1995 No. 364

LOCAL GOVERNMENT

The Local Government (Defined Activities) (Exemptions) Order (Northern Ireland) 1995

Made . . . . . *11th September 1995*

Coming into operation . . *1st November 1995*

The Department of the Environment, in exercise of the powers conferred on it by Article 4(8) and 16(3) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992(**a**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Local Government (Defined Activities) (Exemptions) Order (Northern Ireland) 1995 and shall come into operation on 1st November 1995.

(2) In this Order "the Order" means the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992.

Activities not to be treated as defined activities

2.—(1) None of the activities mentioned in Article 4(1)(*a*) to (*g*) of the Order shall, if carried out by a council specified in the Schedule, be treated as a defined activity so long as the condition mentioned in paragraph (2) is fulfilled.

(2) The condition mentioned in paragraph (1) is that the amount estimated by the council as the gross cost of carrying out the activity in question through its direct labour organisation or a similar organisation in the immediately preceding financial year, does not exceed £100,000.

(3) For the purposes of paragraph (2) the cost of carrying out any activity shall—

(*a*) include such proportion of the council's administrative expenses, other than expenses that would be incurred by the council whether the activity were carried out by it or by another person, as is properly attributable to the carrying out of the activity;

(*b*) exclude the cost of any work which is treated as carried out by the council by virtue of Article 3(1) of the Order; and

(*c*) exclude the cost of any work which by virtue of Article 4 does not fall within a defined activity.

(**a**) S.I. 1992/810 (N.I. 6). *See* Article 2(2) — definition of "the Department"

3.—(1) The activity mentioned in Article 4(1)(*h*) of the Order shall not be treated as a defined activity so long as a council specified in the Schedule did not, in the immediately preceding financial year, employ more than 15 persons, other than persons excluded by paragraph (2), who were engaged (whether wholly or partly) in carrying out the activity.

(2) The persons excluded by this paragraph are persons employed wholly or mainly upon the design, development or control of the activity.

4. None of the activities mentioned in Article 4(1) of the Order shall be treated as a defined activity so long as it constitutes work carried out through an employee who is required as a condition of his employment to live in particular accommodation for the better performance of his duties and the work forms part of his duties.

Revocation

5. The Local Government (Defined Activities) (Exemptions) Order (Northern Ireland) 1992(**a**) is hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 11th September 1995.

(L.S.) *J. McCormick*
Assistant Secretary

(**a**) S.R. 1992 No. 520