

1989 No. 2292

LOCAL GOVERNMENT, ENGLAND AND WALES

FINANCE

**The County Councils (Library Authority Expenses)
(Wales) Order 1989**

<i>Made - - - -</i>	<i>5th December 1989</i>
<i>Laid before the House of Commons</i>	<i>8th December 1989</i>
<i>Laid before the House of Lords</i>	<i>11th December 1989</i>
<i>Coming into force</i>	<i>29th December 1989</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 140(4) and 147 of the Local Government Finance Act 1988(a), and of all other powers enabling him in that behalf, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the County Councils (Library Authority Expenses) (Wales) Order 1989 and shall come into force on 29th December 1989.

Amendment of section 21 of the Public Libraries and Museums Act 1964

2. After subsection (3) of section 21 of the Public Libraries and Museums Act 1964(b) there shall be added the following subsections—

“(4) Subsection (1) shall not apply to any expenses of a county council in Wales which are incurred or defrayed after 31st March 1990.

(5) Expenses of a county council in Wales incurred or defrayed on or after 1st April 1990 in exercising its functions as library authority in its library area shall not be charged on any district in Wales outside the library area of the county council.”

5th December 1989

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

Section 70 of the Local Government Finance Act 1988 ("the 1988 Act") provides that, subject to certain exceptions, the expenses of a county council are its general expenses. One of the exceptions concerns the expenses of a Welsh county council in exercising its functions as library authority in its library area, where that area consists of part only of its administrative area (section 70(2)(c)). In those circumstances such expenses are a Welsh county council's special expenses and relate only to that council's library area. Insofar as special expenses are incurred or defrayed on or after 1st April 1990, a county council must secure that such of those expenses as are to be met by precepts are borne only by those charging authorities (district councils in Wales) to whose area the expenses concerned relate (section 69(4)).

Section 21 of the Public Libraries and Museums Act 1964 (as amended) ("the 1964 Act") provides that the expenses of a Welsh county council under that Act in respect of the public library service shall not be charged on any district in Wales outside the library area of the county council. The prohibition is not restricted to expenses incurred in a county council's library area, and it therefore extends beyond the category of expenses which are special under section 70(2)(c) of the 1988 Act, to include its expense of carrying on its library functions outside its library area.

This Order, made under the powers given by sections 140(4) and 147 of the 1988 Act, amends section 21 of the 1964 Act so that its terms are consistent with the provisions of the 1988 Act.

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