
STATUTORY INSTRUMENTS

1997 No. 165

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Changes for England
(Transport Levying Bodies) Regulations 1997**

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| <i>Made</i> | - - - - | <i>28th January 1997</i> |
| <i>Laid before Parliament</i> | | <i>5th February 1997</i> |
| <i>Coming into force</i> | - - | <i>26th February 1997</i> |

The Secretary of State for Transport, in exercise of the powers conferred by sections 19(1) and (2) and 26(4) 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 (Transport Levying Bodies) Regulations 1997 and shall come into force on 26th February 1997.

Interpretation

2. In these Regulations—

“the 1992 Regulations” means the Transport Levying Bodies Regulations 1992⁽²⁾; and
“acquiring authority”, “abolished authority”, “initial year”, “preliminary period”, “relinquishing authority”, “the reorganisation date” and “successor authority” have the same meanings as in the Local Government Changes for England (Finance) Regulations 1994⁽³⁾.

Levies: billing authorities and county councils

3. Subject to regulation 5, in the definition of “council concerned” in regulation 2 of the 1992 Regulations the reference to a council shall, during the preliminary period, include an authority which has the functions of a billing authority under Chapters I, III and IV of Part I of the Local Government Finance Act 1992⁽⁴⁾ as regards the initial year by virtue of regulation 49(1) of the Local Government Changes for England (Finance) Regulations 1994.

(1) 1992 c. 19. Section 19(2) was amended by the Police and Magistrates' Courts Act 1994 (c. 29), section 39.

(2) S.I.1992/2789.

(3) S.I. 1994/2825.

(4) 1992 c. 14. Chapters I, III and IV have been amended by sections 35, 36 and 37 of, and Schedule 12 to, the Local Government (Wales) Act 1994 (c. 19). There are further amendments not relevant to these Regulations.

Levies: successor and acquiring authorities

4.—(1) Subject to paragraph (2) and to regulation 5, in the definition of “council concerned” in regulation 2 of the 1992 Regulations the reference to a council shall, during the preliminary period and on or after the reorganisation date—

- (a) where the council is an abolished authority, have effect as if it were a reference to the successor authority or, if more than one, to all such authorities; and
- (b) where the council is a relinquishing authority, have effect as if it were a reference to that council and the acquiring authority or, if more than one, all such authorities.

(2) Subject to regulation 5, in the definition of “council concerned” in regulation 2 of the 1992 Regulations where a levy or any portion of it relates only to part of a council’s area (in this paragraph referred to as the “levied area”), the reference to a council shall, during the preliminary period and on or after the reorganisation date—

- (a) where the council is an abolished authority, have effect as if it were a reference to each successor authority in relation to all or part of the levied area; and
- (b) where the council is a relinquishing authority, have effect as if it were a reference to that authority, where all or any part of the levied area remains within its area on or after the reorganisation date, and to each acquiring authority in relation to all or any part of the levied area.

Savings

5. In regulations 3 and 4 above,

- (a) a reference to the preliminary period shall not include any time before the coming into force of these Regulations; and
- (b) a reference to any time on or after the reorganisation date shall, in a case where that date is before the coming into force of these Regulations, be read as a reference to any time after the coming into force of these Regulations.

Signed by authority of the Secretary of State

28th January 1997

John Watts,
Minister of State,
Department of Transport

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 for England, the Secretary of State may make an order giving effect to those recommendations (“a reorganisation order”).

These Regulations make transitional and consequential amendments to enable the levying powers under the Transport Levying Bodies Regulations 1992 to be exercised in relation to authorities which succeed to or acquire all or part of the area of a relevant local authority under a reorganisation order. They also enable the powers to be exercised in relation to county councils which do not have the functions of district councils and in relation to certain billing authorities in advance of the reorganisation date.