
STATUTORY INSTRUMENTS

1997 No. 176

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Act 1988 (Defined Activities) (Housing Management and Security Work) (Exemptions) (England) Order 1997

<i>Made</i>	- - - -	<i>28th January 1997</i>
<i>Laid before Parliament</i>		<i>31st January 1997</i>
<i>Coming into force</i>		
	<i>for the purposes of article 3</i>	<i>1st February 1998</i>
	<i>for all other purposes</i>	<i>1st August 1998</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 (Defined Activities) (Housing Management and Security Work) (Exemptions) (England) Order 1997 and shall come into force for the purposes of article 3 on 1st February 1998 and for all other purposes on 1st August 1998.

(2) This Order applies in relation to defined authorities in England only.

Housing management

2.—(1) In this article—

“house” has the same meaning as in Part II of the Housing Act 1985(2) (“the 1985 Act”), but does not include—

- (a) a hostel as defined in section 622 of the 1985 Act, or
- (b) a flat in relation to which the right to buy under Part V of that Act has been exercised;

“housing stock” means the number of houses provided by a defined authority under Part II of the 1985 Act; and

(1) 1988 c. 9.
(2) 1985 c. 68.

“relevant year” means a period of twelve months beginning with 1st August in any year and ending on 31st July in the following year.

(2) During the relevant year beginning in 1998 housing management carried out by a defined authority shall not be treated as a defined activity so long as the housing stock of the authority on 1st July 1998 is not more than 4,000.

(3) In any relevant year starting in 1999 or subsequently housing management carried out by a defined authority shall not be treated as a defined activity so long as, on 1st July in the immediately preceding relevant year, the housing stock of the authority is not more than 2,500.

Security work

3. For article 2(1)(b) of the Local Government Act 1988 (Security Work) (Exemption) (England) Order 1995(3) there shall be substituted the following—

“(b) at least 80 per cent. of whose working time is occupied carrying out security work at a controlled place.”

Revocations

4. The Orders specified in the first column of the Schedule to this Order are revoked to the extent specified in the third column.

Signed by authority of the Secretary of State

28th January 1997

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

SCHEDULE

Article 4

Revocations

Orders revoked	References	Extent of revocation
The Local Government Act 1988 (Defined Activities) (Exemptions) (England) Order 1988	S.I. 1988/1372	In article 3, paragraphs (1A) and (2A)
The Local Government Act 1988 (Defined Activities) (Exemptions) (England and Wales) (Amendment) Order 1994	S.I. 1994/2296	Insofar as it amends S.I. 1988/1372

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.

Article 2 exempts from the requirements of Part I housing management by defined authorities in England so long as the number of houses provided by the authority under Part II of the Housing Act 1985 (excluding hostels and also flats in relation to which the right to buy has been exercised) is not more than a specified number. Different provisions are made in respect of the year beginning with 1st August 1998 and subsequent years.

Article 3 amends the Local Government Act 1988 (Security Work) (Exemption) (England) Order 1995 to replace the second condition of the exemption from the defined activity of security work provided for by that order. The new second condition is that the work is carried out by a defined authority in England through an employee, at least 80 per cent. of whose working time is occupied carrying out security work at a controlled place (defined in article 2(2) of the 1995 Order).

The exemption for the defined activity of housing management provided for by [S.I. 1988/1372](#), as amended by [S.I. 1994/2296](#), (the conditions for which are concerned with the estimated gross cost of the defined activity for the financial year immediately preceding the one in question) is revoked by article 4.