
STATUTORY INSTRUMENTS

1992 No. 583

LOCAL GOVERNMENT, ENGLAND AND WALES

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

<i>Made</i>	- - - -	<i>9th March 1992</i>
<i>Laid before Parliament</i>		<i>10th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 2(9) and 15(5) of the Local Government Act 1988(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemption) (England) Order 1992 and shall come into force on 6th April 1992.

Interpretation

2. In this Order—

“the Act” means the Local Government Act 1988;

“local authority” means a district council in England, a London borough council or the Common Council of the City of London in its capacity as local authority;

“housing action trust” means a housing action trust established before 6th April 1992 under Part III of the Housing Act 1988(2).

Exemption

3.—(1) Work falling within any of the activities mentioned in section 2(2) of the Act(3) 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—

(1) 1988 c. 9.
(2) 1988 c. 50.
(3) Section 2(2) was amended by S.I.1989/2488.

- (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.

9th March 1992

Michael Heseltine
Secretary of State for the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

Section 4 of the Local Government Act 1988 precludes a local authority from entering into a works contract under which they are to carry out work falling within an activity listed in section 2(2) of that Act (a defined activity) unless the work has first been subjected to a competitive tendering exercise.

This Order provides for the case where the property of a district council in England, a London borough council or the Common Council of the City of London is transferred to a housing action trust established before 6th April 1992 under Part III of the Housing Act 1988. The Order provides that work which the authority has been carrying out in connection with such property as functional work (as defined in section 3 of the Act) and which it carries out for the housing action trust will not be treated as falling within a defined activity for a limited period after the property vests in the housing action trust so long as certain conditions are fulfilled.