

SCHEDULES

SCHEDULE 1

Section 2.

COMPETITION

Collection of refuse

- 1 (1) In the application of this Part to England and Wales, 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 section 12 of the Control of Pollution Act 1974, 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 section 30(4) of the Control of Pollution Act 1974.
- (4) In the application of this Part to Scotland, the following (and only the following) fall within section 2(2)(a) above—
- (a) the collection of household waste (which here means anything which is for the time being household waste for the purposes of section 124 of the Civic Government (Scotland) Act 1982), and
 - (b) the collection of trade waste (which here means anything which is for the time being trade waste for those purposes).

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—
- (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 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.

Status: This is the original version (as it was originally enacted).

- (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) Schedule 8 to the National Health Service Act 1977, or
 - (c) section 31 of the Child Care Act 1980.
- (5) In sub-paragraph (2) above “residential establishment”, in relation to Scotland, has the same meaning as in the Social Work (Scotland) Act 1968.
- (6) In sub-paragraph (2) above “police establishment” means a building or part of a building used by police for the performance of their functions (whether as a police station or police training establishment or otherwise).

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;
- “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 Highways Act 1980, and (in relation to Scotland) means a road as defined in section 25(3) of the Local Government and Planning (Scotland) Act 1982;
- “traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984 except that it does not include a line or mark on a road.

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;

Status: This is the original version (as it was originally enacted).

- (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 Chronically Sick and Disabled Persons Act 1970, Part II of Schedule 9 to the Health and Social Services and Social Security Adjudications Act 1983 or section 12 of the 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.
 - (5) In this paragraph “day centre” means premises (other than residential premises) where facilities are provided under—
 - (a) section 29 of the National Assistance Act 1948,
 - (b) section 45 of the Health Services and Public Health Act 1968,
 - (c) section 12 of the Social Work (Scotland) Act 1968,
 - (d) Schedule 8 to the National Health Service Act 1977, or
 - (e) Part II of Schedule 9 to the Health and Social Services and Social Security Adjudications Act 1983.

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 for which section 1 of the Education (No.2) Act 1968 requires an instrument of government.
- (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 Education (Scotland) Act 1980.

Status: This is the original version (as it was originally enacted).

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.

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).
- (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.