
 STATUTORY INSTRUMENTS

1984 No. 223

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government (Prescribed Expenditure) (Amendment)
Regulations 1984**

Made - - - 27th February 1984

Laid before Parliament 8th March 1984

Coming into Operation 1st April 1984

The Secretary of State for the Environment in relation to England, and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred on them by sections 72(3), 75(5) and 84 of, and paragraph 4 of Schedule 12 to, the Local Government, Planning and Land Act 1980(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Local Government (Prescribed Expenditure) (Amendment) Regulations 1984 and shall come into operation on 1st April 1984.

2. The Local Government (Prescribed Expenditure) Regulations 1983(b) shall be amended as follows.

Prescribed proportion of net capital receipts

3. In paragraphs 2 and 5 of Schedule 1 for the figure “50%” in column 2 there shall be substituted the figure “40%”.

Sums to be treated as capital receipts

4. For paragraph 1 of Schedule 2 there shall be substituted the following paragraph:—

“1. Payments made in accordance with an agreement made under section 52 of the Town and Country Planning Act 1971(c), section 37 of the Town and Country Planning Act 1962(d), or otherwise, for the purpose of restricting or regulating the use of land.”

(a) 1980 c.65.
(d) 1962 c.38.

(b) S.I. 1983/296.

(c) 1971 c.78.

Expenditure which is not to be prescribed expenditure

5. For paragraph 6 of Schedule 3 there shall be substituted the following paragraph:—

“6. Any payment by an authority to a new town development corporation or to the Commission for the New Towns not being a payment for the acquisition by the authority of assets from such a corporation or the Commission.”.

Patrick Jenkin,
Secretary of State for the Environment.

27th February 1984.

Nicholas Edwards,
Secretary of State for Wales.

27th February 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Local Government (Prescribed Expenditure) Regulations 1983 as follows:—

1. Section 72(3) of the Local Government, Planning and Land Act 1980 provides that an authority to which Part VIII of the Act applies may make payments in respect of prescribed expenditure equal to or less than the aggregate of various amounts, including the authority's net capital receipts. Regulations may provide that only a proportion of receipts of any particular class may be counted. The 1983 Regulations specified in relation to authorities in England a proportion of 50% in relation to the disposal of certain dwelling-houses and the repayment of certain Housing Act advances. These regulations reduce that proportion to 40%.
2. Regulation 5 of and Schedule 2 to the 1983 Regulations specify certain sums which are to be treated as capital receipts. Paragraph 1 of that Schedule specified that payments made under agreements under the Town and Country Planning Acts 1962 and 1971 for the purpose of regulating the development or use of land should be treated as capital receipts. These regulations amend paragraph 1 so that payments made under any agreement for those purposes, whatever the enactment under which it was made, are to be treated as capital receipts.
3. Regulation 6 of and Schedule 3 to the 1983 Regulations specified expenditure which is not to be prescribed expenditure. Paragraph 6 of that Schedule specifies that payments made to a new town development corporation or to the Commission for the New Towns for certain purposes are not to be prescribed expenditure. These regulations amend paragraph 6 to provide that any payments made by an authority to these bodies as a contribution towards capital expenditure are not to be prescribed expenditure.

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