



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 2

### GENERAL POWER OF COMPETENCE

#### CHAPTER 1

##### THE GENERAL POWER

#### **26 Limits on charging in exercise of general power**

- (1) The general power confers power on a qualifying local authority to charge for providing a service to a person only if the following conditions are met.
- (2) The first condition is that the service is not one that any enactment requires the authority to provide to the person.
- (3) The second condition is that the person has agreed to the service being provided.
- (4) Except in relation to a service provided for a commercial purpose, to the extent that the general power confers a power on a qualifying local authority to charge for the provision of a service, the power is subject to a duty to secure that, taking one financial year with another, the income from charges imposed under it does not exceed the costs of provision.
- (5) The duty under subsection (4) applies separately in relation to each kind of service.
- (6) Subject to the duty under subsection (4), in exercising the power conferred by the general power to charge for providing a service, a qualifying local authority may set its charges as it considers appropriate, and may among other things—
  - (a) charge only some persons for providing a service;

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 26. (See end of Document for details)

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- (b) charge different persons, or different descriptions of persons, different amounts for the provision of a service.

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**Commencement Information**

**I1** S. 26 in force at 1.11.2021 by S.I. 2021/231, art. 4(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 26.