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STATUTORY INSTRUMENTS

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**1998 No. 1380**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Act 1988 (Defined Activities)  
(Exemptions) (Combined Fire Authorities Etc.) Order 1998**

<i>Made</i>	- - - -	<i>2nd June 1998</i>
<i>Laid before Parliament</i>		<i>11th June 1998</i>
<i>Coming into force</i>	- -	<i>2nd July 1998</i>

The Secretary of State for the Environment, Transport and the Regions<sup>(1)</sup>, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred on them by sections 2(9) and 15(5) of the Local Government Act 1988<sup>(2)</sup>, and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and application**

1.—(1) This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemptions) (Combined Fire Authorities Etc.) Order 1998 and shall come into force on 2nd July 1998.

(2) Articles 3(2) and 4 of this Order apply to defined authorities in England only.

**Interpretation**

2. In this Order, “combined fire authority” means a fire authority constituted by a combination scheme.<sup>(3)</sup>

**Amendments of Order**

3.—(1) In article 3 of the Local Government Act 1988 (Defined Activities) (Exemptions) (England and Wales) Order 1996<sup>(4)</sup>—

- (a) in paragraphs (2), (3) and (4), after “for a police authority” insert “or a combined fire authority”; and
- (b) in paragraph (5),

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(1) See S.I. 1997/2971.

(2) 1988 c. 9.

(3) For combination schemes, see sections 5 to 10 of the Fire Services Act 1947 (c. 41).

(4) S.I. 1996/770.

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- (i) after the definition of “gross annual cost” omit “and”;
  - (ii) at the end of the definition of “police authority” add—
    - “; and
    - “combined fire authority” means a fire authority constituted by a combination scheme”.
- (2) In article 4 of that Order, in paragraph (2), in the definition of “relevant date”—
- (a) in sub-paragraph (b), omit “and”; and
  - (b) at the end of that definition, insert—
    - “and
    - (d) in the case of a relevant order which takes effect in relation to that council on 1st April 1998, 1st April 2000;”.

#### **Exemptions of defined activities carried out by combined fire authorities**

4.—(1) The legal services<sup>(5)</sup> work and the construction and property services<sup>(6)</sup> work of a combined fire authority which is established on a date specified in column A below (“the establishment date”) shall not be treated as defined activities, so long as they are carried out during the period beginning with the date on which this Order comes into force and ending on the date specified in relation to that establishment date in column B below—

<i>A</i>	<i>B</i>
1st April 1996	30th September 1998
1st April 1997	30th September 1999
1st April 1998	31st March 2000.

(2) The financial services<sup>(7)</sup> work of a combined fire authority which is established on a date specified in column A below (“the establishment date”) shall not be treated as a defined activity, so long as it is carried out during the period beginning with the date on which this order comes into force and ending on the date specified in relation to that establishment date in column B below—

<i>A</i>	<i>B</i>
1st April 1996	31st March 1999
1st April 1997	31st December 1999
1st April 1998	30th September 2000.

(3) The information and technology services<sup>(8)</sup> work of a combined fire authority which is established on a date specified in column A below (“the establishment date”) shall not be treated as a defined activity, so long as it is carried out during the period beginning with the date on which

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(5) See section 2(2)(j) of, and paragraph 11 of Schedule 1 to, the Local Government Act 1988, which were inserted by S.I. 1994/2884.

(6) See section 2(2)(k) of, and paragraph 12 of Schedule 1 to, the Local Government Act 1988, which were inserted by S.I. 1994/2888.

(7) See section 2(2)(l) of, and paragraph 13 of Schedule 1 to, the Local Government Act 1988, which were inserted by S.I. 1995/1915.

(8) See section 2(2)(m) of, and paragraph 14 of Schedule 1 to, the Local Government Act 1988, which were inserted by S.I. 1995/1915.

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this order comes into force and ending on the date specified in relation to that establishment date in column B below—

<i>A</i>	<i>B</i>
1st April 1996	31st March 2000
1st April 1997	30th September 2000
1st April 1998	30th September 2001.

(4) The personnel services<sup>(9)</sup> of a combined fire authority which is established on a date specified in column A below (“the establishment date”) shall not be treated as a defined activity, so long as it is carried out during the period beginning with the date on which this order comes into force and ending on the date specified in relation to that establishment date in column B below—

<i>A</i>	<i>B</i>
1st April 1996	31st December 1998
1st April 1997	31st December 1999
1st April 1998	30th September 2000.

Signed by authority of the Secretary of State for the Department of the Environment, Transport and the Regions

*Nick Raynsford*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

28th May 1998

Signed by authority of the Secretary of State for Wales

*Win Griffiths*  
Parliamentary Under-Secretary of State, Welsh  
Office

2nd June 1998

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<sup>(9)</sup> See section 2(2)(n) of, and paragraph 15 of Schedule 1 to, the Local Government Act 1988, which were inserted by S.I. 1995/1915.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Local Government Act 1988 (Defined Activities) (Exemptions) (England and Wales) Order 1996 (S.I.1996/770) made under Part I (competition) of the Local Government Act 1988. Article 3(1) amends article 3 (exemption for work carried out under certain works contracts) of that Order so as to extend the de minimis threshold to fire authorities constituted by combination schemes (“combined fire authorities”) in both England and Wales. Article 3(2), which applies to defined authorities in England only, amends article 4 (works contracts: local government reorganisation) of that Order so as to add a further implementation date of 1st April 2000 for county councils reorganising on 1st April 1998.

By virtue of article 4, which applies to defined authorities in England only, this Order also exempts from the requirements of Part I the activities of legal services and construction and property services (paragraph (1)); financial services (paragraph (2)); information technology services (paragraph (3)); and personnel services (paragraph (4)), so long as these are carried out by a combined fire authority which is established on one of the dates specified in column A in each respective paragraph, during the period beginning with the date on which this Order comes into effect, and ending on a date which is specified in column B in each respective paragraph. This brings combined fire authorities into line with the timetable for compulsory competitive tendering of professional services for reorganising local authorities.