
STATUTORY INSTRUMENTS

1994 No. 339

The Local Government Act 1988 (Defined Activities) (Exemptions) (Wales) Order 1994

Defined activity exemption conditions

4.—(1) During the period of three years beginning with 1st April 1994 none of the activities mentioned in section 2(2) of the Act shall be treated as a defined activity if carried out during that period by a defined authority to which this Order applies, so long as any one of the conditions specified in paragraph (2) is fulfilled.

(2) The conditions mentioned in paragraph (1) are—

- (a) that the work to be carried out is not work in respect of which the Secretary of State has, prior to 1st April 1994, served a notice under section 13(2) of the Act or given a direction under section 14(2) of the Act;
- (b) that notwithstanding a failure to meet the condition specified in the preceding sub-paragraph (a) by reason of the service of a notice under section 13(2) of the Act, the Secretary of State has consented to the defined authority entering into a works contract, or carrying out functional work, in respect of the work in question;
- (c) that in any case where a direction under section 14(2) of the Act has been given in respect of the work to be carried out within the terms of sub-paragraph (a) above, the Secretary of State has given a further direction under section 14(3)(a) or (c) of the Act, with the effect that the work to be carried out is no longer subject to any prohibition.

(3) In the case of a joint committee to which this Order applies, an activity is only to be treated as within the exemption conferred by paragraph (1) above if, in addition to compliance with any of the conditions specified in paragraph (2), it is to be carried out wholly within Wales.