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*Changes to legislation: Local Government Finance Act 1988, Section 143 is up to date with all changes known to be in force on or before 06 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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# Local Government Finance Act 1988

## 1988 CHAPTER 41

### PART XI

#### MISCELLANEOUS AND GENERAL

##### *General*

#### 143 Orders and regulations. **E+W**

- (1) The power to make an order or regulations under this Act may be exercised differently in relation to different areas or in relation to other different cases or descriptions of case.
- (2) An order or regulations under this Act may include such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State [<sup>F1</sup>the Minister of Agriculture, Fisheries and Food] or the Treasury (as the case may be) to be necessary or expedient.
- (3) Subject to subsections [<sup>F2</sup>(3A)] to [<sup>F3</sup>(9AA)] below, the power to make an order or regulations under this Act shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- <sup>F4</sup>[(3A) The power to make an order under section 43(6B)(c)(ii) above shall be exercisable by statutory instrument, and no such order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament]
- (4) The power to make regulations under section . . . [<sup>F5</sup>[<sup>F6</sup>57A]] above shall be exercisable by statutory instrument, and no such regulations shall be made unless a draft of them has been laid before and approved by resolution of each House of Parliament.
- [<sup>F7</sup>(4A) As regards any power of the National Assembly for Wales to make an order or regulations under this Act, subsection (3) above shall have effect without the words from “subject to annulment” to the end.]

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- (5) As regards the power to make regulations under section 75 [<sup>F8</sup>, 91(3C)] or 118 above [<sup>F9</sup>other than regulations relating to an internal drainage board], subsection (3) above shall have effect without the words from “subject” to the end.
- (6) As regards the power to make an order under <sup>F10</sup> . . . section 150 below, subsection (3) above shall have effect without the words from “subject” to the end.
- <sup>F11</sup>(7) . . . . .
- (8) The power to make an order under paragraph 3 of Schedule 6 below shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (9) The power to make an order under paragraph 5 of Schedule 7 below shall be exercisable as there mentioned.
- [<sup>F12</sup>(9A) The power to make an order under paragraph 5 of Schedule 7A below shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- [ The power of the Secretary of State to make an order under paragraph 5G of Schedule <sup>F13</sup>(9AA) 9 shall be exercisable by statutory instrument, and no such order shall be made by him unless a draft of it has been laid before and approved by resolution of each House of Parliament.]
- <sup>F11</sup>(9B) . . . . .]
- (10) Before he makes regulations under section 75 or 118 above [<sup>F14</sup>other than regulations relating to an internal drainage board], the Secretary of State shall, by means of a notice in a newspaper or newspapers, take such steps as he thinks reasonably practicable to bring the contents of the proposed regulations to the notice of persons likely to be affected.
- (11) An order under paragraph 3 of Schedule 6 below shall, if apart from the provisions of this subsection it would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and only.

#### Textual Amendments

- F1** Words inserted by [Local Government and Housing Act 1989](#) ©. 42, SIF 81:1), s. 139, **Sch. 5 para. 72(2)**
- F2** Words in s. 143(3) substituted (19.11.1997) by [1997 c. 29](#), s. 1, **Sch. 1 para. 6(a)**; S.I. 1997/2752, **art. 2(1)** (with [art. 2\(2\)](#))
- F3** Word in s. 143(3) substituted (18.9.2003) by [Local Government Act 2003](#) (c. 26), s. 128(1)(b), **Sch. 7 para. 24(2)**
- F4** S. 143(3A) inserted (19.11.1997) by [1997 c. 29](#), s. 1, **Sch. 1 para. 6(b)**; S.I. 1997/2752, **art. 2(1)** (with [art. 2\(2\)](#))
- F5** Words repealed by [Local Government and Housing Act 1989](#) ©. 42, SIF 81:1), ss. 139, 194(4), **Sch. 5 para. 72(4)**, **Sch. 12 Pt. II** Note 4

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- F6** Word in s. 143(4) substituted (25.11.2004 for E.) by Local Government Act 2003 (c. 26), s. 128(3)(e), **Sch. 7 para. 24(3)**; S.I. 2004/3132, art. 3(1)(e) (with art. 4)
- F7** S. 143(4A) inserted (27.11.2003) by Local Government Act 2003 (c. 26), s. 128(4)(f), **Sch. 7 para. 24(4)**; S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F8** Words in s. 143(5) inserted (12.1.2000) by 1999 c. 29, s. 106(5) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2
- F9** Words inserted by Local Government and Housing Act 1989 ©. 42, SIF 81:1), s. 139, **Sch. 5 para. 72(5)**
- F10** Words in s. 143(6) ceased to have effect (25. 9. 1991) by Local Government Finance and Valuation Act 1991 ©. 51), ss. 1(2)(b)(3), 7(5) and expressed to be repealed (6.3.1992) by 1992 c. 14, s. 117, Sch. 13 para. 80(2), **Sch. 14** (with s. 118(1)(2)(4))
- F11** S. 143(7)(9B) repealed (6.3.1992) by 1992 c. 14, s. 117, Sch. 10 para. 80(3), **Sch. 14** (with s. 118(1)(2)(4))
- F12** S. 143(9A)(9B) inserted by Local Government and Housing Act 1989 ©. 42, SIF 81:1), s. 139, **Sch. 5 para. 72(6)**
- F13** S. 143(9AA) inserted (18.9.2003) by Local Government Act 2003 (c. 26), s. 128(1)(b), **Sch. 7 para. 24(5)**
- F14** Words inserted by Local Government and Housing Act 1989 ©. 42, SIF 81:1), s. 139, **Sch. 5 para. 72(7)**

## 143 Orders and regulations. **S**

- (1) The power to make an order or regulations under this Act may be exercised differently in relation to different areas or in relation to other different cases or descriptions of case.
- (2) An order or regulations under this Act may include such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State [<sup>F15</sup>the Minister of Agriculture, Fisheries and Food] or the Treasury (as the case may be) to be necessary or expedient.
- (3) Subject to subsections (4) to [<sup>F3</sup>(9AA)] below, the power to make an order or regulations under this Act shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The power to make regulations under section . . . <sup>F16</sup> 58 above shall be exercisable by statutory instrument, and no such regulations shall be made unless a draft of them has been laid before and approved by resolution of each House of Parliament.
- [<sup>F7</sup>(4A) As regards any power of the National Assembly for Wales to make an order or regulations under this Act, subsection (3) above shall have effect without the words from “subject to annulment” to the end.]
- (5) As regards the power to make regulations under section 75 or 118 above [<sup>F17</sup>other than regulations relating to an internal drainage board], subsection (3) above shall have effect without the words from “subject” to the end.
- (6) As regards the power to make an order under <sup>F18</sup>. . . section 150 below, subsection (3) above shall have effect without the words from “subject” to the end.
- <sup>F19</sup>(7) . . . . .
- (8) The power to make an order under paragraph 3 of Schedule 6 below shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

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- (9) The power to make an order under paragraph 5 of Schedule 7 below shall be exercisable as there mentioned.
- [<sup>F20</sup>(9A) The power to make an order under paragraph 5 of Schedule 7A below shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- [<sup>F13</sup>(9AA) 9 shall be exercisable by statutory instrument, and no such order shall be made by him unless a draft of it has been laid before and approved by resolution of each House of Parliament.]
- <sup>F19</sup>(9B) . . . . .]
- (10) Before he makes regulations under section 75 or 118 above [<sup>F21</sup>other than regulations relating to an internal drainage board], the Secretary of State shall, by means of a notice in a newspaper or newspapers, take such steps as he thinks reasonably practicable to bring the contents of the proposed regulations to the notice of persons likely to be affected.
- (11) An order under paragraph 3 of Schedule 6 below shall, if apart from the provisions of this subsection it would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F3** Word in s. 143(3) substituted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(1)(b), [Sch. 7 para. 24\(2\)](#)
- F7** S. 143(4A) inserted (27.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(4)(f), [Sch. 7 para. 24\(4\)](#); [S.I. 2003/3034](#), art. 2, Sch. 1 Pt. I
- F13** S. 143(9AA) inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(1)(b), [Sch. 7 para. 24\(5\)](#)
- F15** Words inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(2\)](#)
- F16** Words repealed by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), ss. 139, 194(4), Sch. 5 para. 72(4), [Sch. 12 Pt. II](#) Note 4
- F17** Words inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(5\)](#)
- F18** Words in s. 143(6) ceased to have effect (25. 9. 1991) by [Local Government Finance and Valuation Act 1991 ©. 51](#)), [ss. 1\(2\)\(b\)\(3\)](#), 7(5) and expressed to be repealed (6.3.1992) by 1992 c. 14, s. 117, Sch. 13 para. 80(2), [Sch. 14](#) (with s. 118(1)(2)(4))
- F19** S. 143(7)(9B) repealed (6.3.1992) by 1992 c. 14, s. 117, Sch. 10 para. 80(3), [Sch. 14](#) (with s. 118(1)(2)(4))
- F20** S. 143(9A)(9B) inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(6\)](#)
- F21** Words inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(7\)](#)

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