
STATUTORY INSTRUMENTS

1994 No. 3115

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Changes for England (Collection Fund Surpluses and Deficits) Regulations 1994

<i>Made</i>	- - - -	<i>7th December 1994</i>
<i>Laid before Parliament</i>		<i>8th December 1994</i>
<i>Coming into force</i>	- -	<i>29th December 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19(1) and (2) and 26(3) and (4) of the Local Government 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 Local Government Changes for England (Collection Fund Surpluses and Deficits) Regulations 1994 and shall come into force on 29th December 1994.

(2) In these Regulations—

“abolished authority” means a local authority which is wound up and dissolved by a section 17 order;

“the Act” means the Local Government Act 1992;

“the Funds Regulations” means the Local Authorities (Funds) (England) Regulations 1992⁽²⁾;

“initial year” means the financial year beginning on the reorganisation date;

“preliminary period” means the period specified in a section 17 order or, where no such period is specified, the period commencing on the preliminary date, as specified in a section 17 order, and terminating immediately prior to the reorganisation date;

“the reorganisation date” means the date (being 1st April in any year) which is specified in a section 17 order;

“section 17 order” in relation to an authority means an order under section 17 of the Act affecting that authority; and

⁽¹⁾ 1992 c. 19.

⁽²⁾ S.I.1992/2428. The Local Authorities (Funds) (England) Regulations were amended by the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994 No. 246).

“successor authority”, in relation to an abolished authority, means a local authority which is to have from the reorganisation date all the functions (or would have all the functions but for an order under sections 21 or 22 of the Act) in relation to an area which, before that date, were the functions of the abolished authority in relation to that area.

(3) In these Regulations, references to a “billing authority” shall during the preliminary period include an authority which has functions under Chapters I and III of Part I of the Local Government Finance Act 1992⁽³⁾ as regards the initial year by virtue of regulation 49(1) of the Local Government Changes for England (Finance) Regulations 1994⁽⁴⁾.

Abolished and successor authorities

2.—(1) This regulation applies—

- (a) where a billing authority is an existing county council to which are transferred, by or in consequence of a section 17 order, the functions of a district council (in this regulation referred to as a “relevant successor authority”); and
- (b) the relevant successor authority is the sole successor authority in relation to a district council which is an abolished authority (in this regulation referred to as a “relevant billing authority”).

(2) In relation to the functions under the Funds Regulations of a relevant billing authority as regards the initial year—

- (a) regulations 4, 5 and 6 of the Funds Regulations (schedules of instalments, information on schedules and amendment of schedules) shall not apply; and
- (b) regulations 11(2) and 11(3) of the Funds Regulations shall be deleted and the following substituted—

“(2) The surplus or deficit estimated by a billing authority under regulation 10(1), as regards a financial year commencing on a reorganisation date specified in an order under section 17 of the Local Government Act 1992 in relation to that authority (in this regulation referred to as “the reorganisation order”), shall belong solely to or be borne solely by the authority to which, by or in consequence of the reorganisation order, the functions of the billing authority are transferred.

(3) A billing authority shall, on or before 18th January in the financial year in which the estimate referred to in paragraph (2) is made, inform the billing authority to which its functions are to be transferred, by or in consequence of the reorganisation order, of the amount of that estimate.”⁽⁵⁾

(3) For the purposes of the exercise of its functions under the Funds Regulations as regards the initial year, the relevant successor authority shall be deemed to have estimated, under regulation 10 of those Regulations, a surplus or deficit on its collection fund as regards that year, and such estimate shall comprise the estimate as regards that year made by the relevant billing authority or, if more than one, the aggregate of such estimates, made under regulation 10 of the Funds Regulations, and notified to the relevant successor authority under regulation 11(3) of those Regulations, as substituted by these Regulations.

(4) In relation to the calculation of the aggregate of surpluses or deficits on the collection funds of relevant billing authorities under paragraph (3), a surplus shall constitute a positive figure and a deficit shall constitute a negative figure.

(3) 1992 c. 14.

(4) S.I. 1994/2825.

(5) 1992 c. 19.

Signed by the authority of the Secretary of State

Department of the Environment
7th December 1994

David Curry
Minister of State,

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)

Part II of the Local Government Act 1992 makes provision for local government changes in England. Where recommendations for change are made by the Local Government Commission, the Secretary of State may make an order giving effect to those recommendations (a “reorganisation order”).

The Local Government Changes for England (Finance) Regulations 1994 make transitional provisions for authorities subject to a reorganisation order to have the functions of billing authorities in advance of the reorganisation date provided for in such an order.

These Regulations make consequential and transitional provisions for the application of the Local Authorities (Funds) (England) Regulations 1992 in relation to certain reorganisation orders. The 1992 Regulations make provision in relation to the liabilities of a billing authority to pay amounts in respect of precepts, and the liabilities of a billing authority and its major precepting authorities to meet any estimated surplus or deficit in a billing authority’s collection fund.

Where a billing authority is to be abolished and has a single successor authority which is a county council to which district council functions are transferred, these Regulations disapply the requirements under the 1992 Regulations for the abolished billing authority to agree schedules of instalments with its major precepting authorities in relation to the year commencing on the reorganisation date (“the initial year”). These Regulations also provide that the successor authority is to be deemed to have an estimated surplus or deficit on its collection fund as regards the initial year, being the estimated surplus or deficit on the collection fund of the abolished billing authority, or authorities, as regards that year.