
STATUTORY INSTRUMENTS

1992 No. 1203 (S. 116)

WATER SUPPLY, SCOTLAND

The Council Water Charge (Scotland) Regulations 1992

<i>Made</i>	- - - -	<i>12th May 1992</i>
<i>Laid before Parliament</i>		<i>3rd June 1992</i>
<i>Coming into force</i>	- -	<i>24th June 1992</i>

The Secretary of State, in exercise of the powers conferred upon him by section 116(1) of, and paragraph 11 of Schedule 11 to, the Local Government Finance Act 1992((1)) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Council Water Charge (Scotland) Regulations 1992 and shall come into force on 24th June 1992.

(2) In these Regulations, “the Act” means the Local Government Finance Act 1992 and any reference to a section or Schedule is, unless otherwise expressly stated, a reference to a section of, or a Schedule to, the Act.

Application to council water charge

2. For the purposes of paragraph 11 of Schedule 11 to the Act (which provides for the provisions of sections 71, 75 to 81, 96, 97 and 99(3) of the Act to have effect, subject to such adaptations, exceptions and modifications as may be prescribed, in relation to the council water charge as they have effect in relation to the council tax), there are prescribed the adaptations, exceptions and modifications set out in the Schedule to these Regulations.

St. Andrew’s House,
Edinburgh
12th May 1992

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

(1) 1992 c. 14; section 116(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

SCHEDULE

Regulation 2

APPLICATION OF SECTIONS 71, 75 TO 81, 96, 97 AND 99(3) OF
THE ACT IN RELATION TO THE COUNCIL WATER CHARGE

General

1. In the following provisions of the Act, the words “the council water charge” shall be substituted for the words “council tax”:

- (a) section 71(1) and (2)(c) and (d);
- (b) section 75(1);
- (c) section 77(1)(a);
- (d) section 78;
- (e) section 79(1) and (2);
- (f) section 80(1)(a);
- (g) section 81(1)(a) and (b);
- (h) section 99(3)(b) (in both places where they appear); and
- (i) in Schedule 2, paragraphs 1(1)(a) and (b), 2(1)(a), 3(1), 4(1)(a), 5, 6(1), 7(1)(a) and (3), 8(6), 9(6)(a), 10(1) and (2)(a), 19(4), and 19(7) (in the first two places where they appear).

2. In the following provisions of the Act, the words “council water charge” shall be substituted for the words “council tax”:

- (a) section 75(4);
- (b) section 76(3) and (4);
- (c) section 77(1) (in the second place where they appear);
- (d) section 96(1) (in the first place where they appear); and
- (e) section 97(1).

Section 78

3. In the definition of “A” in section 78—

- (a) the words “or, as the case may be, the aggregate of the amounts” shall not apply; and
- (b) for the words from “or have been” to the end of that definition, there shall be substituted the words “been imposed by the levying authority”.

Section 80

4. In section 80—

- (a) in subsection (5)—
 - (i) in paragraph (a), after the word “community” there shall be inserted the word “water”; and
 - (ii) for sub—paragraph (i) of paragraph (c), there shall be substituted the following sub—paragraph:—

“(i) relating to the levying authority concerned;”;

and
- (b) in paragraph (a) of subsection (8), for the word “local” there shall be substituted the word “levying”.

Section 96

5. In section 96(1)—
- (a) for the word “local”, there shall be substituted the word “levying”; and
 - (b) paragraph (a) shall not apply.

Section 97

6. In section 97(2), for paragraphs (a) and (b) there shall be substituted the words “the regional council water charge set by them in respect of their area.”.

Schedule 2

7. In Schedule 2—
- (a) in sub-paragraph (2) of paragraph 1, the words “a billing authority or” shall not apply;
 - (b) in sub-paragraph (5)(b) of paragraph 8—
 - (i) for the words “the financial year in which the day falls”, there shall be substituted the words “the day”; and
 - (ii) for the words from “the amount” to the end of that sub-paragraph, there shall be substituted the words “the qualifying conditions specified in paragraph 8 of Schedule 11 to this Act are not met”; and
 - (c) paragraphs 11 to 18 shall not apply.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraph 11 of Schedule 11 to the Local Government Finance Act 1992 provides for the provisions of sections 71, 75 to 81, 96, 97 and 99(3) of that Act to have effect, subject to such adaptations, exceptions and modifications as may be prescribed, in relation to the council water charge as they have effect in relation to the council tax.

These Regulations prescribe the adaptations, exceptions and modifications for this purpose.