
STATUTORY INSTRUMENTS

1996 No. 1449

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Act 1988 (Defined Activities)
(Exemption) (Bromley London Borough Council) Order 1996**

<i>Made</i>	- - - -	<i>4th June 1996</i>
<i>Laid before Parliament</i>		<i>12th June 1996</i>
<i>Coming into force</i>	- -	<i>3rd July 1996</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 and commencement

1. This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemption) (Bromley London Borough Council) Order 1996 and shall come into force on 3rd July 1996.

Exemption of legal services

2.—(1) The provision of legal services(2) by the council of the London borough of Bromley (“the authority”) shall not be treated as a defined activity so long as it consists of work falling within paragraph (2) and is carried out before 1st April 1997.

(2) The work referred to in paragraph (1) is work falling within any of the following categories—

(a) legal work in or in connection with any criminal or civil proceedings before any court or tribunal in respect of the authority’s functions under—

- (i) Part II of the Adoption Act 1976(3),
- (ii) Part II of the Mental Health Act 1983(4),
- (iii) the Children Act 1989(5), or
- (iv) Part IV of the Education Act 1993(6);

(1) 1988 c. 9.
(2) 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.
(3) 1976 c. 36.
(4) 1983 c. 20.
(5) 1989 c. 41.
(6) 1993 c. 35.

- (b) legal work in or in connection with any proceedings—
 - (i) under the High Court’s inherent jurisdiction in respect of the authority’s social services functions,
 - (ii) for the recovery of stolen property, or any resulting appeal;
- (c) legal advice—
 - (i) in connection with the authority’s functions under Parts II to V, XI and XII of the Children Act 1989 (including attendance at case conferences),
 - (ii) to the education welfare officer of the authority in connection with that officer’s responsibilities (including attendance at case conferences),
 - (iii) provided out of normal office hours to officers responsible for the authority’s social services functions, or
 - (iv) in connection with the authority’s functions under the Mental Health Act 1983, including proceedings before a Mental Health Review Tribunal established under Part V of that Act.

Signed by authority of the Secretary of State

4th June 1996

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

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 local authorities only if particular conditions are fulfilled.

This Order exempts from the requirements of Part I the provision of legal services by the Bromley London Borough Council so long as it consists of work of the type described in article 2(2) of the Order (that is, broadly, legal services work in connection with specified social services functions of the authority) and is carried out before 1st April 1997.