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WELSH STATUTORY INSTRUMENTS

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**2009 No. 55 (W.19)**

**HOUSING, WALES**

**The Local Authorities (Charges for Property Searches) (Disapplication) Wales) Order 2009**

*Made - - - - 19 January 2009*  
*Laid before the National*  
*Assembly for Wales - - 21 January 2009*  
*Coming into force in accordance with regulation 1(2)*

The Welsh Ministers make the following Order in exercise of the powers conferred on the National Assembly for Wales by section 94 of the Local Government Act 2003<sup>(1)</sup> and now vested in the Welsh Ministers <sup>(2)</sup>:

**Title, commencement and application**

1.—(1) The title of this Order is the Local Authorities (Charges for Property Searches) (Disapplication) (Wales) Order 2009.

(2) This Order comes into force on the same day as the day on which Regulations revoking the Local Authorities (Charges for Land Searches) Regulations 1994<sup>(3)</sup> come into force.

(3) This Order applies only to local authorities in Wales.

**Interpretation**

2.—(1) In this Order, “access to property records” (“*mynediad i gofnodion eiddo*”) means access to property records granted by a local authority in any of the following ways—

- (a) allowing a person to inspect or search property records at a place designated by the authority for doing so;
- (b) allowing the making of or providing copies of, property records; or
- (c) the electronic transmission of property records, or copies of such records,

and in this Order, the expression “access to property records” (“*mynediad i gofnodion eiddo*”) is to be construed accordingly.

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(1) 2003 c. 26.

(2) The power under section 94 of the Local Government Act 2003 is exercisable in relation to Wales, by the Welsh Ministers; *see* the definition of “appropriate person” in section 124 of the Act, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) S.I. 1994/1885.

(2) In this Order, a reference to a local authority “answering enquiries about a property” (“*ateb ymholiadau ynghylch eiddo*”) means—

- (a) the answering by the authority of any specific oral or written enquiries from a person about a property or property records; or
- (b) the carrying out by the authority of any activities for the purposes of answering such enquiries.

(3) In this Order—

“property” (“*eiddo*”) means a specified building or structure or specified land in relation to which property records are held by a local authority; and

“property records” (“*cofnodion eiddo*”)—

- (a) includes documents, registers, files and archives (held in any form by the local authority), which relate to a property;
- (b) includes information derived from such documents, registers, files and archives; but
- (c) excludes the local land charges register kept under section 3(2) of the Local Land Charges Act 1975<sup>(4)</sup>.

### **Disapplication of section 93(1) of the Local Government Act 2003**

3. Section 93(1) of the Local Government Act 2003 does not apply in relation to the best value authorities named in article 4, when granting access to property records or answering enquiries about a property.

### **Authorities to which this Order applies**

4. The best value authorities to which this Order applies are county councils and county borough councils in Wales<sup>(5)</sup>.

*Jocelyn Davies*

Under authority of the Minister for Environment,  
Sustainability and Housing, one of the Welsh  
Ministers

19 January 2009

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<sup>(4)</sup> 1975 c. 76.

<sup>(5)</sup> See the definition of “Welsh best value authority” and “local authority in Wales” in section 1 of the Local Government Act 1999.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order disapplies section 93(1) of the Local Government Act 2003 in Wales in connection with certain property searches. The Welsh best value authorities to which this Order applies are set out in article 4.

Under article 1(2), this Order comes into force when the Local Authorities (Charges for Land Searches) Regulations 1994 are revoked in relation to Wales. Those Regulations were made under section 150 of the Local Government and Housing Act 1989, and once revoked, will be replaced with further Regulations to be made under section 150 in respect of charges for property searches. These Regulations will be made separately for Wales and England. A similar Disapplication Order is also being made for England (S.I.2008/2909).

Section 93(1) of the Local Government Act 2003 enables best value authorities to charge for services and its disapplication will enable the draft Regulations to be made under section 150 of the Local Government and Housing Act 1989 which are laid before the National Assembly for Wales on the same day as this Order. Otherwise, section 150(1)(b) permits such Regulations to be made only in respect of anything “in respect of which there is no power or duty to impose a charge apart from the regulations”.

A regulatory impact assessment has been prepared in connection with these Regulations and a copy can be obtained from the Welsh Assembly Government, Housing Directorate, Rhydycar, Merthyr Tydfil, CF48 1UZ (telephone 01685 729158).