

1989 No. 2304

LOCAL GOVERNMENT, ENGLAND AND WALES

The Non-Domestic Ratepayers (Consultation)
Regulations 1989

<i>Made - - - -</i>	<i>6th December 1989</i>
<i>Laid before Parliament</i>	<i>7th December 1989</i>
<i>Coming into force</i>	<i>28th December 1989</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 134(6) and 143(1) of the Local Government Finance Act 1988(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Non-Domestic Ratepayers (Consultation) Regulations 1989, and shall come into force on 28th December 1989.

(2) In these Regulations—

“the 1988 Act” means the Local Government Finance Act 1988;

“relevant year” means the financial year to which the consultation relates;

“the current year” means the year preceding the relevant year;

and

“the preceding year” means the financial year preceding the current year.

Prescribed information

2.—(1) The information referred to in paragraphs (2) to (5) below is prescribed as the information to be made available by an authority to persons or bodies it proposes to consult under section 134 of the Act.

(2) In the case of consultation about proposals for expenditure in the financial year beginning 1st April 1990, the information is—

(a) the authority's total expenditure for the financial year beginning in 1989 as estimated for the purpose of section 2 or, as the case may be, section 11 of the General Rate Act 1967(b), and

(b) the information mentioned in paragraph (4) below.

(3) In the case of consultation about proposals for expenditure in the financial year beginning 1st April 1991, and in each subsequent financial year, the information is—

(a) 1988 c.41.

(b) 1967 c.9; the General Rate Act 1967 is repealed by section 149 and Schedule 13 of the 1988 Act for financial years beginning in or after 1990, subject to any savings made under section 117(8) of the 1988 Act.

- (a) the authority's estimate of the aggregate of the items mentioned in section 68(4) or, as the case may be, section 95(2) of the 1988 Act^(a) for the current year,
- (b) a statement of the amount of any substitute precept or substitute calculation of the aggregate of the items mentioned in section 95(2) of the 1988 Act made for the current year under sections 71 or, as the case may be, section 96 of the 1988 Act, and
- (c) the information mentioned in paragraph (4) below.

(4) The information referred to in paragraphs (2)(b) and (3)(c) above is a statement of the authority's proposals for, and commitments in relation to, expenditure (distinguishing between revenue expenditure and capital expenditure) in the relevant year for each of the classes of service mentioned in paragraph (5) below, including—

- (i) a statement of the extent, if any, to which it is proposed that expenditure for each such class of service should change, after allowing for inflation, compared with the current year;
- (ii) a statement of the reason for any significant change, after allowing for inflation, in the level of expenditure for each such class of service;
- (iii) a statement of the implications of any significant change, after allowing for inflation, in the level of expenditure proposed on the quality of each such class of service;
- (iv) the authority's current estimate of its total revenue expenditure for the current year;
- (v) the authority's current estimate of its total capital expenditure for the current year.

(5) The classes of service referred to in paragraph (4) above are—

- (i) education;
- (ii) personal social services;
- (iii) highways;
- (iv) police;
- (v) fire;
- (vi) planning and economic development;
- (vii) recreation and tourism;
- (viii) environmental health;
- (ix) refuse collection and disposal;
- (x) other services.

Prescribed time etc. for making prescribed information available

3. An authority shall make prescribed information which is in its possession or control available to persons or bodies it proposes to consult under section 134 of the 1988 Act by sending it to those persons and bodies; and the time at which that information shall be sent is—

- (a) where it relates to proposals for expenditure in the financial year beginning 1st April 1990, as soon as practicable in the current year, and
- (b) where it relates to proposals for expenditure in a subsequent financial year as soon as practicable, and in any event not later than—
 - (i) in the case of a precepting authority, 15th February in the current year and
 - (ii) in the case of a charging authority, 25th February in the current year.

6th December 1989

Chris Patten
Secretary of State for the Environment

5th December 1989

Peter Walker
Secretary of State for Wales

^(a) Section 68(4) was substituted by paragraph 49(3) of Schedule 5 to the Local Government and Housing Act 1989 (c. 42); section 95(2) was substituted by paragraph 63(2) of Schedule 5 to the Local Government and Housing Act 1989.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 134 of the Local Government Finance Act 1988 requires charging authorities and certain precepting authorities to consult persons or bodies appearing to them to be representative of persons subject to non-domestic rates under sections 43 and 45 of the Act as regards hereditaments situated in their areas. The consultations must be made as to each financial year and must be about the authorities' proposals for expenditure (including capital expenditure) in that financial year.

Such authorities are required by section 134(6) to make available to the representatives whom they propose to consult such information as may be prescribed by regulations and is in their possession and control, in such form and manner and at such time as the regulations may prescribe. These regulations describe the information to be provided which is to include estimates of their expenditure in the year in which the consultation is to take place, details of their proposals for expenditure in the following year, and particulars of significant changes in the level of proposed expenditure compared to the previous year.

The regulations require information to be sent to the persons an authority proposes to consult as soon as practicable and, in the case of consultation about expenditure in the financial year 1991-92 and later years, in any event not later than 15th February (in the case of a precepting authority) or 25th February (in the case of a charging authority) in the year in which the consultation is to take place.