

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations allow local authorities to make charges for services provided in connection with property searches, specifically “access to property records” and “answering enquiries about a property”. The interpretation of both expressions is dealt with in regulation 2, along with other relevant expressions.

Regulation 3 revokes the Local Authorities (Charges for Land Searches) Regulations 1994, but makes transitional provision in respect of the charges to be made by local authorities in respect of requests received while those Regulations were in force.

Regulation 4 provides that the charging arrangements set out in the Regulations apply whether or not a local authority provides the services under a power or duty. However, they do not apply where a local authority has another power to charge or is under a duty to do so. They also do not apply in respect of access to “free statutory information” (see regulation 2(3)).

Regulations 5, 6 and 7 deal with the calculation of charges for the granting by a local authority of access to property records. Regulation 6 provides that these charges must not amount to more than the costs of granting access. Specifically, each charge made (“the unit charge”), must be calculated by dividing an estimate of the total yearly costs in providing access by an estimate of the number of requests to be received that year. As the unit charge is based on estimates, paragraphs (4) and (5) provide that over a period of three consecutive years, a local authority must ensure that the total income from charges does not exceed their total costs. In addition, where a local authority has made an under or overestimate of the unit charge, it must take this into account in determining charges for the following year. Regulation 7 provides for the interpretation of “costs”.

Regulation 8 gives a local authority power to make charges in respect of answering enquiries about property. These charges must have regard to the costs to the local authority in answering enquiries.

Regulation 9 requires local authorities to publish certain information each year in connection with the charges made under these Regulations. Each year, a local authority must publish information relating to unit charges. Additionally, from 2010, each must publish a yearly summary of the total income and costs relating to access to property records, and a summary of the total income from answering enquiries. The information published under regulation 9 must be approved by the person having responsibility for the financial affairs of the authority.