

1989 No. 2488

LOCAL GOVERNMENT, ENGLAND AND WALES
LOCAL GOVERNMENT, SCOTLAND

**The Local Government Act 1988 (Competition in Sports
and Leisure Facilities) Order 1989**

Approved by both Houses of Parliament

Made - - - - 21st December 1989

Coming into force 28th December 1989

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred by sections 2(3), 15(7) and 15(8) of the Local Government Act 1988(a) and all other powers enabling them in that behalf, and after consulting such representatives of local government as appear to them to be appropriate, hereby, in the form of a draft which has been laid before Parliament and approved by resolution of each House of Parliament, make the following Order:

Citation and commencement

1. This Order may be cited as the Local Government Act 1988 (Competition in Sports and Leisure Facilities) Order 1989 and shall come into force on the seventh day after the date on which it is approved by resolution of each House of Parliament.

Managing sports and leisure facilities to be a defined activity

2.—(1) In section 2(2) of the Local Government Act 1988 after paragraph (e) there shall be inserted—

“(ee) managing sports and leisure facilities;”.

(2) In Schedule 1 (Competition) to that Act, at the end, there shall be added—

“Managing sports and leisure facilities

8.—(1) Subject to sub-paragraphs (2) and (3), managing any of the following facilities, including any of those facilities provided in sports centres or leisure centres or on other premises where facilities not mentioned in this sub-paragraph are also provided, falls within section 2(2)(ee) above—

- (a) swimming pools, skating rinks, gymnasia;
- (b) tennis courts, squash courts, badminton courts, pitches for team games, athletics grounds;
- (c) tracks and centres for bicycles (whether motorised or not), golf courses, putting greens, bowling greens, bowling centres, bowling alleys;
- (d) riding centres, courses for horse racing, artificial ski slopes, centres for flying, ballooning or parachuting, and centres for boating or water sports on inland or coastal waters.

(2) Managing any of the facilities described in sub-paragraph (1) shall not fall within section 2(2)(ee) above if the facilities are provided—

- (a) on premises not predominantly used for sport or physical recreation;
- (b) on premises occupied by educational institutions.

(3) Managing any of the facilities described in sub-paragraph (1) shall not fall within section 2(2)(ee) above—

- (a) if that facility is provided—
 - (i) in England or Wales under section 53 of the Education Act 1944(a) (whether or not also provided under section 41 of that Act) and whether or not also provided under section 19 of the Local Government (Miscellaneous Provisions) Act 1976(b); or
 - (ii) in Scotland under section 6 or 17 of the Education (Scotland) Act 1980 (c), whether or not also provided under section 15(2) of the Local Government and Planning (Scotland) Act 1982(d); and
- (b) (i) where the facility is on premises on which no other facility described in sub-paragraph (1) is provided, if educational institutions have used it exclusively in the immediately preceding financial year for more than 600 hours; or
- (ii) where the facility is on premises on which two or more of the facilities described in sub-paragraph (1) are provided, if educational institutions have used exclusively in the immediately preceding financial year facilities of at least half of the descriptions provided (whether concurrently or at different times) and the aggregate periods of their exclusive use in that year of the facilities so described exceeds 600 hours.

(4) For the purposes of sub-paragraph (1), without prejudice to the generality of the term, “managing” includes arranging—

- (a) for instruction in the sport or other physical recreational activity provided;
- (b) for supervision of the sport or activity;
- (c) catering;
- (d) the hiring out of equipment for use at the facility;
- (e) the marketing and promotion of the facility;
- (f) the taking of bookings;
- (g) the collection of, and accounting for, fees and charges;
- (h) the physical security of the premises;
- (j) the cleaning and proper maintenance of the facility other than the external parts of buildings;

and also includes assuming responsibility for heating, lighting and other service charges in relation to the facility.

(5) In this paragraph, “educational institutions”—

in England and Wales, means schools which are county or voluntary schools, or special schools, maintained by the local education authority; and institutions for the provision of higher or further education, or both, which are either maintained by the local education authority or are substantially dependent for their maintenance on assistance from the local education authority; and

in Scotland means public schools, or special schools, under the management of the education authority and any other institutions provided and maintained by the education authority for the provision of further education; and

in England, Wales and Scotland, for the purposes of sub-paragraph (2)(b) only, includes nursery schools.”

(a) 1944 c.31. Section 53 was amended by sections 2 and 11 of and Schedules 1 and 2 to the Education (Miscellaneous Provisions) Act 1948 (c.40), section 1 of and the first Schedule to the Statute Law Revision Act 1950 (c.6), section 38(6) and Schedule 7 to the Education Act 1980 (c.20) and section 237 and paragraph 54 of Schedule 12 to the Education Reform Act 1988 (c.40); section 41 was substituted by section 120(2) of the Education Reform Act 1988.

(b) 1976 c.57.

(c) 1980 c.44.

(d) 1982 c.43.

