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STATUTORY INSTRUMENTS

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**1992 No. 583**

**The Local Government Act 1988 (Defined Activities) (Exemption) (England) Order 1992**

**Exemption**

**3.**—(1) Work falling within any of the activities mentioned in section 2(2) of the Act<sup>(1)</sup> shall not be treated as a defined activity so long as each of the conditions mentioned in paragraph (2) is fulfilled.

(2) The conditions are—

- (a) that the work is carried out by a local authority for a housing action trust;
- (b) that the work is carried out in connection with property which has vested in the housing action trust and which was, immediately before so vesting, in the ownership of the local authority;
- (c) that, immediately before the property so vested, work of the same description was carried out in connection with the property by the local authority as functional work;
- (d) that, before the property so vested, the local authority had complied fully with the requirements of sections 6 and 7 of the Act in respect of that functional work;
- (e) without prejudice to sub-paragraph (f) below, that either—
  - (i) the period during which the work was to be carried out as stated in the specification of the work required by section 7(3)(c) of the Act has not expired, or
  - (ii) if that period expires within three months after the property vested in the housing action trust, not more than three months have elapsed since the property so vested; and
- (f) that not more than 12 months have elapsed since the property so vested.

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(1) Section 2(2) was amended by S.I.1989/2488.