

LOCAL GOVERNMENT ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Council Tax

Section 83: Major precepting authorities: combined fire authorities

191. **Section 83(1)** adds combined fire authorities ('CFAs') in England established under section 6 of the Fire Services Act 1947 ('FSA 1947') to the list of major precepting authorities in section 39(1) of the LGFA 1992. Twenty four CFAs were established in the former county council areas affected by local government reorganisation in England between 1996 and 1998. These CFAs were established by combination schemes set out in orders made by the Secretary of State under section 6 of the FSA 1947. The constituent authorities (whose representatives make up the CFAs) are district and county councils, or in some areas just district councils.
192. At present, section 5(2)(c) of the FSA 1947 requires combination scheme orders to include provision for the contribution to the expenses of CFAs by the constituent authorities. Under these orders, the constituent authorities currently contribute to the CFA's expenses in proportion to their council tax bases.
193. As major precepting authorities, CFAs will be required under section 40 of the LGFA 1992 to issue a precept or precepts for each financial year. The precepts will be issued to billing authorities (district councils) in their areas. Each precept will have to state the amount of council tax that has been calculated for each category and band of dwelling in the area, and the total amount payable to the CFA by the council to which it is issued.
194. **Paragraph 1** of Schedule 7 amends section 6 of the FSA 1947. Its effect is that combination scheme orders made for CFAs in England need not contain provisions as to the contributions to the CFA's expenses to be made by the constituent authorities. Such provision will not be required as Chapter 4 of Part 1 of the LGFA 1992 will make the appropriate provision instead.
195. **Part 2** of Schedule 8 details the extent of the revocation of the provisions in the combination scheme orders which currently provide for the contributions of the constituent authorities to the CFA's expenses, consequent on section 83(1). These provisions will not be needed since the provisions in Chapter 4 of Part 1 of the LGFA 1992 which govern the calculation and issue of precepts will apply instead to determine authorities' contributions.
196. Subsection (2) of section 83 provides a power to allow the National Assembly for Wales to make an order to add Welsh CFAs to the list in section 39(1) of the LGFA 1992. Subsection (3) provides that the National Assembly for Wales should consult such representatives of local government and other bodies and persons as it considers appropriate, before it exercises the order-making power.
197. The National Assembly for Wales would (by virtue of section 123 of the Act) be able to include in such an order the necessary consequential amendment to section 6(1A) of

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the Fire Services Act 1947 (which is to be inserted by paragraph 1 of Schedule 7), so that combination scheme orders for Welsh combined fire authorities need not contain provisions as to the contributions to the CFA's expenses to be made by the constituent authorities. Section 123 would also allow the National Assembly for Wales to make consequential amendments, equivalent to those contained in Part 2 of Schedule 8, to the combination scheme orders establishing the Welsh combined fire authorities.