
STATUTORY INSTRUMENTS

1996 No. 2913

LOCAL GOVERNMENT, ENGLAND AND WALES

FINANCE

WALES

**The National Park Authorities (Levies)
(Wales) (Amendment) Regulations 1996**

Made - - - - *25th November 1996*
Laid before Parliament *27th November 1996*
Coming into force - - *18th December 1996*

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 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) (Amendment) Regulations 1996 and shall come into force on 18th December 1996.

Interpretation

2. In these Regulations:

- (a) “the Principal Regulations” means the National Park Authorities (Levies) (Wales) Regulations 1995(2); and
- (b) the terms, “National Park authority” and “relevant billing authority” have the same meaning as in the Principal Regulations.

(1) 1988 c. 41; section 74 was amended by the Local Government Finance Act 1992 (c. 14), Schedule 13 paragraph 72; by the Local Government (Wales) Act 1994 (c. 19), Schedule 6 paragraph 21 and by the Local Government Changes for England (Finance) Regulations 1994 (S.I.1994/2825) and section 143(2) was amended by the Local Government and Housing Act 1989 (c. 42), Schedule 5 paragraph 72(2). Under section 71(2) of the Environment Act 1995 (c. 25) a National Park authority is deemed to be a levying body within the meaning of section 74 of the 1988 Act.

(2) S.I. 1995/3019.

Amendment of the Principal Regulations

3.—(1) 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 1997, the Principal Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 3 (application), for “1st April 1996” there shall be substituted “1st April 1997”.

(3) In regulation 6 (maximum amount of levies) for paragraph (5) substitute the following paragraphs—

“(5) Except in a case to which paragraph (7) applies, 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 $[(A-B) \times 1/3]$ where—

“A” is the amount of all 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; and

“B” is the amount of 100 per cent. 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.

“100 per cent. grants” means grants under section 72 of the 1995 Act where the amount of grants proposed by the Secretary of State in the determinations is equal to the amount of expenditure of the National Park authority provided for in those determinations.

(6) In a case to which paragraph (7) applies, 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 $[(A-B) \times 1/3]$ where—

“A” is the amount of all grants that the Secretary of State has proposed to make to that National Park authority under section 72 of the 1995 Act for the financial year (“the prior year”) preceding the financial year in relation to which the levy is to be issued, in determinations made prior to 15th January in the prior year, and increased or decreased in proportion to the difference between the retail prices index for September of the prior year and the retail prices index for the preceding September;

“B” is the amount of 100 per cent. grants that the Secretary of State has proposed to make to that National Park authority under section 72 of the 1995 Act for the prior year, in determinations made prior to 15th January in the prior year, and increased or decreased in proportion to the differences between the retail prices index for September of the prior year and the retail prices index for the preceding September;

“100 per cent. grants” means grants under section 72 of the 1995 Act where the amount of grants proposed by the Secretary of State in determinations is equal to the amount of expenditure of the National Park authority provided for in those determinations;

“retail prices index” means the general index of retail prices (for all items) published by the Office for National Statistics or, if that index is not published for any month, any substituted index or index figures published by that Office.

(7) This paragraph applies in a case where the Secretary of State has failed to make before 15th January in the financial year preceding the financial year in relation to which the levy is to be issued any 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.”.

- (4) In regulation 7 (substituted levies), in paragraph (4) for—
- (a) the words “the term “A””, substitute, “the terms “A” and “B””; and
 - (b) the words “in paragraph (5) of regulation 6”, substitute “in paragraph (5) or, as the case may be, (6) of regulation 6”.
- (5) For regulation 10 (anticipation of levies) substitute the following—

“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⁽³⁾ (“the calculations”) (originally or by way of substitute) for any 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 at the time when the calculations are made; and
- (b) the relevant National Park authority issued a levy to the authority for the preceding financial year.

(3) Subject to paragraph (4) 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.

(4) 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.

(5) 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.”.

(3) Section 32 of the 1992 Act was amended by the Local Government (Wales) Act 1994, Schedule 12 paragraph 4; the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246); the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I. 1995/234); and the Local Authorities (Alteration of Requisite Calculations) Regulations 1996 (S.I. 1996/175).

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 for Wales

Welsh Office
25th November 1996

Jonathan Evans
Parliamentary Under Secretary of State,

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations amend the National Park Authorities (Levies) (Wales) Regulations 1995 (the 1995 Regulations). The 1995 Regulations provide for the issue of levies to Welsh county and county borough councils as billing authorities by National Park authorities for National Parks in Wales. The Regulations amend the 1995 Regulations insofar as they relate to financial years beginning on and after 1st April 1997 (regulation 3(1) and (2)).

Regulation 6 (maximum amount of levies) of the 1995 Regulations provides that, except with the consent of a billing authority, a National Park authority cannot issue levies to billing authorities for an amount in excess of one-third of the National Park grant that the Secretary of State has determined to make to that National Park authority under section 72 of the Environment Act 1995. That regulation is amended by regulation 3(3) to reflect the fact that by National Park grants the Secretary of State now funds certain (mostly “revenue”) expenditure of a National Park authority at a rate of 75% while for certain (mostly “capital”) expenditure funding is at a 100% rate. The amendment replaces the existing paragraph (5) in regulation 6 of the 1995 Regulations with new paragraphs (5) to (7).

The new paragraph (5) of regulation 6 makes provision for calculation of the maximum levy where the Secretary of State has made a determination of National Park grants to an authority before 15th January in the financial year preceding the financial year to which the authority’s levy relates.

Paragraphs (6) and (7) make provision for calculation of the maximum levy where the Secretary of State has not made by a determination of such grants by that date. In that case the maximum amount of levy is calculated by reference to the National Park grants determined before that date for the preceding financial year increased or, as appropriate, decreased by reference to the retail prices index in September of that preceding year.

Paragraph (4) of regulation 3 makes an amendment to regulation 7(4) (substituted levies) of the 1995 Regulations while paragraph (5) of regulation 3 substitutes a new regulation 10 (anticipation of levies). These are changes consequential upon the amendments effected by regulation 3(3).