
STATUTORY INSTRUMENTS

1995 No. 3019

LOCAL GOVERNMENT, ENGLAND AND WALES
FINANCE

**The National Park Authorities
(Levies) (Wales) Regulations 1995**

Made - - - - *24th November 1995*
Laid before Parliament *29th November 1995*
Coming into force - - *21st December 1995*

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 74, 140(4) and 143(1) and (2) of the Local Government Finance Act 1988(1) and section 71(3) and (6) of the Environment Act 1995(2), 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 National Park Authorities (Levies) (Wales) Regulations 1995 and shall come into force on 21st December 1995.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the 1988 Act” means the Local Government Finance Act 1988;

“the 1992 Act” means the Local Government Finance Act 1992(3);

“the 1995 Act” means the Environment Act 1995;

“billing authority” means the council of a county or county borough established under the Local Government (Wales) Act 1994(4);

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- (1) 1988 c. 41. Relevant amendments were made to section 74 by the Local Government Finance Act 1992 (c. 14), Schedule 13 paragraph 72 and by the Local Government (Wales) Act 1994 (c. 19), Schedule 6 paragraph 21. Section 143(2) was amended by the Local Government and Housing Act 1989 (c. 42), Schedule 5 paragraph 72(2).
- (2) 1995 c. 25. Section 71(3) and (6) of the Environment Act 1995 is cited as it contains provisions relevant to the exercise of the statutory powers under which these Regulations are made.
- (3) 1992 c. 14.
- (4) By section 35(1) of the Act of 1994, the council of a county or county borough established under that Act is a billing authority in relation to the financial year beginning on 1st April 1996 and in relation to subsequent financial years.

“National Park authority” means the authority established for a National Park in Wales by Article 3 of the National Park Authorities (Wales) Order 1995(5);

“relevant billing authority” means a billing authority the whole or any part of whose area is within a National Park in Wales and by which authority a local authority member of the National Park authority established for that National Park is to be appointed(6);

“the Secretary of State” means the Secretary of State for Wales.

Application

3. These Regulations apply in relation to any levy of a National Park authority to be issued to, or anticipated by, a relevant billing authority in respect of any financial year beginning on or after 1st April 1996(7).

Issue of levies

4.—(1) Subject to paragraph (2), a levy shall not be issued by a National Park authority before the Secretary of State has made a determination of the amount of grants which he proposes to make to that authority under section 72 of the 1995 Act in respect of the year in relation to which that levy is to be issued.

(2) Paragraph (1) shall not apply to a National Park authority where the Secretary of State has not made such a determination before the 15th January in the financial year preceding the financial year in relation to which the levy is to be issued.

(3) A levy shall be issued before the 15th February in the financial year preceding that in respect of which the levy is issued but shall not be invalid merely because it is issued on or after that date.

(4) Paragraph (3) does not apply to a substituted levy issued in accordance with regulation 7.

Apportionment

5.—(1) This regulation applies where the amount to be raised by a National Park authority in respect of any financial year by way of levies is to be borne by more than one relevant billing authority.

(2) Subject to paragraph (4), where agreement as to the apportionment of the said amount is entered into by all the relevant billing authorities before the relevant date, the National Park authority shall secure that the amount to be met by levies issued by it under these Regulations is borne by the relevant billing authorities in that agreed proportion.

(3) Subject to paragraph (4), where the relevant billing authorities have not agreed before the relevant date the proportion of the amount of levies of a National Park authority to be borne by each of those billing authorities, the National Park authority shall secure that the amount to be met by levies issued by it under these Regulations is borne by the relevant billing authorities in the relevant proportion.

(4) A National Park authority may, with the prior consent in writing of a relevant billing authority, issue to that billing authority a levy for a sum greater than that of a levy that may be issued to that billing authority under paragraph (2) or, as the case may be, under paragraph (3).

(5) S.I. 1995/2803.

(6) By virtue of section 71(1) of the 1995 Act, as read with paragraphs 1 and 2 of Schedule 7 to that Act, a National Park authority may issue a levy to the councils for principal areas by whom local authority members of that National Park authority are to be appointed. In Wales such councils are councils of the counties or county boroughs established under the Local Government (Wales) Act 1994. Article 6 of and Schedule 2 to the said Order of 1995 makes provision as to the appointment of local authority members by such councils.

(7) By virtue of section 71(2) of the 1995 Act, a levy issued by a National Park authority under that section shall be issued in accordance with regulations made under section 74 of the 1988 Act; and, accordingly, a National Park authority shall be deemed to be a levying body with the meaning of the said section 74.

(5) In this regulation:—

“the relevant date” means 1st December in the financial year preceding the financial year in respect of which the levy is issued⁽⁸⁾.

“the relevant proportion”, in relation to a levy issued to a relevant billing authority by a National Park authority named in column (1) of the Schedule to these Regulations, is the figure (expressed as a percentage of the amount to be met by levies issued by that authority to all the relevant billing authorities) set out in column (3) of the said Schedule opposite the name of the appropriate relevant billing authority named in column (2) of that Schedule.

Maximum amount of levies

6.—(1) Subject to the following provisions of this regulation, a National Park authority shall not raise by way of levies issued to any relevant billing authorities in respect of any financial year an amount in excess of the maximum amount.

(2) Where the amount to be raised by a National Park authority by way of levies is to be borne by not more than one relevant billing authority, a National Park authority may, with the prior consent in writing of that billing authority, issue a levy to it in excess of the maximum amount.

(3) Where the amount to be raised by a National Park authority by way of levies is to be borne by more than one relevant billing authority and the proportion of that amount to be borne by the respective relevant billing authorities is the agreed proportion, a National Park authority may, with the prior consent in writing of a relevant billing authority issue to that billing authority a levy for a sum greater than that of a levy calculated on the basis of that billing authority’s agreed proportion of the maximum amount.

(4) Where the amount to be raised by a National Park authority by way of levies is to be borne by more than one relevant billing authority and the proportion of that amount to be borne by the relevant billing authorities is the relevant proportion, a National Park authority may, with the prior consent in writing of a relevant billing authority, issue to that billing authority a levy for a sum greater than that of a levy calculated on the basis of that relevant billing authority’s relevant proportion of the maximum amount.

(5) In this regulation—

“the agreed proportion” and “the relevant proportion” shall be construed in accordance with regulation 5.

“maximum amount” means the amount calculated by applying the formula

$$(A \times 1/3)$$

where

“A” is the amount of grants that the Secretary of State has proposed to make to that National Park authority under section 72 of the 1995 Act in respect of the year to which the levy relates in determinations made before the issue of the levy.

Substituted levies

7.—(1) Subject to the following provisions of this regulation, a National Park authority which has issued a levy for a financial year under these Regulations (originally or by way of substitute) may issue a levy in substitution.

(2) No levy may be issued in substitution if its amount would be greater than the amount of the levy for which it is substituted, except as provided for by paragraph (3) below.

⁽⁸⁾ The date of 1st December is provided for in section 71(5) of the 1995 Act.

(3) The amount of any levy issued in substitution (“the new levy”) may be greater than the amount of that for which it is substituted (“the old levy”) if the old levy is quashed because of a failure to fulfil the requirements of section 71 of the 1995 Act but, in a case where the old levy is quashed because of a failure to fulfil the requirements of regulation 5(9), only so far as the new levy is required to be increased to effect a proper apportionment.

(4) A new levy shall be issued in accordance with these Regulations and, in particular (but without prejudice to the generality of the foregoing provision), a new levy shall, be issued in accordance with regulation 6 and as if, in the term “A” in the definition of “maximum amount” in paragraph (5) of regulation 6, the reference to the levy included a new levy.

(5) Where a National Park authority issues a new levy anything paid to it by reference to the old levy shall be treated as paid by reference to the new levy.

(6) If the amount of the old levy exceeds that of the new levy, the following shall apply as regards to anything paid if it would not have been paid had the amount of the old levy been the same as the new levy—

- (a) it shall be repaid if the relevant billing authority by whom it was paid so requires;
- (b) in any other case it shall (as the National Park authority determines) either be repaid or be credited against any subsequent liability of the relevant billing authority in respect of any levy issued by the National Park authority.

Payment of levies

8.—(1) A relevant billing authority to which a levy is issued under these Regulations in respect of a financial year shall pay the amount of the levy to the National Park authority in that financial year—

- (a) at such times and in such instalments (if any) as may be agreed between the National Park authority and the relevant billing authority; or
- (b) in default of such agreement,
 - (i) by four equal instalments payable on the first working day in May, July, October and January in that financial year, or
 - (ii) if the levy is issued after 30th April in that financial year, by equal instalments or (as the case may be) by a single payment payable on as many of the dates referred to in sub-paragraph (b)(i) above as remain after the date of issue of the levy or, if none so remains, by a single payment payable 30 days after the said date of issue, but no instalment of levy shall in any case be payable until 30 days after the levy is issued.

(2) References in this regulation to payment of a levy are references to payment of a levy after the deduction of any amount credited against the liability of the relevant billing authority in respect of that levy in accordance with regulation 7(6)(b).

(3) For the purposes of this regulation—

- (a) “working day” means any day which is not a Saturday, Sunday, Christmas Day, Good Friday or bank holiday; and
- (b) In the preceding sub-paragraph, “bank holiday” means a day which is, or is to be observed as, a bank holiday, or a holiday, under the Banking and Financial Dealings Act 1971(10) in England and Wales.

(9) Regulation 5 contains provisions relevant to Section 71 of the 1995 Act.

(10) 1971 c. 80.

Interest on unpaid levies

9.—(1) Where any amount of a levy issued under these Regulations is not paid by the due date for payment as provided for in regulation 8 the relevant billing authority shall be liable to pay to the National Park authority interest, calculated in accordance with the following provisions of this regulation, on the amount which remains unpaid after the due date for payment.

(2) Interest payable under paragraph (1) shall be simple interest calculated from day to day on the unpaid amount from the due date of payment until the date when payment is made at a rate equivalent to 2 per cent. above the highest base rate quoted from time to time by any of the reference banks.

(3) For the purposes of paragraph (2) above—

(a) the reference banks are the seven largest institutions—

(i) authorised by the Bank of England under the Banking Act 1987⁽¹¹⁾; and

(ii) incorporated in and carrying on a deposit-taking business within the United Kingdom,

which quote a base rate in sterling.

(b) the size of an institution is to be determined by reference to its total consolidated gross assets denominated in sterling, as shown by its audited end-year accounts last published before the period for which interest is payable begins.

(4) In this regulation—

“a deposit-taking business” has the meaning given in Section 6 of the Banking Act 1987 but subject to any order under Section 7 of that Act; and

the reference to the consolidated gross assets of an institution is a reference to the gross assets of that institution together with any subsidiary (within the meaning of Section 736 of the Companies Act 1985)⁽¹²⁾.

Anticipation of levies

10.—(1) In this regulation—

(a) “authority” means a relevant billing authority; and

(b) “relevant National Park authority”, in relation to an authority, means a National Park authority with power to issue a levy to that authority.

(2) An authority making calculations in accordance with section 32 of the 1992 Act⁽¹³⁾ (“the calculations”) (originally or by way of substitute) for the financial year beginning on 1st April 1996 may anticipate a levy to be issued, in accordance with these Regulations, to it for that year by a relevant National Park authority in a case where such a levy has not been issued to it by the relevant National Park authority at the time when the calculations are made except that, in a case where the relevant National Park authority has not later than 29th December 1995 given notice in writing to the authority of its intention to issue a levy to the authority for that financial year, the authority shall anticipate such a levy.

(3) An authority making calculations in accordance with the said section 32 (originally or by way of substitute) for any other financial year may anticipate a levy to be issued to it in accordance with these Regulations for that year by a relevant National Park authority in any case where—

(a) such a levy has not been issued by the relevant National Park authority to the authority at the time when the calculations are made; and

⁽¹¹⁾ 1987 c. 22.

⁽¹²⁾ 1985 c. 6. Section 736 was substituted by Section 144(1) of the Companies Act 1989 (c. 40).

⁽¹³⁾ Section 32 of the 1992 Act was amended by the Local Government (Wales) Act 1994, Schedule 12 paragraph 4 and by the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994, S.I. 1994/246 and by the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995, S.I. 1995/234.

(b) the relevant National Park authority issued a levy to the authority for the preceding financial year.

(4) Subject to paragraph (6) below, where pursuant to paragraph (2) above, an authority anticipates a levy to be issued by a relevant National Park authority for the year, the amount of the levy so anticipated shall be equal to the authority's estimate at the time the calculations (or last calculations) are made of the amount of the levy which it considers likely will be issued to it for the year by the relevant National Park authority; and in estimating that amount the authority shall have regard to the amount of grants that the Secretary of State has determined to make to that National Park authority under section 72 of the 1995 Act in respect of that year.

(5) Subject to paragraph (6) below, where pursuant to paragraph (3) above, an authority anticipates a levy to be issued by a relevant National Park authority for the year, the amount of the levy so anticipated shall be equal to the authority's estimate at the time the calculations (or last calculations) are made of the amount of the levy which it considers likely will be issued to it for the year by the relevant National Park authority and in estimating that amount the authority shall have regard to the amount of grants that the Secretary of State has determined to make to that National Park authority under section 72 of the 1995 Act in respect of that year.

(6) Where a levy has previously been anticipated by the authority for the purposes of the calculations for the year, the amount of the levy which may be anticipated by the authority for the purposes of any substitute calculations for the year shall be equal to the amount previously anticipated.

(7) Notwithstanding that an authority making calculations (originally or by way of substitute) for a financial year anticipated a levy to be issued in accordance with these Regulations to it by a relevant National Park authority—

- (a) where the relevant National Park authority issues such a levy to the authority, the authority shall pay to the relevant National Park authority a sum equal to the amount of the levy; and
- (b) where the relevant National Park authority does not issue such a levy to the authority, the authority shall not be liable to pay any sum to the relevant National Park authority only by virtue of having anticipated a levy from the relevant National Park authority.

24th November 1995

William Hague
Secretary of State for Wales

SCHEDULE

regulation 5

The Relevant Proportion

(1)	(2)	(3)
National Park authority	Appropriate relevant billing authority	Per cent.
1. Brecon Beacons National Park Authority	Blaenau Gwent County Borough Council.	3.1
	Carmarthenshire County Council	14.7
	Merthyr Tydfil County Borough Council.	4.0
	Monmouthshire County Council.	11.2
	Powys Council.	58.8
	Rhondda, Cynon, Taff County Borough Council.	5.1
	Torfaen County Borough Council.	3.1
2. Snowdonia National Park Authority	Aberconwy and Colwyn County Borough Council.	22.9
	Caernarfonshire and Merionethshire County Council.	77.1

EXPLANATORY NOTE*(This note is not part of the Regulations)*

These Regulations provide for the issue of levies to billing authorities by National Park authorities for National Parks in Wales established by Article 3 of the National Park Authorities (Wales) Order 1995 (S.I.1995/2803). By virtue of Section 71(1) of the Environment Act 1995, a National Park authority may issue a levy to any Welsh county or county borough council by whom a local authority member of that authority is appointed. Welsh county and county borough councils are billing authorities. The Regulations apply to levies issued by such National Park authorities for the purpose of meeting their expenses in respect of financial years beginning on or after the 1st April 1996.

The Regulations include provisions as to the issue of levies (regulation 4), the apportionment of levies between councils (regulation 5 and the Schedule), the maximum amount of levies (regulation 6), the issuing of substituted levies (regulation 7), the payment of levies (regulation 8) and interest thereon (regulation 9). Regulation 10 provides for a council to anticipate a levy which may be issued to it.

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