
STATUTORY INSTRUMENTS

1995 No. 23

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Changes for England (Council Tax and Non-Domestic Rating, Demand Notices) Regulations 1995

<i>Made</i>	- - - -	<i>9th January 1995</i>
<i>Laid before Parliament</i>		<i>10th January 1995</i>
<i>Coming into force</i>	- -	<i>31st January 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19(1) and (2) and 26(3) to (5) of the Local Government Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Local Government Changes for England (Council Tax and Non-Domestic Rating, Demand Notices) Regulations 1995 and shall come into force on 31st January 1995.

Interpretation

2.—(1) In these Regulations—

“the principal Regulations” means the Local Government Changes for England (Finance) Regulations 1994⁽²⁾;

“the 1993 Regulations” means the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 1993⁽³⁾; and

“reorganised authority” means an existing district council to which are transferred, by or in consequence of a section 17 order, the functions of county councils, or an existing county council to which are transferred, by or in consequence of such an order, the functions of district councils.

(2) In these Regulations the following expressions shall have the same meanings as in the principal Regulations—

(1) 1992 c. 19.
(2) S.I.1994/2825.
(3) S.I. 1993/191.

“abolished authority”, “acquiring authority”, “the Act”, “the 1988 Act”, “the 1992 Act”, “initial year”, “new authority”, “preceding year”, “preliminary period”, “relinquishing authority”, “the reorganisation date”, “section 17 order”, and “successor authority”.

Billing authorities and major precepting authorities

3. In regulation 1(2) (interpretation) of the 1993 Regulations—
 - (a) the definition of “billing authority” shall, during the preliminary period, include an authority which has the functions of a billing authority as regards the initial year under Part III of, and Part II of Schedule 8 to, the 1988 Act, and under Chapter I of Part I of the 1992 Act, by virtue of regulations 28 and 49(1) respectively of the principal Regulations; and
 - (b) the definition of “major precepting authority” shall during the preliminary period include an authority which has the functions of a major precepting authority as regards the initial year under Chapter IV of Part I of the 1992 Act by virtue of regulation 49(1) of the principal Regulations.

Valuation lists

4. The reference to the billing authority’s “valuation list” in regulation 1(3) of the 1993 Regulations shall include—
 - (a) in relation to an authority described in regulation 46(1) of the principal Regulations, the valuation list provided to that authority under that regulation;
 - (b) in relation to an authority described in regulation 46(2) of the principal Regulations, the authority’s valuation list read together with the alterations notified under that regulation.

Supply of information by Secretary of State

5. In regulation 6 (supply of information by the Secretary of State) of the 1993 Regulations, references to the area of an authority shall during the preliminary period in relation to a relinquishing, successor or acquiring authority mean the area of the authority as if the structural or boundary change provided for in the section 17 order had come into effect.

Information to be supplied

6.—(1) Part I of Schedule 3 to the 1993 Regulations shall apply, in relation to information to be supplied under regulation 3(4) of those regulations when a billing authority serves a council tax demand notice or a rate demand notice, subject to the modifications set out in this regulation, and the references in paragraph 1 of Part II of Schedule 3 to paragraphs 1 to 10 of Part I of that Schedule shall have effect as if they were references to those paragraphs as so modified.

- (2) In relation to—
 - (a) a billing authority which is a new authority, or a reorganised authority; and
 - (b) a relevant major precepting authority which is a new authority, or a relevant local precepting authority established by or in consequence of a section 17 order,

where the relevant year is the initial year, the reference in paragraph 1 to the preceding year shall not apply.

- (3) In relation to—
 - (a) a billing authority which is a new authority, or a reorganised authority;
 - (b) a major precepting authority which is a new authority; and
 - (c) a local precepting authority established by or in consequence of a section 17 order,

where the relevant year is the initial year, paragraph 5 shall not apply.

(4) In relation to—

- (a) a billing authority which is a new authority, or a reorganised authority; and
- (b) a major precepting authority which is a new authority,

as regards the initial year the requirements of paragraph 6 shall not apply.

(5) In relation to a billing authority and a major precepting authority either of which is a relinquishing or acquiring authority, for the purposes of its application as regards the initial year paragraph 6 shall have effect as if there were added the following—

“(e) any boundary change provided for in an order under section 17 of the Local Government Act 1992(4) affecting that authority.”.

(6) In relation to—

- (a) a billing authority which is a new authority, or a reorganised authority; and
- (b) a major precepting authority which is a new authority,

paragraph 8 shall not apply as regards the initial year and shall have effect as regards the financial year immediately following the initial year as if the reference to the first day of the year preceding the relevant year were a reference to the reorganisation date, and as if the reference to the authority’s liabilities included liabilities transferred to it by or in consequence of a section 17 order or in respect of which it is liable to make contributions by or in consequence of such an order.

(7) In relation to a billing authority which is a new authority, or a reorganised authority, where the relevant year is the initial year paragraph 10 shall have effect as if the following words were deleted—

after the words “number of staff”, the words “employed or”, after “the relevant year”, the words “and the year preceding the relevant year” and after the words “port health authority”, the words “and a general explanation by the authority concerned of the reason for any difference between the two”.

Information to be supplied: further provision

7. In relation to a billing authority which is a new authority, or a reorganised authority, where the relevant year is the initial year—

(a) Part I of Schedule 3 to the 1993 Regulations shall as regards that year have effect as if there were added the following—

“**12.** A general explanation by the billing authority of the services which it provided in the preceding year and the services which it will provide in the relevant year following a structural change effected by an order under section 17 of the Local Government Act 1992 affecting the authority.”.

(b) Part II of Schedule 3 to the 1993 Regulations shall have effect as regards that year as if there were added, after the reference to paragraphs 1 to 10 of Part 1 of that Schedule, a reference to paragraph 12 of that Schedule, as inserted by this regulation.

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

Signed by authority of the Secretary of State

9th January 1995

David Curry
Minister of State,
Department of the Environment

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 (“the principal regulations”) make transitional financial provisions in relation to reorganisation orders.

These Regulations make transitional and consequential amendments to the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 1993. The 1993 Regulations provide for the content of council tax demand notices and rate demand notices issued by billing authorities in England.

These Regulations apply the 1993 Regulations to authorities which under the principal regulations have the functions of billing authorities, or major precepting authorities, in advance of the date for reorganisation provided for in a reorganisation order, and to valuation lists, or alterations to such lists, supplied under those regulations in advance of that date. The Regulations also disapply or amend certain requirements for information to be provided in the first year of reorganisation, amend references to boundary changes to include changes under reorganisation orders and require new authorities, or those to which additional functions are transferred under reorganisation orders, to provide a general explanation of the services provided before and after reorganisation.