



Local Government and Housing Act 1989

1989 CHAPTER 42

PART IX

MISCELLANEOUS AND GENERAL

Charges by certain authorities

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;
 - ^{F1}(f)
- (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;
 - ^{F2}(aa) a county borough 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;
 - ^{F3}(f) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - ^{F4}(g)

Status: Point in time view as at 17/12/2009. This version of this provision has been superseded.

Changes to legislation: Local Government and Housing Act 1989, Section 152 is up to date with all changes known to be in force on or before 24 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)

- (h) an authority established under section 10 of the ^{M1}Local Government Act 1985 (waste disposal authorities);
 - (i) a joint authority established by Part IV of that Act [^{F5}(fire and rescue services and transport)];
 - [^{F6}(iza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
 - (izb) a combined authority established under section 103 of that Act;]
 - [^{F7}(ia) an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);]
 - (j) an authority or board constituted a port health authority at any time by an order under section 2 of the ^{M2}Public Health (Control of Disease) Act 1984;
 - [^{F8}(ja) a National Park authority]
 - [^{F9}(jb) a conservation board established by order under section 86 of the Countryside and Rights of Way Act 2000;]
 - (k)
 - (l) the Broads Authority. [^{F10}...]
 - [^{F11}(m) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the ^{M3}Town and Country Planning Act 1990.]
 - [^{F12}(n) the London Fire and Emergency Planning Authority.]
- (3) For the purposes of those sections in their application to Scotland, each of the following is a relevant authority—
- [^{F13}(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]
 - [^{F14}(d)
 - [^{F15}(e) a joint board or joint committee within the meaning of section 235(1) of the Local Government (Scotland) Act 1973.]
- (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.

Textual Amendments

- F1** S. 152(1)(f) repealed (1.4.1995) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. 1 para. 41, Sch. 9 Pt. 1; S.I. 1994/3262, art. 4 Sch. (subject to transitional provisions in art. 5(2)-(8))

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- F2** S. 152(2)(aa) inserted (7.1.1997) by S.I. 1996/3071, art. 2, **Sch. para. 3(7)**
- F3** S. 152(2)(f) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by **Fire and Rescue Services Act 2004 (c. 21)**, s. 61, **Sch. 1 para. 71(4)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F4** S. 152(2)(g) repealed (1.4.1995) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. 1 para. 41, **Sch. 9 Pt. 1**; S.I. 1994/3262, **art. 4 Sch.** (subject to transitional provision in art. 5(2)-(8))
- F5** Words in s. 152(2)(i) substituted (1.4.2005) by **Civil Contingencies Act 2004 (c. 36)**, s. 34(1), **Sch. 2 para. 10(3)(b)**; S.I. 2005/772, art. 2(b)
- F6** S. 152(2)(iza)(izb) inserted (17.12.2009) by **Local Democracy, Economic Development and Construction Act 2009 (c. 20)**, s. 148(6), **Sch. 6 para. 81(6)**; S.I. 2009/3318, art. 2(c)
- F7** S. 152(2)(ia) inserted (1.4.2008) by **Local Government and Public Involvement in Health Act 2007 (c. 28)**, s. 245(5), **Sch. 13 para. 48**; S.I. 2008/917, art. 2(1)(p)
- F8** S. 152(2)(ja) inserted (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)
- F9** S. 152(2)(jb) inserted (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)**
- F10** S. 152(2)(l) word repealed (3.7.2000) by 1999 c. 29, s. 423, **Sch. 34 Pt. 8** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(i)**
- F11** S. 152(2)(m) and word “and” immediately preceding it inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 31(4)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**
- F12** S. 152(2)(n) inserted (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. I para. 56 (with **Sch. 12 para. 9(1)**); S.I. 2000/1094, **art. 4(h)**
- F13** S. 152(3)(a) substituted (1.4.1996) for paras. (a)(b)(c) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(11)(a)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**
- F14** S. 152(3)(d) repealed (S.) (1.10.2009) by **Public Health etc. (Scotland) Act 2008 (asp 5)**, s. 128(2), **sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/319, art. 2(a), sch. 1
- F15** S. 152(3)(e) and the word “and” immediately preceding it substituted (1.4.1996) for paras. (e)(f) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(11)(b)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**

Marginal Citations

- M1** 1985 c. 51.
M2 1984 c. 22.
M3 1990 c. 8.

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