



# Local Government Act 2003

## 2003 CHAPTER 26

### PART 8

#### MISCELLANEOUS AND GENERAL

#### CHAPTER 1

#### MISCELLANEOUS

#### *Charging and trading*

### 93 Power to charge for discretionary services

- (1) Subject to the following provisions, a [<sup>F1</sup>relevant authority] may charge a person for providing a service to him if—
  - (a) the authority is authorised, but not required, by an enactment to provide the service to him, and
  - (b) he has agreed to its provision.
- (2) Subsection (1) does not apply if the authority—
  - (a) has power apart from this section to charge for the provision of the service, or
  - (b) is expressly prohibited from charging for the provision of the service.
- (3) The power under subsection (1) is subject to a duty to secure that, taking one financial year with another, the income from charges under that subsection does not exceed the costs of provision.
- (4) The duty under subsection (3) shall apply separately in relation to each kind of service.
- (5) Within the framework set by subsections (3) and (4), a [<sup>F2</sup>relevant authority] may set charges as it thinks fit and may, in particular—
  - (a) charge only some persons for providing a service;
  - (b) charge different persons different amounts for the provision of a service.

*Status: Point in time view as at 18/02/2012. This version of this provision has been superseded.*

*Changes to legislation: Local Government Act 2003, Section 93 is up to date with all changes known to be in force on or before 01 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)*

- (6) In carrying out functions under this section, a [<sup>F3</sup>relevant authority] shall have regard to such guidance as the appropriate person may issue.
- (7) The following shall be disregarded for the purposes of subsection (2)(b)—
- (a) section 111(3) of the Local Government Act 1972 (c. 70) (subsidiary powers of local authorities not to include power to raise money),
  - (b) section 34(2) of the Greater London Authority Act 1999 (c. 29) (corresponding provision for Greater London Authority),<sup>F4</sup>...
  - (c) section 3(2) of the Local Government Act 2000 (c. 22) (well-being powers not to include power to raise money).
  - [<sup>F5</sup>(d) section 100(2) of the Local Transport Act 2008 (well-being powers of Integrated Transport Authorities and combined authorities),
  - (e) section 102C(4) of that Act (Integrated Transport Authorities),
  - (f) section 10B(4) of the Transport Act 1968 (Passenger Transport Executives), and
  - (g) section 113B(4) of the Local Democracy, Economic Development and Construction Act 2009 (economic prosperity boards and combined authorities).]
- (8) In subsection (1), “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).
- [<sup>F6</sup>(9) In this section, “relevant authority ” means—
- (a) a best value authority;
  - [ a Welsh improvement authority;]<sup>F7</sup>(aa)
  - [ the Passenger Transport Executive of an integrated transport area in England;]<sup>F8</sup>(ab)
  - (b) a parish council;
  - (c) a parish meeting of a parish which does not have a separate parish council; or
  - (d) a community council.]

#### Textual Amendments

- F1** Words in s. 93(1) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(3\)\(a\)](#); S.I. 2008/917, art. 2(1)(a)
- F2** Words in s. 93(5) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(3\)\(a\)](#); S.I. 2008/917, art. 2(1)(a)
- F3** Words in s. 93(6) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(3\)\(a\)](#); S.I. 2008/917, art. 2(1)(a)
- F4** Word in s. 93(7)(b) repealed (18.2.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 3](#); S.I. 2012/411, art. 2(g)
- F5** S. 93(7)(d)-(g) inserted (18.2.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 14\(2\)](#), 240(2); S.I. 2012/411, art. 2(e)
- F6** S. 93(9) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(3\)\(b\)](#); S.I. 2008/917, art. 2(1)(a)
- F7** S. 93(9)(aa) inserted (1.4.2010) by [Local Government \(Wales\) Measure 2009 \(nawm 2\)](#), s. 53(2), [Sch. 1 para. 27](#); S.I. 2009/3272, art. 3(1), Sch. 2
- F8** S. 93(9)(ab) inserted (18.2.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 12\(4\)](#), 240(2); S.I. 2012/411, art. 2(e)

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**Modifications etc. (not altering text)**

- C1** S. 93(1) disappplied (23.12.2008) by [Local Authorities \(England\) \(Charges for Property Searches\) \(Disapplication\) Order 2008 \(S.I. 2008/2909\)](#), arts. 1(2), **3** (with art. 4)
- C2** S. 93(1) disappplied (3.3.2009) by [Local Authorities \(Charges for Property Searches\) \(Disapplication\) \(Wales\) Order 2009 \(No. 55\)](#), arts. 1(2), **3** (with art. 4)

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