
STATUTORY INSTRUMENTS

1995 No. 3150

LOCAL GOVERNMENT, ENGLAND AND WALES
WALES

The Local Government Reorganisation (Wales)
(Finance) (Miscellaneous Amendments
and Transitional Provisions) Order 1995

Made - - - - *7th December 1995*
Laid before Parliament *11th December 1995*
Coming into force - - *1st January 1996*

The Secretary of State for Wales in exercise of the powers conferred upon him by section 54(1) and (2)(e) of the Local Government (Wales) Act 1994(1), hereby makes the following Order:

PART I
GENERAL

Citation and commencement

1. This Order may be cited as the Local Government Reorganisation (Wales) (Finance) (Miscellaneous Amendments and Transitional Provisions) Order 1995 and shall come into force on 1st January 1996.

Interpretation

2. In this Order—

“the 1992 Act” means the Local Government Finance Act 1992(2);

“the 1994 Act” means the Local Government (Wales) Act 1994; and

“new Welsh billing authority” means a county or county borough council which is established as a result of the 1994 Act.

(1) 1994 c. 19.
(2) 1992 c. 14.

PART II

NON-DOMESTIC RATING

Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989

3.—(1) In a case to which this paragraph relates, regulations 5(2) and 6(1) of, and paragraph 6(1) of Schedule 1 to, the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (“the 1989 Regulations”)(3) shall apply as if for the words “sent under section 41(5) of the Act were in force” there were substituted the words “were in force containing information provided for the authority’s valuation officer under section 41A of the Act and supplied to the authority by him under section 41A(8) of the Act or otherwise”(4).

(2) Paragraph (1) relates to any case where before 1st April 1996 a new Welsh billing authority issues a demand notice for the financial year beginning on 1st April 1996.

(3) In this article, “demand notice” has the meaning given to it by regulation 3 of the 1989 Regulations.

PART III

COUNCIL TAX

Council Tax (Reductions for Disabilities) Regulations 1992

4. As regards any case where a person is liable to pay an amount to a new Welsh billing authority in respect of council tax for the financial year beginning on 1st April 1996, regulation 1 of the Council Tax (Reductions for Disabilities) Regulations 1992(5) shall apply as if references to the proposed list supplied to the authority under section 22(5)(b) of the 1992 Act were references to the information sent to the authority under section 22A(8) of that Act(6).

Council Tax (Administration and Enforcement) Regulations 1992

5. As regards any case where a demand notice is issued by a new Welsh billing authority before 1st April 1996, regulation 17(1A) of the Council Tax (Administration and Enforcement) Regulations 1992(7) shall apply as if references to the proposed list supplied to the authority under section 22(5) (b) of the 1992 Act were references to the information sent to the authority under section 22A(8) of that Act.

Local Authorities (Calculation of Council Tax Base) (Supply of Information) Regulations 1992

6. Regulation 3(2) of the Local Authorities (Calculation of Council Tax Base) (Supply of Information) Regulations 1992(8) shall be amended by the substitution of the following for subparagraph (c)—

“(c) the amounts, if any, which are determined by the major precepting authority—

(3) S.I. 1989/1058, amended by S.I. 1990/145, 1991/141, 1991/1127, 1992/474 and 1992/1512.

(4) Section 41A of the Local Government Finance Act 1988 (c. 41) was inserted by section 37 of the 1994 Act.

(5) S.I. 1992/554 amended by S.I. 1993/195.

(6) Section 22A was inserted by the 1994 Act, section 36.

(7) S.I. 1992/613 amended by S.I. 1992/3008, 1993/196, 1993/773, 1994/505 and 1995/22.

(8) S.I. 1992/2904.

- (i) in accordance with regulation 9 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 for item T in section 33(1) of the Act and item B in regulation 3 of those Regulations for the billing authority for the year, or
- (ii) in accordance with regulation 9 of the Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995 for item T in section 33(1) of the Act and item B in regulation 3 of those Regulations for the billing authority for the year, as the case may be.”(9).

Local Authorities (Funds) (Wales) Regulations 1992

7. Regulation 13(4)(b) of the Local Authorities (Funds) (Wales) Regulations 1992(10) shall be amended by the deletion of the words “as and when it thinks fit” and the substitution of the words “on or before 29th March 1996”.

Non-Domestic Ratepayers (Consultation) Regulations 1992

8.—(1) As regards any case where a new Welsh billing authority makes a ratepayer consultation about its proposals for expenditure in the financial year beginning on 1st April 1996, regulation 2 of the Non-Domestic Ratepayers (Consultation) Regulations 1992(11) shall apply as if—

- (a) subparagraphs (a), (b) and (c) of paragraph (3), and
- (b) the words in paragraph (4) after “expenditure for capital purposes),”

were omitted.

(2) In paragraph (1) above, “ratepayer consultation” means a consultation required by section 65 of the 1992 Act.

Signed by authority of the Secretary of State for Wales

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

7th December 1995

(9) The Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995 No. 2561.

(10) S.I. 1992/2929, amended by S.I. 1994/2964.

(11) S.I. 1992/3171.

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 Order)

On 1st April 1996 by virtue of the Local Government (Wales) Act 1994 the county and county borough councils created as a result of the 1994 Act will take over responsibility for the discharge of functions relating to local government in Wales from the county and district councils created as a result of the Local Government Act 1972. The new councils came into existence following their election on 4th May 1995 and, until the abolition of the existing councils on 1st April 1996, are preparing to take on their full functions. This Order makes supplementary and transitional provision in respect of local government finance.

Article 3 modifies the application of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 in relation to non-domestic rating bills for the financial year beginning on 1st April 1996, to enable a new council to send out bills before that date based on information received from its valuation officer prior to the coming into force of its own non-domestic rating list on 1st April 1996.

Articles 4 and 5 modify the application of the Council Tax (Reductions for Disabilities) Regulations 1992 and the Council Tax (Administration and Enforcement) Regulations 1992 respectively, in relation to council tax bills for the financial year beginning on 1st April 1996, to enable a new council to send out bills before that date based on information received from its listing officer prior to the coming into force of its own valuation list on 1st April 1996.

Article 6 amends the Local Authorities (Calculation of Council Tax Base) (Supply of Information) Regulations 1992 so that it refers to the Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995 as well as the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (which for future years relate only to England).

Article 7 amends the Local Authorities (Funds) (Wales) Regulations 1992 to require that any collection fund sums temporarily held in a billing authority's general fund be retransferred on or before 29th March 1996.

Article 8 modifies the application of the Non-Domestic Ratepayers (Consultation) Regulations 1992 to exempt new councils from the requirement to provide previous year expenditure information when consulting on their first year expenditure.