
STATUTORY INSTRUMENTS

1995 No. 3303

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Act 1988 (Defined Activities)
(Exemptions) (Police Authorities) Order 1995**

Made - - - - *14th December 1995*
Laid before Parliament *5th January 1996*
Coming into force - - *26th January 1996*

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

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemptions) (Police Authorities) Order 1995 and shall come into force on 26th January 1996.

(2) In this Order “police authority” means—

- (a) a police authority constituted under section 3 of the Police Act 1964(2), and
- (b) the Common Council of the City of London in its capacity as a police authority.

Legal Services

2. The provision of legal services(3) by a police authority shall not be treated as a defined activity so long as it consists of legal work carried out in connection with any of the following:

- (a) investigation or prosecution of a criminal offence;
- (b) handling a complaint in pursuance of Part IX of the Police and Criminal Evidence Act 1984(4);
- (c) proceedings in relation to a disciplinary offence, or unsatisfactory performance, by a member of a police force;

(1) 1988 c. 9. Section 2 is amended by paragraph 10 of Schedule 1 to the Local Government Act 1992 (c. 19).
(2) 1964 c. 48. Section 3 is substituted by section 2 of the Police and Magistrates' Courts Act 1994 (c. 29).
(3) The provision of legal services is a defined activity by virtue of the Local Government Act 1988 (Competition) (Defined Activities) Order 1994, S.I.1994/2884.
(4) 1984 c. 60, amended by sections 34 to 38 of the Police and Magistrates' Courts Act 1994 (c. 29).

- (d) the discharge of a constable during or at the end of his period of probation;
- (e) the discharge of the functions of any constable or chief officer of police in pursuance of any enactment or instrument mentioned in Schedule 1 to this Order.

Construction and property services

3. The provision of construction and property services⁽⁵⁾ by a police authority shall not be treated as a defined activity so long as it consists of the giving of advice in relation to the design, improvement or refurbishment of any premises for the purposes of—

- (a) preventing crime in and in the neighbourhood of those premises;
- (b) enhancing the security of such premises, or
- (c) securing the safety of any persons.

Works contracts

4.—(1) The provision of legal services shall not be treated as a defined activity so long as it is carried out in pursuance of a works contract by a defined authority for a police authority before the date specified in relation to that police authority in Schedule 2.

(2) The provision of construction and property services shall not be treated as a defined activity so long as it is carried out in pursuance of a works contract by a defined authority for a police authority before the date specified in relation to that police authority in Schedule 3.

Signed by authority of the Secretary of State

11th December 1995

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

Signed by authority of the Secretary of State for Wales

14th December 1995

Gwilym Jones
Parliamentary Under-Secretary of State, Welsh
Office

(5) The provision of construction and property services is a defined activity by virtue of the Local Government Act 1988 (Competition) (Defined Activities) (Construction and Property Services) Order 1994, S.I. [1994/2888](#).

SCHEDULE 1

Article 2(e)

LICENSING PROVISIONS

- The Pedlars Act 1871**(6)**
- The Betting, Gaming and Lotteries Act 1963, Schedules 1 and 3**(7)**
- The Licensing Act 1964**(8)**
- The Gaming Act 1968, Schedule 2**(9)**
- The Firearms Act 1968**(10)**
- The Firearms (Amendment) Act 1988**(11)**
- The Control of Explosives Regulations 1991**(12)**

SCHEDULE 2

Regulation 4(1)

WORKS CONTRACTS: LEGAL SERVICES

Police authority	Date from which exemption ceases
Greater Manchester	} 1 April 1997
Merseyside	
South Yorkshire	
West Midlands	
West Yorkshire	
City of London	
Cambridgeshire	} 1 October 1997
Cheshire	
Cumbria	
Gloucestershire	
Hertfordshire	
Kent	
Lancashire	

(6) 1871 c. 96.
(7) 1963 c. 2.
(8) 1964 c. 26.
(9) 1968 c. 65.
(10) 1968 c. 27.
(11) 1988 c. 45.
(12) S.I. 1991/1531.

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

Police authority	Date from which exemption ceases
Lincolnshire	
Norfolk	
Northamptonshire	
Northumbria	
Suffolk	
Surrey	
Warwickshire	
Avon and Somerset	} 1 April 1998
Cleveland	
Humberside	
North Yorkshire	
Dyfed-Powys	
Gwent	
North Wales	
South Wales	
Bedfordshire	} 1 April 1999
Derbyshire	
Devon and Cornwall	
Dorset	
Durham	
Essex	
Hampshire	
Leicestershire	
Nottinghamshire	
Staffordshire	
Sussex	
Thames Valley	

Police authority	Date from which exemption ceases
West Mercia	
Wiltshire	

SCHEDULE 3

Regulation 4(2)

WORKS CONTRACTS: CONSTRUCTION AND PROPERTY SERVICES

Police authority	Date from which exemption ceases
Greater Manchester	} 1 October 1997
Merseyside	
South Yorkshire	
West Midlands	
West Yorkshire	
City of London	
Cambridgeshire	
Cheshire	
Cumbria	
Gloucestershire	
Hertfordshire	
Kent	
Lancashire	
Lincolnshire	
Norfolk	
Northamptonshire	
Northumbria	
Suffolk	
Surrey	
Warwickshire	
Avon and Somerset	} 1 April 1998

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

Police authority	Date from which exemption ceases
Cleveland	
Humberside	
North Yorkshire	
Dyfed-Powys	
Gwent	
North Wales	
South Wales	
Bedfordshire	} 1 April 1999
Derbyshire	
Devon and Cornwall	
Dorset	
Durham	
Essex	
Hampshire	
Leicestershire	
Nottinghamshire	
Staffordshire	
Sussex	
Thames Valley	
West Mercia	
Wiltshire	

EXPLANATORY NOTE

(This note is not part of the Order)

Under Part I of the Local Government Act 1988, work falling within certain defined activities may not be carried out by defined authorities unless it has first been subjected to competition.

This Order, which applies in England and Wales, exempts from Part I—

- (a) certain legal work carried out by police authorities,
- (b) the work of those authorities' architectural liaison officers, and
- (c) certain works contracts for legal and construction and property services carried out on behalf of police authorities before the dates specified in Schedules 2 and 3.