



2014 CHAPTER 8

PART 11

GENERAL POWERS OF COUNCILS

Limits on charging in exercise of general power

81.—(1) Subsection (2) applies where—

- (a) a council provides a service to a person otherwise than for a commercial purpose; and
- (b) its providing the service to the person is done, or could be done, in exercise of the general power.

(2) The general power confers power to charge the person for providing the service to the person only if—

- (a) the service is not one that a statutory provision requires the council to provide to the person;
- (b) the person has agreed to its being provided; and
- (c) the council would not otherwise have power to charge for providing the service.

(3) The general power is subject to a duty to secure that, taking one financial year with another, the income from charges allowed by subsection (2) does not exceed the costs of provision.

(4) The duty under subsection (3) applies separately in relation to each kind of service.