
STATUTORY INSTRUMENTS

1993 No. 401

**LOCAL GOVERNMENT,
ENGLAND AND WALES FINANCE**

**The Billing Authorities (Alteration of Requisite
Calculations and Transitional Reduction
Scheme) (England) Regulations 1993**

<i>Made</i>	- - - -	<i>1st March 1993</i>
<i>Laid before Parliament</i>		<i>1st March 1993</i>
<i>Coming into force</i>	- -	<i>2nd March 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 13, 32(9), 33(4) and 113(1) of 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 extent

1.—(1) These Regulations may be cited as the Billing Authorities (Alteration of Requisite Calculations and Transitional Reduction Scheme) (England) Regulations 1993 and shall come into force on 2nd March 1993.

(2) These Regulations extend to England only.

Interpretation

2. In these Regulations “the 1992 Act” means the Local Government Finance Act 1992.

Calculation of budget requirement

3.—(1) The constituents of the calculation to be made under subsection (3) of section 32 of the 1992 Act⁽²⁾ are altered by amending paragraph (b) of that subsection as follows—

- (a) for the words “section 98(4)”, in the first place where they occur, there shall be substituted “subsection (4) of section 98”; and
- (b) for the words following “revenue account for the year” there shall be substituted “other than any amounts which it estimates will be so transferred—

(1) 1992 c. 14.
(2) Section 32 of the 1992 Act is amended by S.I.1992/2429.

- (i) pursuant to the directions under that subsection made on 12th October 1992, and
- (ii) in the case of the Common Council, pursuant to a later direction under that subsection in respect of an amount calculated by reference to the provisional amount of its non-domestic rating contribution under Part II of Schedule 8 to that Act; and “(3).

(2) In consequence of the amendments made by paragraph (1) above, regulation 3(2) of the Billing Authorities (Alteration of Requisite Calculations) (England) Regulations 1992(4) is hereby revoked.

Calculation of basic amount of tax

4. The constituents of the calculation required by item P in subsection (3) of section 33 of the 1992 Act(5) are altered by inserting in the definition of item X in that subsection after the words “for the year” the words “together, in the case of the Common Council, with the amount of any sum which the Common Council estimates will be transferred from its collection fund to its City fund pursuant to a direction under section 98(4) of that Act in respect of an amount calculated by reference to the provisional amount of its non-domestic rating contribution under Part II of Schedule 8 to that Act and credited to a revenue account for the year;”.

Council tax transitional reduction scheme

5. Part II of Schedule 2 to the Council Tax (Transitional Reduction Scheme) (England) Regulations 1993(6) is amended, in paragraph 3, by inserting after the words “P is the authority’s Exchequer support” the words “together, in the case of the Common Council, with the amount of any sum which the Common Council estimates will be transferred from its collection fund to its City fund pursuant to a direction under section 98(4) of the 1988 Act in respect of an amount calculated by reference to the provisional amount of its non-domestic rating contribution under Part II of Schedule 8 to that Act and credited to a revenue account for the 1993 financial year;”.

Department of the Environment
1st March 1993

Michael Howard
One of Her Majesty’s Principal Secretaries of
State

(3) The references to section 98(4) and Part II of Schedule 8 are references to section 98(4) of, and Part II of Schedule 8 to, the Local Government Finance Act 1988 (c. 41); section 98(4) is amended by the 1992 Act, Schedule 10, paragraph 23; Part II of Schedule 8 is amended by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraph 42, and the 1992 Act, Schedule 10, paragraph 6 and Schedule 13, paragraph 86. The “Common Council” is defined by section 69(1) of the 1992 Act as the Common Council of the City of London.

(4) S.I. 1992/2429.

(5) Section 33(3) of the 1992 Act is amended by S.I. 1992/2429.

(6) S.I. 1993/175, amended by S.I. 1993/253.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 32 of the Local Government Finance Act 1992 sets out how a billing authority is to calculate its budget requirement for a year. Regulation 3 revokes and re-enacts a provision concerning the calculation of the budget requirement in the Billing Authorities (Alteration of Requisite Calculations) (England) Regulations 1992 subject to an amendment relating to the Common Council of the City of London. The Common Council, when calculating its budget requirement, is not to take into account sums which are to be transferred pursuant to a direction under section 98(4) of the Local Government Finance Act 1988 in respect of an amount calculated by reference to the provisional amount of its non-domestic rating contribution.

Section 33 of the Local Government Finance Act 1992 sets out the calculations to be made by a billing authority in respect of the basic amount of its council tax. Regulation 4 makes an alteration to that section in relation to the Common Council as a consequence of the change made to section 32.

Regulation 5 amends Part II of Schedule 2 to the Council Tax (Transitional Reduction Scheme) (England) Regulations 1993, which provide for the reduction in certain cases of the amount that a person is liable to pay to a billing authority by way of council tax. The amendment provides that the scheme council tax for the Common Council is calculated to take account of its special circumstances.

Copies of the directions made on 12th October 1992, referred to in regulation 3, the Collection Fund (Community Charges) (England) Directions 1992, may be obtained free of charge from the Department of the Environment, Room N4/19, 2 Marsham Street, London SW1P 3EB.