

## 1974 No. 428

## LOCAL GOVERNMENT, ENGLAND AND WALES

## The Rate Support Grant Regulations 1974

*Made* - - - 14th March 1974

*Laid before Parliament* 14th March 1974

*Coming into Operation* 1st April 1974

The Secretary of State for the Environment, in exercise of the powers conferred upon him by section 10(3) of and paragraphs 2, 6, 9 and 11 of Schedule 2 to the Local Government Act 1974(a) and by section 48(4) of the General Rate Act 1967(b), and of all other powers enabling him in that behalf, having consulted with such associations of local authorities as appeared to him to be concerned and with the local authority with whom consultation appeared to him to be desirable, hereby makes the following regulations:—

*Title and commencement*

1. These regulations may be cited as the Rate Support Grant Regulations 1974 and shall come into operation on 1st April 1974.

*Interpretation*

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Local Government Act 1974;

“former authority” means a local authority within the meaning of section 41(1) of the Local Government Act 1966(c);

“new authority” means a local authority within the meaning of section 10(1) of the Local Government Act 1974;

“the Order” means the Rate Support Grant Order 1974;

“the Secretary of State” means the Secretary of State for the Environment;

“year” means a period of twelve months beginning with 1st April;

and in Schedule 1 to these regulations, expressions used in the Education Acts 1944 to 1973 have the same meanings as in those Acts.

(2) In these regulations any references to an enactment or instrument shall be construed as referring to that enactment or instrument as amended by any other enactment or instrument.

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(a) 1974 c. 7.

(b) 1967 c. 9.

(c) 1966 c. 42.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

*Regulations to apply to year 1974-5*

3. These regulations shall have effect for the purposes of rate support grants for the year 1974-5; and any references in these regulations to a year not otherwise identified are references to that year.

*Submission of information*

4.—(1) Each local authority shall submit to the Secretary of State, by such date as he may specify, such information as he may from time to time require in connection with rate support grants.

(2) Where the Secretary of State is not satisfied that the information submitted to him by a local authority under paragraph (1) above, so far as it relates to the amount of total estimated expenditure for purposes of paragraph 10(3) of Part III of Schedule 2 to the Act (which relates to the calculation of the uniform rate for purposes of the resources element), accurately reflects the amount by reference to which the authority have calculated the general rate for that year, he may, after giving notice of his intention to the authority and affording them an opportunity to submit representations, make such adjustment of the information submitted to him under paragraph (1) above as he considers appropriate.

*Estimates and conclusive calculations*

5.—(1) The Secretary of State shall, upon the best information available to him, estimate and notify to each local authority the amounts of the constituent elements of rate support grant which will become payable to the authority for the year; and he may make and notify to the authority such further estimates of the said amounts, taking into account information not previously available, as he may think fit.

(2) As soon as practicable after he has received what appears to him to be sufficient information for the purpose, the Secretary of State shall make a conclusive calculation of the said amounts and notify the result thereof to each local authority.

(3) The amount of any element of rate support grant payable to a local authority shall be calculated to the nearest pound.

(4) Where it appears to the Secretary of State from any estimate or calculation made under this regulation that a sum in excess of the amount of the estimate or calculation has already been paid to a local authority in respect of rate support grants for the year, he may recover that sum by deduction from any amounts due to that authority in respect of rate support grants, whether for the year or for any subsequent year, or by payment to him by the authority after a demand therefor or partly by such a deduction and partly by such a payment, as he thinks fit.

*Population and area*

6.—(1) For the purposes of Schedule 2 to the Act and of the Order, the population of the area of a local authority shall be that estimated by the Registrar General and certified by him to the Secretary of State for rate support

grant purposes; and except for the purposes of paragraph 1(c) of Schedule 1 to the Order (which relates to decline in population) the Registrar General shall estimate the population of such an area by reference to the population on 30th June 1972 of the area which constitutes the area of the local authority on 1st April 1974.

(2) Subject to paragraph (3) below, for the purposes of paragraph 1(b) of Schedule 1 to the Order, the acreage of the area of a local authority shall be that certified by the Ordnance Survey.

(3) The acreage of the Isles of Scilly shall, for the purposes of the said paragraph 1(b), be taken to be 31,500 acres.

#### *Education units*

7.—(1) For the purposes of paragraph 1(a) of Schedule 1 to the Order, the number of education units for the area of a local authority shall be that calculated under the provisions of Schedule 1 to these regulations.

(2) In relation to an inner London borough or the City of London, the calculation required by paragraph (1) above shall be made by reference to the Inner London Education Area and not by reference to the area of the individual local authority; and the resulting number of education units in excess of 200 per 1,000 of the population of that area shall be apportioned on the basis of their respective populations between the inner London boroughs and the City of London.

#### *Personal social services units*

8. For the purposes of paragraph 1(d) of Schedule 1 to the Order, the number of personal social services units for the area of a local authority shall be that calculated under the provisions of Schedule 2 to these regulations.

#### *Rateable values*

9.—(1) Subject to the provisions of this regulation, for the purposes of paragraph 9(2) of Part III of Schedule 2 to the Act (which provides for the determination of effective rateable value of hereditaments in the area of a local authority, in order to arrive at rateable value per head of population of the area, in connection with entitlement to resources element), effective rateable value shall be the rateable value ascribed to the hereditament in the valuation list as at 1st April 1973.

(2) The reference in the preceding paragraph to a hereditament includes a reference to a notional hereditament which a body is treated as occupying by virtue of any enactment.

(3) Effective rateable value in relation to a Crown hereditament shall be the value which the district valuer estimates as representing the value upon which any contribution in lieu of rates in respect of the hereditament would have been computed on the basis of a valuation as at 1st April 1973.

(4) In the preceding paragraph "Crown hereditament" means a hereditament referred to in section 37 or 38 of the General Rate Act 1967 (which relate to hereditaments occupied by or on behalf of the Crown and for other public purposes and to contributions in lieu of rates in respect of such hereditaments).

(5) For the purposes of paragraph 11(1)(b) of Part III of Schedule 2 to the Act (which provides for the recalculation of the resources element payable to a local authority following a reduction in the rateable value of hereditaments in their area if that reduction exceeds a specified percentage) the specified percentage shall be 3 per cent.

*Distribution of the domestic element*

10.—(1) The amount of the domestic element payable to a local authority for the year shall be determined by multiplying the amount of the domestic element fixed by article 3(1) of the Order by  $\frac{a}{A}$ , where—

- a is the domestic rateable value of the area of the local authority for the year multiplied by the amount of the reduction prescribed in relation to that area by article 3(4) of the Order and
- A is the aggregate of the amounts calculated as for a in respect of each local authority in England and Wales entitled to receive domestic element in the year.

(2) For the purposes of this regulation the domestic rateable value of the area of a local authority shall be the amount, divided by two, of the aggregate of the rateable values as at 1st April 1974 and at 31st March 1975 of dwelling-houses in the area as certified by the valuation officer.

(3) No payment in respect of the domestic element shall be made to the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple if no rate in the nature of a general rate is levied in the Temple in question during the year.

*Apportionment of rate reductions in the City of London by reference to the domestic element.*

11.—(1) Section 48 of the General Rate Act 1967 and paragraph 5 of Schedule 2 to the Act (which provide for the reduction of rates on dwellings by reference to the domestic element) shall, in their application to the City of London, have effect subject to the provisions of this regulation.

(2) Reductions of rates under the said provisions shall be apportioned between the poor rate and the general rate in the relevant proportions (taken to the nearest whole penny).

(3) Payments in respect of the domestic element shall be treated as being, in the relevant proportions, the proceeds of the poor rate and the general rate.

(4) In this regulation “the relevant proportions” means the proportions which, for the year, the number of pence in the pound of the poor rate and the general rate bear respectively to the aggregate of the number of pence in the pound of both of the said rates.

## Regulation 7(1)

## SCHEDULE 1

## EDUCATION UNITS

1. For the purpose of calculating the numbers of education units for an area, each of the persons and items referred to in column (1) of the following table shall constitute the number of education units specified in relation thereto in column (2).

| (1)  | (2)   |
|--|-------|
| (a) Pupil in a primary school or nursery school                    | 1.00  |
| (b) Pupil in a secondary school or special school:—                |       |
| under 16 years of age on 31st December 1972                        | 1.78  |
| 16 years of age or over on 31st December 1972                      | 3.02  |
| (c) Pupil in a direct grant grammar school:—                       |       |
| under 16 years of age on 31st December 1972                        | 1.246 |
| 16 years of age or over on 31st December 1972                      | 2.114 |
| (d) Student in an establishment of further education:—             |       |
| full-time  | 2.88  |
| part-time  | 0.576 |
| evening only   | 0.288 |
| (e) 1,000 meals provided during the year ending on 31st March 1973 | 0.65  |

2. Head (a) above applies to every child who—

- (i) at the beginning of the spring term 1973 was registered as a pupil at a primary school or a nursery school within the area of the new authority which was then maintained or assisted by a former authority;
- (ii) on 1st September 1972 was under 11 years of age and at the beginning of the spring term 1973 was registered as a pupil at a school within the area of the new authority which was then deemed to be a primary or a secondary school by virtue of an order made under section 1(2) of the Education Act 1964(a);
- (iii) on 31st December 1972 was under 12 years of age and at the beginning of the spring term 1973 was registered as a pupil at an independent school at which education was provided for him in pursuance of arrangements made by the former authority under section 6(1) of the Education (Miscellaneous Provisions) Act 1953(b);
- (iv) on 31st December 1972 was under 12 years of age and during January 1973 received education within the area of the new authority in pursuance of arrangements made by a former authority under section 56 of the Education Act 1944(c).

3. Head (b) above applies to any child or young person who—

- (i) was at the beginning of the spring term 1973 registered as a pupil at a secondary school or special school within the area of the new authority which was then maintained or assisted by a former authority;

(a) 1964 c. 82.

(b) 1953 c. 33.

(c) 1944 c. 31.

- (ii) on 1st September 1972 was 11 years of age or over and at the beginning of the spring term 1973 was registered as a pupil at a school within the area of the new authority which was then deemed to be a primary or a secondary school by virtue of an order made under section 1(2) of the Education Act 1964;
- (iii) on 31st December 1972 was 12 years of age or over and at the beginning of the spring term 1973 was registered as a pupil at an independent school at which education was provided for him in pursuance of arrangements made by the former authority under section 6(1) of the Education (Miscellaneous Provisions) Act 1953;
- (iv) on 31st December 1972 was 12 years of age or over and during January 1973 received education within the area of the new authority in pursuance of arrangements made by a former authority under section 56 of the Education Act 1944.

4. Head (c) above applies to any child or young person who at the beginning of the spring term 1973 was registered as a pupil at a school recognised as a grammar school for the purposes of regulation 4 of the Direct Grant Schools Regulations 1959(a) and filled a place at the school which the proprietors of the school had placed at the disposal of the former authority in pursuance of regulation 16 of those regulations.

5. Head (d) above applies to any person who on 1st November 1972 was attending a course of further education at an establishment within the area of the new authority which was then maintained or assisted by a former authority in pursuance of a scheme of further education made under section 42 of the Education Act 1944 except—

- (i) a course for the training of teachers;
- (ii) a course to which regulation 2(2)(c) of the Rate Support Grants (Pooling Arrangements) Regulations 1967(b) applied; or
- (iii) a course provided in the evening only, other than a course of post-graduate study or of research or a course for any one of the qualifications specified in the annex to this schedule.

6. Head (e) above applies to midday meals provided in pursuance of regulation 5(1) of the Provision of Milk and Meals Regulations 1969(c) and includes meals provided with those meals to—

- (a) teachers employed at the school;
- (b) other persons employed by the local education authority, or by the governors or managers of the school, in connection with the organisation, inspection, preparation or service of the meals or the supervision of pupils during the midday break; and
- (c) persons visiting the school in an official capacity.

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(a) S.I. 1959/1832 (1959 I, p. 1034).

(b) S.I. 1967/467 (1967 I, p. 1407). (c) S.I. 1969/403 (1969 I, p. 1382).

7. For the purposes of paragraphs 2(i) (in so far as it applies to nursery schools), (iii) and (iv), 3(iii) and (iv) and 4 above, where the area of a new authority includes a part only of the area of any former authority, the number of pupils to be taken into account with respect to that part shall be the number as calculated by reference to the area of the former authority multiplied by a fraction of which—

- (a) the numerator is the number of the population of the area of the former authority who fall within the area of the new authority and
- (b) the denominator is the total number of the population of the area of the former authority.

#### ANNEX

*Qualifications referred to in paragraph 5(iii) above*

University degrees and diplomas (including higher degrees).

All post graduate and research studies whether or not comprising organised courses of lectures and whether or not leading to a qualification.

National Certificates and Diplomas.

College qualifications.

General Certificate of Education.

Art qualifications (including studies preceding the Diploma in Art and Design).

Nursing qualifications.

City and Guilds Certificates.

Membership of professional institutions (including College of Technologists).

Certificates of regional examining unions (except shorthand and typing courses).

National Certificate endorsements giving exemption from Parts 2 or 3 of the examination of a professional institution.

The Certificate in Office Studies.

Certificate of Secondary Education.

## SCHEDULE 2

Regulation 8

## PERSONAL SOCIAL SERVICES UNITS

1. For the purpose of calculating the numbers of personal social services units for an area, each of the persons and items referred to in column (1) of the following table shall constitute the number of personal social services units specified in relation thereto in column (2).

| (1)   | (2) |
|---|-----|
| (a) 1,000 main meals provided under the enactments mentioned in paragraph 2 below—  | 1   |
| (b) A home help provided under section 13 (home help and laundry facilities) of the Health Services and Public Health Act 1968(a)—                              | 3   |
| (c) Social worker, trainee social worker or welfare assistant employed for the purposes of any of the social services functions mentioned in paragraph 4 below— | 4   |
| (d) Person in residential accommodation as defined in paragraph 5 below—  | 1   |
| (e) Place in day accommodation as defined in paragraph 6 below—   | 2   |
| (f) Child in care as defined in paragraph 7 below—  | 4   |
| (g) 100,000 of the population aged 65 years or over—  | 1   |

2. The enactments referred to in head (a) above are—

- (i) section 31 (provision of meals and recreation for old people) of the National Assistance Act 1948(b) as substituted by section 1 of the National Assistance Act 1948 (Amendment) Act 1962(c) and as amended by section 45(10) of the Health Services and Public Health Act 1968;
- (ii) sections 12 (prophylaxis, care and after-care) and 45 (promotion, by local authorities, of the welfare of old people) of the Health Services and Public Health Act 1968;
- (iii) section 29(1) (welfare arrangements for blind, deaf, dumb and crippled persons, etc.) of the National Assistance Act 1948 as extended by section 2 of the Chronically Sick and Disabled Persons Act 1970(d).

3. For the purposes of heads (b) and (c) above, the number of persons of any description in an area shall be ascertained as follows—

- (a) each person employed whole-time shall be counted as 1 and
- (b) each person employed part-time shall be counted as a fraction of 1 of which—
  - (i) the numerator is the number of hours worked by him in that capacity and
  - (ii) the denominator is the number of hours worked by a person employed whole-time in the same category in the same area.

(a) 1968 c. 46. (b) 1948 c. 29. (c) 1962 c. 24. (d) 1970 c. 44.



4. The social services functions referred to in head (c) above are the functions mentioned in Schedule 1 (enactments conferring functions assigned to social services committee) of the Local Authority Social Services Act 1970(a).

5. For the purposes of head (d) above, “residential accommodation” means accommodation provided for the aged, disabled or mentally disordered under—

- (i) as described in section 21(1)(a) or 26(1) of the National Assistance Act 1948 (which relate respectively to accommodation provided by local authorities and similar accommodation provided by voluntary organisations) or
- (ii) under paragraph (a) of section 12(1) (prophylaxis, care and after-care) of the Health Services and Public Health Act 1968.

6. For the purposes of head (e) above, “day accommodation” means—

- (i) a day nursery provided under section 22 (care of mothers and young children) of the National Health Service Act 1946(b) or
- (ii) an adult training centre or day centre for the mentally ill provided under section 12(1)(b) of the Health Services and Public Health Act 1968.

7. For the purposes of head (f) above, “child in care” means—

- (i) a child received into the care of a local authority under section 1 of the Children Act 1948(c);
- (ii) a child committed to the care of a local authority under—
  - (a) section 1(3)(c), 2(5), 2(10), 2(11), 7(7), 15(1), 23(1), 25(1) or 26(2) of the Children and Young Persons Act 1969(d);
  - (b) section 2(1)(e) of the Matrimonial Proceedings (Magistrates Courts) Act 1960(e);
  - (c) section 36(1) of the Matrimonial Causes Act 1965(f);
  - (d) section 7(2) of the Family Law Reform Act 1969(g); or
- (iii) a child detained in the care of a local authority under section 29(3) of the Children and Young Persons Act 1969.

8. The number of persons or items to be taken into account under the respective heads of the table in paragraph 1 above for an area shall be as estimated by the Secretary of State for Social Services—

- (i) for head (a), in relation to the year ended 31st March 1973;
- (ii) for heads (b) and (c), as at 30th September 1972;
- (iii) for heads (d) to (f), as at 31st March 1973;
- (iv) for head (g), as at 30th June 1972;

in accordance with returns required by him.

9.—(1) In calculating the number of persons or items to be taken into account in respect of the area of a new authority, regard shall be paid to the number of persons or items as calculated by reference to the area of each of the former authorities whose areas immediately before 1st April 1974 are in whole or in part included in the area of the new authority.

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(a) 1970 c. 42.    (b) 1946 c. 81.    (c) 1948 c. 43.    (d) 1969 c. 54.  
 (e) 1960 c. 48.    (f) 1965 c. 72.    (g) 1969 c. 46.

(2) Where the area of a new authority includes a part only of the area of any former authority as mentioned in the preceding sub-paragraph, the number of persons or items to be taken into account with respect to that part shall be the number as calculated by reference to the area of the old authority multiplied by a fraction of which—

- (a) the numerator is the number of the population of the area of the former authority who fall within the area of the new authority and
- (b) the denominator is the total number of the population of the area of the former authority.

14th March 1974.

*Anthony Crosland,*  
Secretary of State  
for the Environment.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations provide for carrying into effect the provisions of the Local Government Act 1974 with respect to the payment of rate support grants to local authorities for the year 1974-5. Rate support grants comprise three elements—namely, the needs element, the resources element and the domestic element. The actual amounts payable in respect of each of these elements are fixed by the Rate Support Grant Order 1974; but the method of making various calculations is left over to these Regulations.

In particular, the Regulations—

- (a) determine how the population of any area is to be ascertained;
- (b) determine how the number of education units and the number of personal social services units are to be calculated;
- (c) provide for determination of effective rateable values for purposes of arriving at rateable value per head of population in any area;
- (d) provide for submission by local authorities to the Secretary of State of information required by him in connection with rate support grants;
- (e) provide for estimates and conclusive calculation of the amounts of the constituent elements of rate support grants and for the adjustment of excess payments;
- (f) provide how the domestic element is to be distributed.

The Regulations also make special provision with regard to the City of London so that payment of the domestic element can take account of its special rating circumstances.

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