



Local Government and Housing Act 1989

1989 CHAPTER 42

PART IX

MISCELLANEOUS AND GENERAL

Charges by certain authorities

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; ^{F1}or
 - (b) it is a charge amounting to local taxation.]

Status: Point in time view as at 05/12/2005.

Changes to legislation: Local Government and Housing Act 1989, Section 151 is up to date with all changes known to be in force on or before 10 July 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)

- (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.

Textual Amendments

F1 S. 151(4)(b) and word substituted (S.) (1.4.1996) for s. 151(4)(b)(c) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(10)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**

Modifications etc. (not altering text)

C1 S. 151 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 11** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
S. 151 amended (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, s. 87(6), **Sch. 14 para. 7** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**

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