
STATUTORY INSTRUMENTS

1996 No. 1978

**LOCAL GOVERNMENT, ENGLAND AND WALES
LOCAL GOVERNMENT, SCOTLAND**

FINANCE

**The Local Authorities (Charges for Overseas
Assistance and Public Path Orders) Regulations 1996**

<i>Made</i>	- - - -	<i>24th July 1996</i>
<i>Coming into force</i>		
<i>for the purposes of</i>		
<i>regulation 3(2)</i>		<i>1st April 1997</i>
<i>for all other purposes</i>		<i>25th July 1996</i>

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales, and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred on them by sections 150, 152(5) and 190 of the Local Government and Housing Act 1989(1), and of all other powers enabling them in that behalf, after consultation with such representatives of local government (as respects England and Wales) and associations of local authorities (as respects Scotland) as appear to them to be appropriate, hereby make the following Regulations, a draft of which has been laid before, and has been approved by resolution of, each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 and shall come into force for the purposes of regulation 3(2) on 1st April 1997 and for all other purposes on the day after the day on which they are made.

Overseas assistance

2.—(1) A relevant authority may impose a charge for providing advice or assistance in accordance with section 1 of the Local Government (Overseas Assistance) Act 1993(2).

(1) 1989 c. 42.

(2) 1993 c. 25; amended by paragraph 103 of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19); Part I of Schedule 9 to the Police and Magistrates' Courts Act 1994 (c. 29); paragraph 182 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39) and paragraph 36 of Schedule 10 to the Environment Act 1995 (c. 25).

(2) The amount of a charge under this regulation is to be at the discretion of the relevant authority and, in determining that amount, the authority shall have regard to its costs in providing the advice or assistance in question.

(3) In this regulation, “relevant authority” means an authority (other than a joint committee) which is mentioned in any of the following provisions of section 152 of the Local Government and Housing Act 1989⁽³⁾—

- (a) paragraphs (a) to (f), (h), (i), (ja), and (k) to (m) of subsection (2), and
- (b) paragraphs (a) and (e) of subsection (3).

Public path orders

3.—(1) The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993⁽⁴⁾ are amended as follows.

(2) In regulation 2(1), in the definition of “authority”, for the words from “a joint or special planning board” to “the Local Government Act 1972” there is substituted “a National Park authority”.

(3) Regulation 4(2) is omitted.

Signed by authority of the Secretary of State

18th July 1996

Paul Beresford
Parliamentary Under Secretary of State,
Department of the Environment

22nd July 1996

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

24th July 1996

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

(3) Section 152 is amended by paragraph 41 of Schedule 4, and Part I of Schedule 9, to the Police and Magistrates’ Courts Act 1994; paragraph 161(11) of Schedule 13 to the Local Government etc. (Scotland) Act 1994; paragraph 11 of Schedule 8 to the Environment Act 1995 (which inserts paragraph (ja)) and paragraph 31(4) of Schedule 10 to that Act (which inserts paragraph (m)). In relation to Wales the references to county and district councils in subsection (2) are, by virtue of section 17(5) of the Local Government (Wales) Act 1994, to be construed as references to the councils of new principal areas.

(4) S.I.1993/407.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations enables local authorities in England, Wales and Scotland to make charges for providing advice or assistance in accordance with the Local Authorities (Overseas Assistance) Act 1993. The amount of the charges is to be at the discretion of the charging authority, which is required in setting charges to have regard to the costs of providing the advice or assistance in question.

Regulation 3, which extends to England and Wales only, amends the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 so that the ceiling on charges for the making of a public path order is removed. It also amends those Regulations in consequence of the establishment of National Park authorities pursuant to Part III of the Environment Act 1995.