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STATUTORY INSTRUMENTS

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**1996 No. 2934 (S.223)**

**LOCAL GOVERNMENT, SCOTLAND**

**The Local Government Act 1988 (Defined Activities)  
(Exemption of Ground Maintenance in Trunk  
Road Work Agreements) (Scotland) Order 1996**

<i>Made</i>	- - - -	<i>20th November 1996</i>
		<i>22nd November</i>
<i>Laid before Parliament</i>		<i>1996</i>
<i>Coming into force</i>	- -	<i>1st July 1997</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 interpretation**

1.—(1) This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemption of Ground Maintenance in Trunk Road Work Agreements) (Scotland) Order 1996 and shall come into force on 1st July 1997.

(2) In this Order—

“maintenance of ground” has the meaning as in section 2(2)(f) of the Local Government Act 1988;

“trunk road work let in competition” means work—

(a) carried out with respect to trunk roads in Scotland by—

- (i) a local authority in Scotland pursuant to an agreement entered into under section 4 of the Roads (Scotland) Act 1984(2) (agreements between authorities); or
- (ii) any other defined authority pursuant to a contract for the carrying out of such work entered into with the Secretary of State;

(b) carried out following the acceptance by or on behalf of the Secretary of State of a competitive tender; and

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(1) 19 88 c.9; section 15(5) was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 156(4); see section 1(1) for the meaning of “defined authority”.

(2) 19 84 c.54; section 4 was amended by the Local Government etc. (Scotland) Act 1994, Schedule 14.

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*Status: This is the original version (as it was originally made).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

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- (c) which principally comprises general highway works within the meaning of section 10(3) of the Local Government, Planning and Land Act 1980(3).

**Exemption in respect of maintenance of ground**

2. Maintenance of ground undertaken by a defined authority shall not be treated as a defined activity so long as it is undertaken as part of trunk road work let in competition.

Scottish Office  
20th November 1996

*George Kynoch*  
Parliamentary Under Secretary of State,

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(3) 19 80 c.65; section 10(3) was amended by the Local Government Act 1988, Schedule 6, paragraph 4.

## **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 authorities only if particular conditions relating to competitive tendering are fulfilled.

This Order exempts from the requirements of Part I ground maintenance so long as it is undertaken following a competitive tender as part of an agreement between an authority and the Secretary of State relating to works on motorways and trunk roads in Scotland.