



Local Government and Housing Act 1989

1989 CHAPTER 42

PART IX

MISCELLANEOUS AND GENERAL

Charges by certain authorities

154 Charges: library services.

- (1) For subsections (2) to (5) of section 8 of the ^{M1}Public Libraries and Museums Act 1964 (exceptions to restrictions on charging for library facilities) there shall be substituted the following subsections—
- “(2) Subject to subsections (3) and (4) below, the Minister may by regulations—
- (a) authorise library authorities to make charges for such library facilities made available by them as may be specified in the regulations; and
 - (b) make such provision as regards charges by library authorities for library facilities, other than provision requiring the making of charges, as he thinks fit.
- (3) Nothing in any regulations under this section shall authorise any charges to be made by a library authority for lending any written material to any person where—
- (a) it is the duty of the authority under section 7(1) above to make facilities for borrowing available to that person;
 - (b) the material is lent in the course of providing such facilities to that person on any library premises;
 - (c) the material is lent in a form in which it is readable without the use of any electronic or other apparatus; and
 - (d) that person is not a person who has required any such apparatus to be used, or made available to him, for putting the material into such a form in order that he may borrow it;

Changes to legislation: Local Government and Housing Act 1989, Section 154 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes

but this subsection shall not prevent any regulations under this section from authorising the making of charges in respect of the use of any facility for the reservation of written materials or in respect of borrowed materials which are returned late or in a damaged condition.

- (4) Nothing in any regulations under this section shall authorise any charges to be made by a library authority for making facilities available for any person to do any of the following on any library premises, that is to say—
- (a) reading the whole or any part of any of the written materials for the time being held by the authority in a form in which they are readable without the use of any electronic or other apparatus or in microform;
 - (b) consulting (whether or not with the assistance of any such apparatus or of any person) such catalogues, indexes or similar articles as are maintained, in any form whatever, exclusively for the purposes of that authority’s public library service.
- (5) Without prejudice to the generality of subsection (2) above, the power to make regulations under this section shall include power—
- (a) to confer a discretion as to the amount of any charge made under theregulations;
 - (b) to provide for such a discretion to be exercisable subject to such maximum amount or scale of maximum amounts as may be specified in or determined under the regulations;
 - (c) to require library authorities to take such steps as may be specified or described in the regulations for making the amounts of their charges for library facilities known to the public;
 - (d) to make such other incidental provision and such supplemental, consequential and transitional provision as the Minister thinks necessary or expedient; and
 - (e) to make different provision for different cases, including different provision in relation to different persons, circumstances or localities.
- (5A) The power to make regulations under this section shall be exercisable by statutory instrument; and no regulations may be made under this section unless a draft of them has been laid before and approved by a resolution of each House of Parliament.”

(2) After subsection (6) of that section there shall be inserted the following subsection—

“(7) In this section—

“library premises” means—

- (a) any premises which are occupied by a library authority and are premises where library facilities are made available by the authority, in the course of their provision of a public library service, to members of the public;
- (b) any vehicle which is used by a library authority for the purpose of providing such a service and is a vehicle in which facilities are so made available;

“the Minister” means—

- (a) in relation to library authorities whose areas are in England, the Lord President of the Council; and

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(b) in relation to library authorities whose areas are in Wales, the Secretary of State;

and

“written material” means—

- (a) any book, journal, pamphlet or other similar article; or
- (b) any reprographic copy (within the meaning of the Copyright, Designs and Patents Act 1988) of any article falling within paragraph (a) above or any other reproduction of such an article made by any means whatever.”

(3) This section shall come into force on such day as the Lord President of the Council and the Secretary of State, acting jointly, may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or for different purposes.

Commencement Information

II [S. 154](#) wholly in force at 01. 01. 1992 see [S.I. 1991/2940](#), art. 2

Marginal Citations

M1 [1964 c. 75](#).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 65(2)(b)(ii) inserted by [2004 c. 23 Sch. 2 para. 11](#) (Pt. IV repealed (18.11.2003 for E. for the repeal of ss. 45, 53, 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E. in so far as not already in force) by Local Government Act 2003 (c. 26), s. 128(6), Sch. 7 para. 29; S.I. 2003/2938, arts. 3(h), 7(b) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 2))
- s. 76A76B inserted by [2014 c. 29 s. 24\(2\)](#)
- s. 87(1A) inserted by [2014 c. 29 s. 24\(5\)](#)