



# Local Government and Housing Act 1989

## 1989 CHAPTER 42

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *Charges by certain authorities*

#### **150 Power to allow charges**

- (1) The Secretary of State may make regulations providing that a charge may be imposed in respect of anything—
  - (a) which is done by any relevant authority or by any relevant authority of a prescribed description,
  - (b) which is prescribed or falls within a prescribed description,
  - (c) in respect of which there is no power or duty to impose a charge apart from the regulations, and
  - (d) which is not done in the course of exercising an excepted function.
- (2) The regulations may include such provision as the Secretary of State sees fit as regards charges for which the regulations provide; and nothing in subsections (3) to (5) below or section 190(1) below is to prejudice this.
- (3) The regulations—
  - (a) may be made as regards services rendered, documents issued, or any other thing done by an authority (whether in pursuance of a power or a duty);
  - (b) may provide that the amount of a charge (if imposed) is to be at the authority's discretion or to be at its discretion subject to a maximum.
- (4) Where the regulations provide that a charge may not exceed a maximum amount they may—
  - (a) provide for one amount, or a scale of amounts to cover different prescribed cases;
  - (b) prescribe, as regards any amount, a sum or a method of calculating the amount.

---

*Status: This is the original version (as it was originally enacted).*

---

- (5) The regulations may include such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (6) No regulations may be made under this section unless a draft of them has been laid before and approved by a resolution of each House of Parliament.

## **151 Power to amend provisions about charges**

- (1) Subject to subsection (4) below, this section applies in the case of an existing provision to the extent that the provision allows (as opposed to requires) a charge to be imposed in respect of anything which is done by relevant authorities (or any of them) and which is not done in the course of exercising an excepted function.
- (2) The Secretary of State may make regulations—
  - (a) repealing the provision concerned to the extent that it so provides,
  - (b) amending the provision to that extent, or
  - (c) repealing the provision to that extent and replacing it with new provisions;
 and subsection (6) of section 150 above applies in relation to regulations under this section as it applies in relation to regulations under that section.
- (3) For the purposes of subsection (1) above—
  - (a) the charge may be expressed in terms of making a charge, paying a fee, or otherwise;
  - (b) the charge may relate to services rendered, documents issued, or any other thing done by a relevant authority (whether in pursuance of a power or a duty).
- (4) A charge does not fall within subsection (1) above if—
  - (a) it is one whose proceeds fall (or part of whose proceeds falls) to be paid into the Consolidated Fund;
  - (b) it is a charge amounting to local taxation; or
  - (c) it is one as respects which provision is made by section 49 of the Water (Scotland) Act 1980 (charges in respect of water supplied by meter).
- (5) Regulations under subsection (2) above may not require the imposition of a charge; and subsection (6) below shall have effect subject to this.
- (6) The regulations may include such provision as the Secretary of State sees fit as regards charges; and nothing in subsections (7) to (9) below or section 190(1) below is to prejudice this.
- (7) The regulations may provide that the amount of a charge (if imposed) is to be at the authority's discretion or to be at its discretion subject to a maximum.
- (8) Where the regulations provide that a charge may not exceed a maximum amount they may—
  - (a) provide for one amount, or a scale of amounts to cover different prescribed cases;
  - (b) prescribe, as regards any amount, a sum or a method of calculating the amount.
- (9) The regulations—
  - (a) may confer discretion as to the amount in a case where an existing provision confers none (or vice versa);

- (b) may, in a case where an existing provision confers a discretion as to the amount, confer a different one; and
  - (c) may include such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (10) For the purposes of this section an existing provision is a provision of an Act passed before, or in the same Session as, this Act.
- (11) In this section “Act” includes a private or local Act.

## **152 Interpretation, consultation and commencement of ss. 150 and 151**

- (1) For the purposes of sections 150 and 151 above the following are excepted functions—
- (a) functions relating to education in schools;
  - (b) functions relating to the provision of a public library service;
  - (c) functions relating to fire fighting, that is to say, the extinction of fire and the protection of life and property in case of fire;
  - (d) functions relating to the registration of electors;
  - (e) functions relating to the conduct of elections;
  - (f) all functions of the police except those relating to the removal, delivery, disposal, custody or immobilisation of vehicles.
- (2) For the purposes of those sections in their application to England and Wales, each of the following is a relevant authority—
- (a) a county council;
  - (b) a district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London;
  - (e) the Council of the Isles of Scilly;
  - (f) a fire authority constituted by a combination scheme under the Fire Services Act 1947;
  - (g) a combined police authority established by an amalgamation scheme under the Police Act 1964;
  - (h) an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities);
  - (i) a joint authority established by Part IV of that Act (police, fire services, civil defence and transport);
  - (j) an authority or board constituted a port health authority at any time by an order under section 2 of the Public Health (Control of Disease) Act 1984;
  - (k) a joint or special planning board constituted for a National Park by an order under paragraph 1 or paragraph 3 of Schedule 17 to the Local Government Act 1972; and
  - (l) the Broads Authority.
- (3) For the purposes of those sections in their application to Scotland, each of the following is a relevant authority—
- (a) a regional council,
  - (b) a district council,
  - (c) an islands council,

---

*Status: This is the original version (as it was originally enacted).*

---

- (d) a port local authority or joint port local authority constituted under section 172 of the Public Health (Scotland) Act 1897,
  - (e) a joint board or joint committee within the meaning of section 235(1) of the Local Government (Scotland) Act 1973, and
  - (f) a water development board within the meaning of section 109(1) of the Water (Scotland) Act 1980.
- (4) The Secretary of State may by order made by statutory instrument provide for any other body to be, or for a body to cease to be, a relevant authority for the purposes of those sections; and a statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In those sections “prescribed” means prescribed by the regulations concerned.
- (6) Before exercising any power to make regulations under section 150 or section 151 above, the Secretary of State shall consult—
- (a) as respects England and Wales, such representatives of local government, and
  - (b) as respects Scotland, such associations of local authorities,
- as appear to him to be appropriate.
- (7) This section and sections 150 and 151 above shall come into force at the expiry of the period of two months beginning on the day this Act is passed.

### **153 Charges: temporary traffic signs**

- (1) In section 65 of the Road Traffic Regulation Act 1984 (powers and duties of highways authorities and roads authorities as to placing of traffic signs) after subsection (3) there shall be inserted the following subsection—
- “(3A) No charge may be made—
- (a) in England and Wales, by a highway authority which is the council of a county, metropolitan district or London borough or the Common Council of the City of London, or
  - (b) in Scotland, by a local roads authority,
- with respect to the exercise of their power under subsection (1) above to permit a traffic sign to be placed on or near any road in their area if—
- (i) the sign conveys information of a temporary nature or is otherwise intended to be placed only temporarily; and
  - (ii) the sign is to be placed by a body which is prescribed for the purposes of this subsection as being a body appearing to the Secretary of State to be representative of the interests of road users or any class of road users.”
- (2) Subsection (1) above does not apply in any case where, before this section comes into force, the payment of a charge has been agreed.

### **154 Charges: library services**

- (1) For subsections (2) to (5) of section 8 of the Public Libraries and Museums Act 1964 (exceptions to restrictions on charging for library facilities) there shall be substituted the following subsections—

- “(2) Subject to subsections (3) and (4) below, the Minister may by regulations—
- (a) authorise library authorities to make charges for such library facilities made available by them as may be specified in the regulations; and
  - (b) make such provision as regards charges by library authorities for library facilities, other than provision requiring the making of charges, as he thinks fit.
- (3) Nothing in any regulations under this section shall authorise any charges to be made by a library authority for lending any written material to any person where—
- (a) it is the duty of the authority under section 7(1) above to make facilities for borrowing available to that person;
  - (b) the material is lent in the course of providing such facilities to that person on any library premises;
  - (c) the material is lent in a form in which it is readable without the use of any electronic or other apparatus; and
  - (d) that person is not a person who has required any such apparatus to be used, or made available to him, for putting the material into such a form in order that he may borrow it;
- but this subsection shall not prevent any regulations under this section from authorising the making of charges in respect of the use of any facility for the reservation of written materials or in respect of borrowed materials which are returned late or in a damaged condition.
- (4) Nothing in any regulations under this section shall authorise any charges to be made by a library authority for making facilities available for any person to do any of the following on any library premises, that is to say—
- (a) reading the whole or any part of any of the written materials for the time being held by the authority in a form in which they are readable without the use of any electronic or other apparatus or in microform;
  - (b) consulting (whether or not with the assistance of any such apparatus or of any person) such catalogues, indexes or similar articles as are maintained, in any form whatever, exclusively for the purposes of that authority’s public library service.
- (5) Without prejudice to the generality of subsection (2) above, the power to make regulations under this section shall include power—
- (a) to confer a discretion as to the amount of any charge made under the regulations;
  - (b) to provide for such a discretion to be exercisable subject to such maximum amount or scale of maximum amounts as may be specified in or determined under the regulations;
  - (c) to require library authorities to take such steps as may be specified or described in the regulations for making the amounts of their charges for library facilities known to the public;
  - (d) to make such other incidental provision and such supplemental, consequential and transitional provision as the Minister thinks necessary or expedient; and
  - (e) to make different provision for different cases, including different provision in relation to different persons, circumstances or localities.

---

*Status: This is the original version (as it was originally enacted).*

---

(5A) The power to make regulations under this section shall be exercisable by statutory instrument; and no regulations may be made under this section unless a draft of them has been laid before and approved by a resolution of each House of Parliament.”

(2) After subsection (6) of that section there shall be inserted the following subsection—

“(7) In this section—

“library premises” means—

- (a) any premises which are occupied by a library authority and are premises where library facilities are made available by the authority, in the course of their provision of a public library service, to members of the public;
- (b) any vehicle which is used by a library authority for the purpose of providing such a service and is a vehicle in which facilities are so made available;

“the Minister” means—

- (a) in relation to library authorities whose areas are in England, the Lord President of the Council; and
- (b) in relation to library authorities whose areas are in Wales, the Secretary of State;

and

“written material” means—

- (a) any book, journal, pamphlet or other similar article; or
- (b) any reprographic copy (within the meaning of the Copyright, Designs and Patents Act 1988) of any article falling within paragraph (a) above or any other reproduction of such an article made by any means whatever.”

(3) This section shall come into force on such day as the Lord President of the Council and the Secretary of State, acting jointly, may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or for different purposes.