
STATUTORY INSTRUMENTS

1992 No.3171

COUNCIL TAX, ENGLAND AND WALES

The Non-Domestic Ratepayers (Consultation) Regulations 1992

Made - - - - *14th December 1992*
Laid before Parliament *14th December 1992*
Coming into force - - *4th January 1993*

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 65(6), 113(1) and 116(1) of the Local Government Finance Act 1992(1) 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 1992, and shall come into force on 4th January 1993.

(2) In these Regulations—

“the 1988 Act” means the Local Government Finance Act 1988(2);

“the 1992 Act” means the Local Government Finance Act 1992;

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

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

Prescribed information

2.—(1) The information referred to in paragraphs (2) to (6) below is prescribed as the information to be made available by an authority to persons or bodies it proposes to consult under section 65 of the 1992 Act.

(2) In the case of consultation about proposals for expenditure in the financial year beginning on 1st April 1993, the information is, subject to paragraph (6) below,—

(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(3) for the financial year beginning in 1992;

(1) 1992 c. 14.

(2) 1988 c. 41.

(3) Sections 68(4) and 95(2) were substituted by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraphs 49(3) and 63(1) respectively, and were repealed by the 1992 Act, Schedule 14, in relation to financial years beginning on or after 1st April 1993.

- (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 financial year beginning in 1992 under section 71, 96 or, as the case may be, 107 of the 1988 Act⁽⁴⁾;
 - (c) the authority's current estimates of the total of its revenue expenditure and the total of its expenditure for capital purposes for the financial year beginning in 1992; and
 - (d) the information mentioned in paragraph (4) below.
- (3) In the case of consultation about proposals for expenditure in the financial year beginning on 1st April 1994, and in each subsequent financial year, the information is, subject to paragraph (6) below,—
- (a) the authority's estimate of the aggregate of the items mentioned in section 32(2) or, as the case may be, section 43(2) of the 1992 Act for the current year;
 - (b) a statement of the amount of any substitute calculation of the aggregate of the items mentioned in section 32(2) or 43(2) of the 1992 Act made for the current year under section 37, 49, 60 or, as the case may be, 61 of the 1992 Act;
 - (c) the authority's current estimates of the total of its revenue expenditure and the total of its expenditure for capital purposes for the current year; and
 - (d) the information mentioned in paragraph (4) below.
- (4) The information referred to in paragraphs (2)(d) and (3)(d) above is, subject to paragraph (6) below, a statement of the authority's proposals for, and commitments in relation to, expenditure in the relevant year for each of the classes of service mentioned in paragraph (5) below (distinguishing between revenue expenditure and expenditure for capital purposes), and shall include—
- (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; and
 - (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.
- (5) The classes of service referred to in paragraph (4) above are—
- (i) education;
 - (ii) social services;
 - (iii) housing;
 - (iv) highways;
 - (v) police;
 - (vi) fire;
 - (vii) planning and economic development;
 - (viii) recreation and tourism;
 - (ix) environmental health;
 - (x) refuse collection and disposal;
 - (xi) other services.
- (6) The information referred to in paragraphs (2), (3) and (4) above shall exclude the amount or the anticipated amount of any levy or special levy issued to the authority by a levying body and of any precept issued to the authority by a local precepting authority.

(4) Sections 71, 96 and 107 were repealed by the 1992 Act, Schedule 14, in relation to financial years beginning on or after 1st April 1993.

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 65 of the 1992 Act by sending it to those persons and bodies, and such information shall be sent as soon as practicable in the current year and in any event not later than—

- (a) 15th February in the current year in the case of a precepting authority; and
- (b) 25th February in the current year in the case of a billing authority.

Signed by authority of the Secretary of State

11th December 1992

John Redwood
Minister of State,
Department of the Environment

14th December 1992

David Hunt
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 65 of the Local Government Finance Act 1992 requires billing 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 Local Government Finance Act 1988 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 65(2) of the 1992 Act 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 details of their proposals for their expenditure in the financial year to which the consultation relates, estimates of their expenditure in the preceding financial year, and particulars of significant changes in the level of proposed expenditure between the two years.

The regulations require information to be sent to the persons an authority proposes to consult as soon as practicable and in any event not later than 15th February (in the case of a precepting authority) or 25th February (in the case of a billing authority) preceding the financial year to which the consultation relates.