 72; S.I. 1991/828, art. 3(2)
- F10** Sch. 1 para. 2(6) substituted (20.8.1995) by S.I. 1995/1915, art. 3(2)
- F11** 1964 c.48. Section 13 is amended by paragraph 2 of Schedule 5 to the Police and Magistrates's Courts Act 1994 (c.29).
- F12** 1967 c.77.

#### Marginal Citations

- M1** 1968 c. 49.

#### *Other cleaning*

- 3 (1) The following (and only the following) fall within section 2(2)(c) above—
- (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 emptying of gullies;
  - (e) the cleaning of traffic signs and street name plates.
- (2) In sub-paragraph (1) above—  
“gullies” includes catchpits and interceptors;

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

“litter bin” (except in relation to Scotland) means a receptacle provided in a street or public place for refuse or litter, and (in relation to Scotland) has the same meaning as in section 7 of the Litter Act 1983;

“street” (except in relation to Scotland) has the meaning given by section 329(1) of the <sup>M2</sup>Highways Act 1980, and (in relation to Scotland) means a road as defined in section 25(3) of the <sup>M3</sup>Local Government and Planning (Scotland) Act 1982;

“traffic sign” has the meaning given by section 64(1) of the <sup>M4</sup>Road Traffic Regulation Act 1984 except that it does not include a line or mark on a road.

#### Marginal Citations

**M2** 1980 c. 66.

**M3** 1982 c. 43.

**M4** 1984 c. 27.

#### *Catering: schools and welfare*

- 4 (1) The following (and only the following) fall within section 2(2)(d) above—
- (a) providing ingredients for, and preparing, delivering and serving, meals for consumption in schools other than excepted schools;
  - (b) providing refreshments for consumption in schools other than excepted schools;
  - (c) providing ingredients for, and preparing and delivering, meals for consumption in residential establishments or day centres other than excepted establishments or centres;
  - (d) providing refreshments for consumption in residential establishments or day centres other than excepted establishments or centres;
  - (e) providing ingredients for, and preparing, meals for provision to persons in their own homes under section 45 of the Health Services and Public Health Act 1968, section 2(1)(g) of the <sup>M5</sup>Chronically Sick and Disabled Persons Act 1970, Part II of Schedule 9 to the <sup>M6</sup>Health and Social Services and Social Security Adjudications Act 1983 or section 12 of the <sup>M7</sup>Social Work (Scotland) Act 1968.
- (2) For the purposes of sub-paragraph (1) above a school is an excepted one if—
- (a) it is a special school or a school on whose premises all or some of the pupils reside,
  - (b) it is maintained by a local education authority or, in Scotland, it is under the management of an education authority, and
  - (c) meals are prepared on its premises.
- (3) For the purposes of sub-paragraph (1) above an establishment or centre is an excepted one if it is maintained by a local authority and meals are prepared on its premises; and “local authority” here has the same meaning as in section 1(1) above.
- (4) In this paragraph “residential establishment” has the same meaning as in paragraph 2 above.

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- (5) In this paragraph “day centre” means premises (other than residential premises) where facilities are provided under—
- (a) section 29 of the <sup>M8</sup>National Assistance Act 1948,
  - (b) section 45 of the <sup>M9</sup>Health Services and Public Health Act 1968,
  - (c) section 12 of the <sup>M10</sup>Social Work (Scotland) Act 1968,
  - (d) Schedule 8 to the <sup>M11</sup>National Health Service Act 1977, or
  - (e) Part II of Schedule 9 to the <sup>M12</sup>Health and Social Services and Social Security Adjudications Act 1983.

#### Marginal Citations

- M5** 1970 c. 44.  
**M6** 1983 c. 41.  
**M7** 1968 c. 49.  
**M8** 1948 c. 29.  
**M9** 1968 c. 46.  
**M10** 1968 c. 49.  
**M11** 1977 c. 49.  
**M12** 1983 c. 41.

#### *Other catering*

- 5 (1) The following (and only the following) fall within section 2(2)(e) above—
- (a) providing ingredients for, and preparing and serving, meals;
  - (b) providing refreshments.
- (2) But an activity does not fall within section 2(2)(e) above if—
- (a) the meals or refreshments are for consumption in schools, residential establishments, day centres, institutions of further education, or hostels in Scotland used mainly by pupils attending schools, or
  - (b) the activity falls within paragraph 4(1)(e) above.
- (3) In sub-paragraph (2) above “residential establishment” and “day centre” have the same meanings as in paragraph 4 above.
- (4) In sub-paragraph (2) above “institution of further education” means (except in relation to Scotland) an institution [<sup>F13</sup>which is maintained by a local education authority and provides higher education or further education (or both)].
- (5) In sub-paragraph (2) above “institution of further education” means, in relation to Scotland, an institution for the provision by an education authority of any form of further education within the meaning of section 135(1) of the <sup>M13</sup>Education (Scotland) Act 1980.

#### Textual Amendments

- F13** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 107**

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### Marginal Citations

M13 1980 c. 44.

#### *Maintenance of ground*

- 6 (1) Subject to sub-paragraph (2) below, the following (and only the following) fall within section 2(2)(f) above—
- (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 section 2(2)(f) above if its primary purpose is research or securing the survival of any kind of plant.

#### *Supervision of parking*

- [<sup>F14</sup>6A (1) The following (and only the following) fall within section 2(2)(ff) above—
- (a) the fixing or giving of penalty charge notices under section 66 of the 1991 Act;
  - (b) the fixing or removal, or authorising the fixing or removal, of immobilisation devices under section 69 of the 1991 Act;
  - (c) the removal, or the making of arrangements for the removal, of vehicles in pursuance of regulations under section 99 of the 1984 Act, where the removal is effected or arranged by parking attendants; and
  - (d) the making of arrangements for the custody, release or disposal of vehicles whose removal is effected or arranged as mentioned in paragraph (c) above.
- (2) In this paragraph—
- “the 1984 Act” means the Road Traffic Regulation Act 1984 <sup>F15</sup>;
- “the 1991 Act” means the Road Traffic Act 1991 <sup>F16</sup>;
- “parking attendant” has the same meaning as in section 63A of the 1984 Act <sup>F17</sup>.]

### Textual Amendments

F14 Sch. 1 para. 6A inserted (10.11.1994) by S.I. 1994/2884, art. 2(2)

F15 1984 c.27.

F16 1991 c.40.

F17 Section 63A is inserted by section 44(1) of the Road Traffic Act 1991.

#### *Repair and maintenance of vehicles*

- 7 (1) Subject to the following provisions of this paragraph, the repair and the maintenance of any motor vehicle or trailer fall within section 2(2)(g) above.
- (2) The repair of damage caused by an accident does not fall within section 2(2)(g).
- (3) Neither the repair nor the maintenance of a police vehicle falls within section 2(2)(g).

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- (4) In this paragraph “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads or otherwise on land.
- (5) In this paragraph “police vehicle” means (except in relation to Scotland) a vehicle used only in connection with the discharge of the police functions of an authority falling within section 1(1)(e) above or the Common Council of the City of London.
- (6) In this paragraph “police vehicle” means, in relation to Scotland, a vehicle used only in connection with the discharge of the functions of a police authority.
- (7) In this paragraph “trailer” means a vehicle intended or adapted to be drawn by a motor vehicle.

### *Management of vehicles*

- [<sup>F18</sup>7A (1) The following (and only the following) fall within section 2(2)(gg) above—
- (a) arranging for motor vehicles to be available to meet the requirements from time to time of a defined authority;
  - (b) securing that the statutory provisions relating to registration, licensing, safety and insurance are complied with as respects motor vehicles so made available and that the drivers of such vehicles are duly licensed; and
  - (c) arranging for the provision of fuel for, and the cleaning, repair and maintenance of, such vehicles.
- (2) In sub-paragraph (1) above references to motor vehicles do not include references to any which are to be used exclusively for the purposes of a defined authority’s functions as a police or fire authority.
- (3) In this paragraph references to motor vehicles include references to trailers; and “motor vehicle” and “trailer” have the same meanings as in paragraph 7 above.]

#### **Textual Amendments**

**F18** Sch. 1 para. 7A inserted (10.11.1994) by [S.I. 1994/2884](#), [art. 2\(2\)](#)

### *[<sup>F19</sup> Managing sports and leisure facilities*

#### **Textual Amendments**

**F19** Sch. 1 para. 8 added by [S.I. 1989/2488](#), [art. 2\(2\)](#)

- 8 (1) Subject to sub-paragraphs (2) and (3), 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 section 2(2)(ee) above—
- (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;

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- (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) shall not fall within section 2(2)(ee) above if the facilities are provided—
- (a) on premises not predominantly used for sport or physical recreation;
- (b) on premises occupied by educational institutions.
- (3) Managing any of the facilities described in sub-paragraph (1) shall not fall within section 2(2)(ee) above—
- (a) if that facility is provided—
- (i) in England or Wales under [<sup>F20</sup>section 508 of the Education Act 1996 (whether or not also provided under [<sup>F21</sup>section 15A or 15B] of that Act)] and whether or not also provided under section 19 of the Local Government (Miscellaneous Provisions) Act 1976; or
- (ii) in Scotland under section 6 or 17 of the Education (Scotland) Act 1980, whether or not also provided under section 15(2) of the Local Government and Planning (Scotland) Act 1982; and
- (b) (i) where the facility is on premises on which no other facility described in sub-paragraph (1) is provided, if educational institutions have used it exclusively in the immediately preceding financial year for more than 600 hours; or
- (ii) where the facility is on premises on which two or more of the facilities described in sub-paragraph (1) are provided, if educational institutions have used exclusively in the immediately preceding financial year facilities of at least half of the descriptions provided (whether concurrently or at different times) and the aggregate periods of their exclusive use in that year of the facilities so described exceeds 600 hours.
- (4) For the purposes of sub-paragraph (1), 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;
- (j) 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.
- (5) In this paragraph, “educational institutions”—
- in England and Wales, means schools which are [<sup>F22</sup>community, foundations or voluntary schools or community or foundation special schools]; and institutions for the provision of higher or further education, or both, which are either

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maintained by the local education authority or are substantially dependent for their maintenance on assistance from the local education authority; and in Scotland means public schools, or special schools, under the management of the education authority and any other institutions provided and maintained by the education authority for the provision of further education; and in England, Wales and Scotland, for the purposes of sub-paragraph (2)(b) only, includes nursery schools.]

#### Textual Amendments

- F20** Words in [Sch. 1 para. 8\(3\)\(a\)](#) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\)](#), [Sch. 37 Pt. I para. 68](#) (with [s. 1\(4\)](#))
- F21** Words in [Sch. 1 para. 8\(3\)\(a\)\(i\)](#) substituted (28.7.2000 for specified purposes, 1.4.2001 for E. for all other purposes and 1.4.2001 for W. for all other purposes) by [2000 c. 21, s. 149](#), [Sch. 9 para. 13](#) (with [s. 150](#)); [S.I. 2001/654, art. 2\(2\)](#), [Sch. Pt. II](#); [S.I. 2001/1274, art. 2\(1\)](#), [Sch. Pt. I](#)
- F22** Words in [Sch. 1 para. 8\(5\)](#) substituted (1.9.1999) by [1998 c. 31, s. 140\(1\)](#), [Sch. 30 para. 15](#); [S.I. 1999/2323, art. 2\(1\)](#), [Sch. 1](#)

#### Modifications etc. (not altering text)

- C1** [Sch. 1 para. 8](#) excluded (*temp.* from 5.4.1999 to 1.11.1999) by [S.I. 1999/777, art. 2](#)

#### Housing management

- [<sup>F239</sup> (1) Subject to paragraph (2), the following (and only the following) fall within section 2(2)(h) above—
- (a) dealing with applications for local authority housing once a property has been allocated to the applicant until immediately after the tenancy agreement has been entered into, and dealing with assignments under section 92 of the 1985 Act (assignments by way of exchange) or with assignments to another secure tenant by way of exchange under section 55 of the 1987 Act (assignment of secure tenancy) after the landlord has given his consent;
  - (b) informing local authority housing tenants of the terms of their tenancies and taking steps to enforce any such terms;
  - (c) collecting local authority housing rent and service charges, and service charge loan payments arising from such service charges, keeping a suitable record of the sums collected, collecting any arrears, negotiating an agreement for the payment of any arrears, and monitoring compliance with such an agreement;
  - (d) arranging for the vacating of local authority housing once a tenancy or licence has terminated;
  - (e) inspecting vacant property, assessing whether works are needed prior to the next letting, ensuring that any such works are carried out and reporting on progress to the landlord;
  - (f) taking steps to prevent vandalism and unlawful occupation of vacant property, including ensuring that any necessary works are carried out and reporting on progress to the landlord;
  - (g) taking steps to remove unlawful occupants from local authority housing;
  - (h) assessing the condition of the common parts of local authority housing, assessing the maintenance, repair, cleaning (including disinfection) and



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- clearance of such parts that is necessary, ensuring that any necessary works are carried out and reporting on progress to the landlord;
- (i) assessing requests for repairs to local authority housing, ensuring that any necessary works are carried out and reporting on progress to the landlord;
  - (j) carrying out inspections and surveys of local authority housing for the purposes of ascertaining—
    - (i) its physical condition or state of repair, or
    - (ii) whether or not such housing is occupied;
  - (k) assessing claims for compensation under regulations made under section 96 of the 1985 Act <sup>F24</sup> or section 60 of the 1987 Act <sup>F25</sup>(right to carry out repairs) and making recommendations to the landlord;
  - (l) assessing applications for payment—
    - (i) under regulations made under section 99A of the 1985 Act or section 58A of the 1987 Act (right to compensation for improvements) <sup>F26</sup>, or
    - (ii) under section 100 of the 1985 Act or section 58 of the 1987 Act (power to reimburse cost of work adding to value of property), and making recommendations to the landlord;
  - (m) operating reception and security services provided at the entrance to local authority housing; and
  - (n) taking action to control any disturbance in local authority housing or to resolve disputes between occupants, including dealing with such bodies (including appropriate dispute resolution agencies) as may be appropriate.
- (2) The activities described in sub-paragraphs (1)(a), (d), (g) and (j)(ii) do not fall within section 2(2)(h) above where they relate to a tenancy or prospective tenancy if—
- (a) the tenant is not an individual or, as the case may be, all the tenants are not individuals; or
  - (b) the tenancy is—
    - (i) a long tenancy within the meaning of section 115 of the 1985 Act,
    - (ii) a lease granted in pursuance of the right to acquire on rent to mortgage terms conferred by Part V of the 1985 Act,
    - (iii) a lease granted on payment of a premium calculated by reference to a percentage of the value of the demised premises or the cost of providing them, or
    - (iv) a lease under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference, direct or indirect, to the value of the demised premises.
- (3) In this paragraph—
- “the 1985 Act” means the Housing Act 1985 <sup>F27</sup>;
- “the 1987 Act” means the Housing (Scotland) Act 1987 <sup>F28</sup>;
- [<sup>F29</sup>“introductory tenancy” has the same meaning as in Chapter 1 of Part V of the Housing Act 1996;]
- “local authority housing” means housing accommodation provided by a local authority under Part II of the 1985 Act, or, as regards Scotland, under Part I of the 1987 Act, including—
- (i) garages, parking spaces and outhouses provided in connection with such housing accommodation and usually enjoyed with it, and

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- (ii) common parts of buildings containing two or more dwelling-houses, but excluding hostels as defined in section 622 of the 1985 Act or section 2(5) of the 1987 Act;
- “secure tenancy” has the same meaning as in section 79 of the 1985 Act or section 44 of the 1987 Act (secure tenancies);
- “service charge” means an amount payable by a tenant of premises which is payable, directly or indirectly, for services, repairs, maintenance or insurance or the landlord’s costs of management;
- “tenancy” has the same meaning as in section 621 of the 1985 Act or section 82 of the 1987 Act, and also includes a secure tenancy [<sup>F30</sup>and an introductory tenancy], and “tenant” shall be construed accordingly; and
- “vacant property” means housing accommodation provided by a local authority (including garages, parking spaces and outhouses provided in connection with such housing accommodation and usually enjoyed with it) which is unoccupied, whether by reason of the termination of a secure tenancy [<sup>F31</sup>or an introductory tenancy] or otherwise.]

#### Textual Amendments

- F23** Sch. 1 para. 9 inserted (23.6.1994) by S.I. 1994/1671, art. 2(2)
- F24** Section 96 was substituted by section 121 of the Leasehold Reform, Housing and Urban Development Act 1993 (c.28).
- F25** Section 60 was substituted by section 146 of the Leasehold Reform, Housing and Urban Development Act 1993
- F26** Section 99A was inserted by section 122 of the Leasehold Reform, Housing and Urban Development Act 1993; section 58A was inserted by section 147 of that Act; section 100 was amended by paragraph 16(1) and (2) of Schedule 3 to the Housing and Planning Act 1986 (c.63) and paragraph 66 of Schedule 11 to the Local Government and Housing Act 1989 (c.42).
- F27** 1985 c.68.
- F28** 1987 c.26.
- F29** Sch. 1 para. 9(3): definition of “introductory tenancy” inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 4(a)
- F30** Sch. 1 para. 9(3): words in definition of “tenancy” inserted (12.2.1997) by S.I. 1997/74, art. 2, para. 4(b)
- F31** Sch. 1 para. 9(3): words in definition of “vacant property” inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 4(c)

#### Security work

- [<sup>F32</sup>10 (1) The following (and only the following) fall within section 2(2)(i) above—
- (a) operating security controls in relation to persons entering or leaving land which is occupied by a defined authority or in which such an authority has an interest, or moving between different parts of such land; and
  - (b) operating security patrols in respect of such land.
- (2) In sub-paragraph (1) above the references to land which is occupied by a defined authority or in which such an authority has an interest do not include references to—
- (a) any library, museum or art gallery;
  - (b) any police establishment; or
  - (c) in the case of the references in paragraph (a), any dwelling or residential establishment.

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(3) In sub-paragraph (2) above the reference to a library, museum or art gallery is a reference to—

- (a) one maintained under the Public Libraries and Museums Act 1964<sup>F33</sup>; or
- (b) one established under the Public Libraries Consolidation (Scotland) Act 1887<sup>F34</sup>, or one to which that Act applies.

[ In sub-paragraph (2) above “police establishment” means a building or part of a<sup>F35</sup>(3A) building used by police for the performance of their functions (whether as a police station or police training establishment or otherwise).]

(4) In sub-paragraph (2) above<sup>F36</sup>. . ., “dwelling” and, subject to sub-paragraph (5) below, “residential establishment” have the same meanings as in paragraph 2(2) above.

(5) In sub-paragraph (2) above “residential establishment” includes, in relation to Scotland, a hostel provided under section 13 of the Education (Scotland) Act 1980<sup>F37</sup>.]

#### Textual Amendments

- F32** Sch. 1 para. 10 inserted (10.11.1994) by S.I. 1994/2884, art. 2(4)
- F33** 1964 c.75.
- F34** 1887 c.42.
- F35** Sch. 1 para. 10(3A) inserted (20.7.1995) by S.I. 1995/1915, art. 3(3)
- F36** Words in Sch. 1 para. 10(4) omitted (20.7.1995) by S.I. 1995/1915, art. 3(4)
- F37** 1980 c.44.

#### Legal services

[<sup>F38</sup>11 (1) The provision of legal services by legal staff falls within section 2(2)(j) above.

(2) For the purposes of sub-paragraph (1) above, without prejudice to the generality of the term, “legal services” includes—

- (a) legal advice to any of the following, namely—
  - (i) a defined authority or its elected members;
  - (ii) any committee or sub-committee of a defined authority, or any other group of persons which reports to such an authority, committee or sub-committee; and
  - (iii) any officer or department of a defined authority;
- (b) legal advice to any other person in relation to the discharge of any functions of a defined authority;
- (c) legal work in or in connection with any criminal or civil proceedings before any court or tribunal or at any inquiry;
- (d) conveyancing work in relation to property of any kind;
- (e) legal work in connection with any of the following, namely—
  - (i) contracts or agreements of any kind;
  - (ii) matters relating to property of any kind;
  - (iii) a defined authority’s insurance arrangements;

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- (iv) statutory orders, notices and byelaws and, in Scotland, management rules under sections 112 to 118 of the Civic Government (Scotland) Act 1982 <sup>F39</sup>; and
  - (v) local or personal Bills or, in Scotland, private legislation within the meaning of section 82 of the Local Government (Scotland) Act 1973 <sup>F40</sup>; and
  - (f) legal work in connection with the provision of a legal service for a defined authority otherwise than by a member of its own staff.
- (3) In sub-paragraph (1) above “legal staff” means any of the following, or any person under their management or control, namely—
- (a) solicitors, legal executives, barristers and advocates;
  - (b) licensed conveyancers within the meaning of the Administration of Justice Act 1985 <sup>F41</sup>; and
  - (c) qualified conveyancers within the meaning of section 23 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 <sup>F42</sup>.]

#### Textual Amendments

- F38** Sch. 1 para. 11 inserted (10.11.1994) by S.I. 1994/2884, art. 2(4)
- F39** 1982 c.45.
- F40** 1973 c.65.
- F41** 1985 c.61.
- F42** 1990 c.40.

#### *Construction and property services*

- [<sup>F43</sup>12 (1) The provision of construction and property services in connection with the development, maintenance or management of relevant land falls within section 2(2) (k) above.
- (2) For the purposes of sub-paragraph (1) above, “construction and property services” means services in any of the following fields, namely—
- (a) architecture (including landscape architecture);
  - (b) engineering;
  - (c) valuation;
  - (d) property management; and
  - (e) surveying (including quantity and building surveying), being services which fall within sub-paragraph (3) below and are not excluded by sub-paragraph (4) below.
- (3) Services fall within this sub-paragraph if they consist of or are provided for the purposes of, or in connection with, any of the following, namely—
- (a) the giving of advice to any of the following—
    - (i) a defined authority or its elected members;
    - (ii) any committee or sub-committee of a defined authority, or any other group of persons which reports to such an authority, committee or sub-committee; and
    - (iii) any officer or department of a defined authority;

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- (b) the giving of advice to any other person in relation to the discharge of any functions of a defined authority;
  - (c) the establishment and management of capital and revenue programmes for the development and maintenance of relevant land;
  - (d) the design and planning of development projects and maintenance work, including feasibility studies, investigatory work and the preparation of plans, costings and reports;
  - (e) the management of such projects and such work, including finance and contract management;
  - (f) the management of relevant land, excluding the management of local authority housing (as defined in paragraph 9 above); and
  - (g) the procuring, monitoring or supervision of, or the arranging of payment for, any services which fall within paragraphs (a) to (f) above and are provided for a defined authority by any person.
- (4) The following services are excluded by this sub-paragraph–
- (a) any services provided in pursuance of section 6 of the Highways Act 1980<sup>F44</sup> (delegation etc of functions with respect to trunk roads) or in pursuance of section 4 of the Roads (Scotland) Act 1984<sup>F45</sup> (agreements between authorities); and
  - (b) any services provided for the purposes of, or in connection with, sewerage functions carried out on behalf of sewerage undertakers in pursuance of arrangements entered into for the purposes of section 97 of the Water Industry Act 1991<sup>F46</sup>.
- (5) The following are “relevant land” for the purposes of this paragraph–
- (a) land which is occupied by a defined authority;
  - (b) land in which such an authority has or is seeking to acquire an interest;
  - (c) land for the maintenance or management of which such an authority assumes responsibility by agreement;
  - (d) highways for which such an authority is the highway authority and which are maintainable at the public expense; and
  - (e) public roads within the meaning of the Roads (Scotland) Act 1984 in relation to which such an authority is the local roads authority.]

#### Textual Amendments

**F43** Sch. 1 para. 12 inserted (11.11.1994) by S.I. 1994/2888, art. 2(2)

**F44** 1980 c. 66

**F45** 1984 c. 54

**F46** 1991 c. 56

### *FINANCIAL SERVICES*

- <sup>F47</sup>13 (1) The provision of services consisting of, or provided for the purposes of, or in connection with, any of the following, (and only the following) falls within section 2(2)(1) above, namely
- (a) financial advice to any of the following, namely—
    - (i) a defined authority or its elected members;

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- (ii) any committee or sub-committee of a defined authority, or any other group of persons which reports to such an authority, committee or sub-committee; and
  - (iii) any officer or department of a defined authority;
  - (b) financial advice to any other person in relation to the discharge of any functions of a defined authority;
  - (c) accounting services including, in particular, the completion of statutory accounts and the maintenance of appropriate financial records;
  - (d) the administration of direct and indirect taxation for a defined authority;
  - (e) the development and maintenance of financial information and management systems;
  - (f) audit services including, in particular, liaison with external auditors and other appropriate bodies;
  - (g) the administration, collection and recovery of non-domestic rates, council tax, water and sewerage charges or rates, community charges and general rates;
  - (h) the provision of payroll facilities;
  - (i) subject to sub-paragraph (2) below, the determination, administration and making of payments, including arranging abatements and rebates;
  - (j) the collection of income and the recovery of debts;
  - (k) the administration of a defined authority's pension fund including, in particular, the management of investments and actuarial services;
  - (l) the arrangement and management of borrowing and investment and the monitoring of cash-flow;
  - (m) the administration of a defined authority's insurance arrangements;
  - (n) financial consultancy work including, in particular, research;
  - (o) the procurement, monitoring or supervision of, or the arranging of payment for, any services which fall within paragraphs (a) to (n) above and are provided for a defined authority by any person.
- (2) The activities described in sub-paragraph (1)(i) above do not fall within section 2(2) (1) above where they relate to
- (a) mandatory and discretionary awards made pursuant to the Education Act 1962 <sup>F48</sup>;
  - (b) education maintenance allowances payable pursuant to the Scholarship and Other Benefits Regulations 1977 <sup>F49</sup> or bursaries, scholarships or other allowances payable pursuant to section 49 of the Education (Scotland) Act 1980 <sup>F50</sup>;
  - (c) clothing grants payable pursuant to section 5 of the Education (Miscellaneous Provisions) Act 1948 <sup>F51</sup> or section 54 of the Education (Scotland) Act 1980;
  - (d) free school meals and milk provided pursuant to section 22 of the Education Act 1980 <sup>F52</sup> or section 53 of the Education (Scotland) Act 1980; or
  - (e) board and lodging fees payable pursuant to section 111 of the Education Reform Act 1988 <sup>F53</sup> or section 52 of the Education (Scotland) Act 1980.]

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#### Textual Amendments

- F47 Sch. 1 para. 13 inserted (20.7.1995) by S.I. 1995/1915, art. 4
- F48 1962 c.12.
- F49 S.I. 1977/1443.
- F50 1980 c.44.
- F51 1948 c.40.
- F52 1980 c.20.
- F53 1988 c.40.

### INFORMATION TECHNOLOGY SERVICES

- <sup>F54</sup>14 (1) The provision of information technology services falls within section 2(2)(m) above.
- (2) For the purposes of sub-paragraph (1) above, “information technology services” means services which are designed to secure for a defined authority the availability or application of information technology.
- (3) Without prejudice to the generality of sub-paragraph (2) above, information technology services include services which consist of or are provided for the purposes of, or in connection with, any of the following
- (a) giving advice in relation to information technology to any of the following—
    - (i) a defined authority or its members;
    - (ii) any committee or sub-committee of a defined authority, or any other group of persons which reports to such an authority, committee or sub-committee; and
    - (iii) any officer or department of a defined authority;
  - (b) giving advice to any person as to the application of information technology;
  - (c) assessing a defined authority’s requirements for information technology, and keeping those requirements under review, including appraising any such technology for the time being in use;
  - (d) arranging for information technology to be available to meet the requirements of a defined authority;
  - (e) developing information technology;
  - (f) maintaining equipment used in connection with information technology.
- (4) In this paragraph “information technology” means any computer, telecommunications or other technology the principal use of which is the recording, processing and communication of information by electronic means.

#### Textual Amendments

- F54 Sch. 1 para. 14 inserted (20.7.1995) by S.I. 1995/1915, art. 4

### PERSONNEL SERVICES

- <sup>F55</sup>15 (1) Provision of the following services (and only the following) falls within section 2(2) (n) above—
- (a) personnel advice to any of the following, namely —
    - (i) a defined authority or its elected members;

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- (ii) any committee or sub-committee of a defined authority, or any other group of persons which reports to such an authority, committee or sub-committee; and
  - (iii) any officer or department of a defined authority;
  - (b) personnel advice to any other person in relation to the discharge of any functions of a defined authority;
  - (c) conducting organisational and method studies and work studies including, in particular, conducting management service reviews and preparing business plans;
  - (d) human resource management including, in particular, recruitment, monitoring, assessment and appraisal;
  - (e) personnel research;
  - (f) developing and maintaining statistical and managerial information systems;
  - (g) subject to sub-paragraph (2) below, training a defined authority's employees including, in particular, arranging, monitoring and evaluating training and development programmes;
  - (h) developing and maintaining employee relations policies, practices and procedures;
  - (i) personnel work in connection with any of the following, namely
    - (i) pay and other employee benefits including, in particular, superannuation benefits;
    - (ii) terms and conditions of employment;
    - (iii) health and safety policies and procedures;
    - (iv) employee welfare policies and procedures including, in particular, occupational health services; and
    - (v) redundancy arrangements and agreements;
  - (j) procuring, monitoring or supervising any services which fall within paragraphs (a) to (i) above and are provided for a defined authority by any person.
- (2) The activities described in sub-paragraph (1)(g) above do not fall within section 2(2) (n) above where they relate to—
- (a) the ordinary supervision of trainees or other employees; or
  - (b) the training of fire-fighting members of fire brigades.

#### **Textual Amendments**

**F55** Sch. 1 para. 15 inserted (20.7.1995) by S.I. 1995/1915, art. 4



**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Local Government Act 1988, SCHEDULE 1.