
STATUTORY INSTRUMENTS

1995 No. 3304

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Expenditure Powers) Order 1995

Made - - - - 19th December 1995
Laid before Parliament 5th January 1996
Coming into force - - 26th January 1996

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 137(4B) and (5) of the Local Government Act 1972(1) and section 54(1) and (2) of the Local Government (Wales) Act 1994(2), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Authorities (Expenditure Powers) Order 1995 and shall come into force on 26th January 1996.

(2) In this Order “the Act” means the Local Government Act 1972.

Specified expenditure

2.—(1) In this article—

“recipient authority” means a parish or community council, and

“donor authority” means a county council, a county borough council or a district council.

(2) For the purposes of section 137(4B) of the 1972 Act there is hereby specified expenditure by a recipient authority defrayed by a payment to such authority which is—

(a) made by a donor authority in pursuance of their powers under section 137, and

(b) made in respect of expenditure which would otherwise form part of the recipient authority’s gross expenditure under that section.

(1) 1972 c. 70. Section 137(4B) was inserted, and section 137(5) was amended, by section 44 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).

(2) 1994 c. 19.

Status: This is the original version (as it was originally made).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

Interpretation of article 2 before 1st April 1996

3. Until 1st April 1996 the definition of “donor authority” in article 2(1) above shall have effect as if the words “, a county borough council” were omitted**(3)**.

Signed by authority of the Secretary of State

14th December 1995

David Curry
Minister of State,
Department of the Environment

Signed by authority of the Secretary of State, for Wales

19th December 1995

Gwilym Jones
Parliamentary Under-Secretary of State, Welsh
Office

(3) As to county boroughs and their councils, see sections 20 and 21 of the Local Government Act 1972, as substituted by sections 1(1) and 2 of the Local Government (Wales) Act 1994.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order specifies, for the purposes of section 137(4B) of the 1972 Act, a description of expenditure by a parish or community council which is not to be included by them when determining whether they have exceeded the limit on expenditure set out in section 137(4). The expenditure in question is expenditure which is defrayed by a payment made to the parish or community council by a county, county borough or district council under their powers under section 137 made in respect of expenditure which would otherwise form part of the parish or community council's gross expenditure under section 137.

On and after 1st April 1996 the principal councils in Wales will be county and county borough councils; article 2 acknowledges the situation after that date. Article 3 makes provision in relation to the intervening period.