
STATUTORY INSTRUMENTS

2008 No. 2909

HOUSING, ENGLAND

The Local Authorities (England) (Charges for Property Searches) (Disapplication) Order 2008

Made - - - - 10th November 2008
Laid before Parliament 13th November 2008
Coming into force in accordance with article 1(2)

The Secretary of State makes the following Order in exercise of the powers conferred by section 94 of the Local Government Act 2003(1):

Citation and commencement and application

1.—(1) This Order may be cited as the Local Authorities (England) (Charges for Property Searches) (Disapplication) Order 2008.

(2) This Order shall come into force on the same day as the day on which regulations revoking the Local Authorities (Charges for Land Searches) Regulations 1994(2) come into force.

(3) This Order applies only to local authorities in England.

Interpretation

2.—(1) In this Order, “access to property records” means access to property records granted by a local authority in any of the following ways—

- (a) allowing a person to inspect or search property records at a place designated by the authority for doing so;
- (b) allowing the making of or providing copies of, property records; or
- (c) the electronic transmission of property records, or copies of such records,

and in this Order, the expression “access to property records” is to be construed accordingly.

(2) In this Order, a reference to a local authority “answering enquiries about a property” means—

(1) [2003 c. 26](#). The power under section 94 of the Local Government Act 2003 is exercisable in relation to Wales, by the Welsh Ministers; see the definition of “appropriate person” in section 124 of the Act, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act [2006 \(c.32\)](#).
(2) [S.I. 1994/1885](#).

- (a) the answering by the authority of any specific oral or written enquiries from a person about a property or property records; or
 - (b) the carrying out by the authority of any activities for the purposes of answering such enquiries.
- (3) In this Order—
- “property” means a specified building or structure or specified land in relation to which property records are held by a local authority; and
- “property records”—
- (a) includes documents, registers, files and archives (held in any form by the local authority), which relate to a property;
 - (b) includes information derived from such documents, registers, files and archives; but
 - (c) excludes the local land charges register kept under section 3(2) of the Local Land Charges Act 1975(3).

Disapplication of section 93(1) of the Local Government Act 2003

3. Section 93(1) of the Local Government Act 2003 does not apply in relation to the best value authorities named in article 4, when granting access to property records or answering enquiries about a property.

Authorities to which this Order applies

4. The best value authorities to which this Order applies are—
- (a) a county council;
 - (b) a district council;
 - (c) a London Borough Council;
 - (d) the Common Council of the City of London; and
 - (e) the Council of the Isles of Scilly.

Signed by authority of the Secretary of State for Communities and Local Government

Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local
Government

10th November 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order disapplies section 93(1) of the Local Government Act 2003 in England in connection with certain property searches. The best value authorities to which this Order applies are set out in article 4.

Under article 1(2), this Order comes into force when the Local Authorities (Charges for Land Searches) Regulations 1994 are revoked. Those Regulations were made under section 150 of the Local Government and Housing Act 1989, and once revoked, will be replaced with further Regulations to be made under section 150 in respect of charges for property searches.

Section 93(1) of the Local Government Act 2003 enables best value authorities to charge for services and its disapplication will enable the draft regulations to be made under section 150 of the Local Government and Housing Act 1989 which are laid in Parliament on the same day as this Order. Otherwise, section 150(1)(b) permits such regulations to be made only in respect of anything “in respect of which there is no power or duty to impose a charge apart from the regulations”.