
STATUTORY INSTRUMENTS

1995 No. 2074

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Act 1988 (Security Work) (Exemption) (England) Order 1995

<i>Made</i>	- - - -	<i>7th August 1995</i>
<i>Laid before Parliament</i>		<i>8th August 1995</i>
<i>Coming into force</i>	- -	<i>29th August 1995</i>

The Secretary of State, 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, commencement and application

1.—(1) This Order may be cited as the Local Government Act 1988 (Security Work) (Exemption) (England) Order 1995 and shall come into force on 29th August 1995.

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

Exemption in relation to a controlled place

2.—(1) Security work shall not be treated as a defined activity so long as it is carried out by a defined authority through an employee—

(a) whose work may involve the exercise of a power, conferred by a relevant enactment, to take action to deal with a breach of that enactment in a controlled place, where that power cannot be exercised by anyone other than an employee of the defined authority or a constable, and

(b) the greater part of whose work is carried out in relation to a controlled place.

(2) In this article—

(a) “controlled place” means any airport, burial ground, common, country park, educational premises, harbour, housing amenity land, market, open space, park, picnic site, pleasure ground, port, recreation ground or road playground; and

(b) in paragraph (a)—

(1) 1988 c. 9.

“airport” has the same meaning as in section 82(1) of the Airports Act 1986(2);

“burial ground” has the same meaning as in section 20 of the Open Spaces Act 1906(3);

“common” has the same meaning as in section 15 of the Commons Act 1899(4);

“country park” means a country park provided under section 7 of the Countryside Act 1968(5);

“educational premises” means any premises to which section 40 of the Local Government (Miscellaneous Provisions) Act 1982(6) applies;

“housing amenity land” means land in relation to which byelaws may be made, by virtue of section 23(2) of the Housing Act 1985(7);

“open space” has the same meaning as in section 20 of the Open Spaces Act 1906;

“picnic site” means a picnic site provided under section 10(2) of the Countryside Act 1968;

“pleasure ground” means any land held under section 164 of the Public Health Act 1875(8);

“relevant enactment” means section 40 of the Local Government (Miscellaneous Provisions) Act 1982(9), a local Act, or byelaws made under or by virtue of a power in any general or local Act; and

“road playground” means a road in relation to which an order has been made under section 29 of the Road Traffic Regulation Act 1984(10)

Exemption in relation to a court-house

3. Security work shall not be treated as a defined activity so long as the work is carried out in relation to a court-house.

Exemption in relation to Guildhall

4. Security work by the Common Council of the City of London shall not be treated as a defined activity so long as—

- (a) it is carried out at the premises in the City of London known as Guildhall, and
- (b) those premises remain vested in the Common Council, in any capacity.

Exemption in relation to the Woolwich Ferry

5.—(1) Security work by the Council shall not be treated as a defined activity so long as—

- (a) it is carried out in relation to the Woolwich Ferry, and
- (b) the operation of the Ferry by the Council is carried out in accordance with the terms of the agreement of 27th March 1986 made between the Secretary of State for Transport and the Council.

(2) In this article—

“the Council” means the Council of the London Borough of Greenwich;

(2) 1986 c. 31.

(3) 1906 c. 25 (6 Edw 7).

(4) 1899 c. 30 (62 & 63 Vict).

(5) 1968 c. 41.

(6) 1982 c. 30. Section 40 was amended by section 46 of the Criminal Justice Act 1982 (c. 48) and paragraphs 29 and 90 of Schedule 12 to the Education Reform Act 1988 (c. 40).

(7) 1985 c. 68.

(8) 1875 c. 55 (38 & 39 Vict).

(9) c. 30.

(10) 1984 c. 7. Section 29 was substituted by paragraph 37 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22).

“the Woolwich Ferry” means the ferry established, maintained, worked and regulated pursuant to section 14 of the Metropolitan Board of Works (Various Powers) Act 1885⁽¹¹⁾.

Signed by authority of the Secretary of State

7th August 1995

Paul Beresford
Parliamentary Under-Secretary of State,
Department of the Environment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

Under Part I of the Local Government Act 1988 (competition), work falling within certain defined activities may be carried out by defined authorities only if particular conditions are fulfilled.

Article 2 exempts from the requirements of Part I security work carried out by a defined authority through an employee whose work may involve the exercise of a power to take action to deal with a breach of certain enactments in a controlled place (as defined in the Order), where that power cannot be exercised by anyone other than an employee of the defined authority or a constable, and the greater part of whose work is carried out in relation to a controlled place.

Article 3 exempts from the requirements of Part I security work by a defined authority in England so long as it is carried out in relation to a court-house.

Article 4 exempts from the requirements of Part I security work by the Common Council of the City of London so long as it is carried out at the premises in the City of London known as Guildhall, and those premises remain vested in the Common Council, in any capacity.

Article 5 exempts from the requirements of Part I security work by the Greenwich London Borough Council so long as it is carried out in relation to the Woolwich Ferry and the operation of the Ferry is carried out in accordance with the terms of the agreement of 27th March 1986 made between the Secretary of State for Transport and that Council. A copy of the agreement may be inspected, at all reasonable hours, at the offices of the borough council and at the offices of the Secretary of State for Transport, at 2 Marsham Street, London SW1P 3EB.