
STATUTORY INSTRUMENTS

1999 No. 259

COUNCIL TAX, ENGLAND AND WALES

The Local Government Changes for England (Council Tax) (Transitional Reduction) Regulations 1999

<i>Made</i>	- - - -	<i>5th February 1999</i>
<i>Laid before Parliament</i>		<i>5th February 1999</i>
<i>Coming into force</i>		
<i>for the purposes of regulation 4</i>		<i>26th February 1999</i>
<i>for all other purposes</i>		<i>27th February 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 13 and 113(1) and (2) of the Local Government Finance Act 1992⁽¹⁾ and sections 19(1) and 26(3) and (4) of the Local Government Act 1992⁽²⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Local Government Changes for England (Council Tax) (Transitional Reduction) Regulations 1999.

(2) They shall come into force for the purposes of regulation 4 on 26th February 1999 and for all other purposes on 27th February 1999.

Interpretation

2. In these Regulations—

“the 1992 Act” means the Local Government Finance Act 1992;

“the 1996 Regulations” means the Local Government Changes for England (Council Tax) (Transitional Reduction) Regulations 1996⁽³⁾;

“the 1997 Regulations” means the Local Government Changes for England (Council Tax) (Transitional Reduction) Regulations 1997⁽⁴⁾;

(1) 1992 c. 14; see section 116(1) for the definition of “prescribed”.

(2) 1992 c. 19.

(3) S.I.1996/176, to which there are amendments not relevant to these Regulations.

(4) S.I. 1997/215, to which there are amendments not relevant to these Regulations.

“the 1998 Regulations” means the Local Government Changes for England (Council Tax) (Transitional Reduction) Regulations 1998⁽⁵⁾;

“the Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992⁽⁶⁾;

“1996 authority” means a relevant billing authority affected by a section 17 order in which the reorganisation date was 1st April 1996;

“1997 authority” means a relevant billing authority affected by a section 17 order in which the reorganisation date was 1st April 1997;

“1998 authority” means a relevant billing authority affected by a section 17 order in which the reorganisation date was 1st April 1998;

“council tax base”, in relation to the financial year beginning on 1st April 1999–

- (a) in the case of a billing authority, means the basic amount of its council tax as calculated in accordance with section 33 of the 1992 Act and regulations under that section; and
- (b) in the case of a major precepting authority, means the basic amount of its council tax as calculated in accordance with section 44 of that Act and regulations under that section;

“council tax figure”–

- (a) in relation to a 1996 authority, means the figure calculated in accordance with Schedule 1 to the 1996 Regulations;
- (b) in relation to a 1997 authority, means the figure calculated in accordance with Schedules 1 and 2 to the 1997 Regulations;
- (c) in relation to a 1998 authority, means the figure calculated in accordance with Schedules 1 and 2 to the 1998 Regulations;

“discounted chargeable amount” in relation to a person, a dwelling and a day, means the amount estimated by the relevant billing authority as that which the person would be liable to pay in respect of council tax as regards the dwelling and the day if his liability fell to be calculated solely by reference to section 10 of the 1992 Act or, as his circumstances require, that section read with section 11 of the 1992 Act; but in the application of this definition to a person who is an eligible person for the purposes of the Council Tax (Reductions for Disabilities) Regulations 1992⁽⁷⁾, the estimate shall be made as if, in the definition of “A” in section 10 of the 1992 Act, there were substituted, for the reference to the valuation band listed for the dwelling, a reference to the alternative valuation band as defined in regulation 4(1) of those Regulations;

“eligible person” has the meaning given by regulation 5;

“relevant area” means a transferred area, in relation to which the council tax figure–

- (a) for a 1996 authority or a 1997 authority, is greater than £156;
- (b) for a 1998 authority, is greater than £104;

“relevant dwelling” means a dwelling situated in a relevant area;

“relevant billing authority” means a billing authority–

- (a) which was subject to a section 17 order; or
- (b) which is situated in the area of a county council which was subject to such an order;

“reorganisation date” means 1st April in any of the years 1996 to 1998;

“section 17 order”, in relation to an authority, means an order under section 17 of the Local Government Act 1992 which affected that authority from a reorganisation date; and

(5) S.I. 1998/214.

(6) S.I. 1992/1814, to which there are amendments not relevant to these Regulations.

(7) S.I. 1992/554; relevant amendments are made by S.I. 1993/195.

“transferred area” means an area which formed the whole or part of the area of a billing authority (in these Regulations referred to as a “transferor authority”) immediately before a reorganisation date, and formed part of the area of another billing authority on and after that date.

Prescribed year

3. The financial year beginning on 1st April 1999 is prescribed as the year for which these Regulations apply.

Modification of section 13 of the 1992 Act

4. In relation to chargeable dwellings in England and the year for which these Regulations apply, section 13(5) of the 1992 Act shall have effect as if after paragraph (d) there were inserted the following—

- “(e) the location of the dwelling concerned in the area of a district or county council which was affected on 1st April 1996, 1st April 1997 or 1st April 1998 by a structural change, or a boundary change, made by or in consequence of an order under section 17 of the Local Government Act 1992; and for this purpose “structural change” and “boundary change” shall be construed in accordance with section 14 of that Act.”(8).

Eligible persons

5. A person who is liable to pay an amount to a billing authority in respect of council tax for the financial year beginning on 1st April 1999 is an eligible person in respect of a particular day if he is, or will in the opinion of the billing authority be, liable (whether solely or jointly and severally) to pay council tax in respect of a relevant dwelling and that day.

Calculation of amount payable

6.—(1) Subject to paragraph (2) below, the amount which an eligible person is liable to pay in respect of a relevant dwelling and a day shall be the discounted chargeable amount reduced by the deductible amount; and for this purpose the deductible amount shall be calculated—

- (a) by a 1996 authority in accordance with Part I of the Schedule to these Regulations;
- (b) by a 1997 authority in accordance with Part II of that Schedule; and
- (c) by a 1998 authority in accordance with Part III of that Schedule.

(2) Where a determination awarding council tax benefit under the Benefit Regulations is effective as regards a dwelling and a day in respect of which a person is an eligible person for the purposes of those Regulations, the amount which he is liable to pay in respect of that day shall be the amount ascertained in accordance with paragraph (1) above, less the amount of his council tax benefit for that day.

Supply of information by individuals

7. A billing authority may, for the purpose of considering whether these Regulations apply to any person, by written notice request that person to furnish to the authority within such period as it may reasonably specify, not being less than 21 days, such information specified in the notice as it may reasonably request of that person to assist it in considering that question.

Appeals

8.—(1) Where a billing authority makes a decision relating to the application or operation of these Regulations in relation to an individual, the authority shall, if requested in writing by the person so affected, provide him with a written statement of its decision and the reason for it; and any such statement shall be sent within 14 days from the date on which it is requested or as soon as is reasonably practicable thereafter.

(2) No appeal may be made to a valuation tribunal in respect of any decision of a billing authority relating solely to the application or operation of these Regulations; but a person aggrieved by such a decision may appeal to a review board appointed by the billing authority and constituted as mentioned in regulation 70(3) of the Benefit Regulations.

Notice of appeal

9. Any notice of appeal under these Regulations shall be given by the appellant in writing to the billing authority.

Procedure for appeals

10.—(1) Regulations 71 and 72(4) and (5) of the Benefit Regulations shall apply to appeals under these Regulations as they apply to a further review under those Regulations, but as though any reference to a further review, or an application for a further review, were to an appeal, or a notice of appeal, respectively.

(2) On an appeal under these Regulations, the Review Board shall decide to confirm or revise the decision of the billing authority; and the billing authority shall comply with the decision of the Review Board.

Revocation of Regulations and savings

11.—(1) Subject to paragraph (2), the 1996 Regulations, the Local Government Changes for England (Council Tax) (Transitional Reduction) (Amendment) Regulations 1996(9), the 1997 Regulations and the 1998 Regulations are hereby revoked.

(2) Notwithstanding paragraph (1), Schedules 1 and 3 to the 1996 Regulations, Schedules 1 and 2 to the 1997 Regulations, Schedules 1 and 2 to the 1998 Regulations and regulation 2 of each of those Regulations (to the extent necessary for the interpretation of the relevant Schedules), shall continue to have effect for the purposes of these Regulations.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Hilary Armstrong
Minister of State,

Department of the Environment, Transport and
the Regions

5th February 1999

SCHEDULE

Regulation 6

DEDUCTIBLE AMOUNTS

PART I

Deductible amount: 1996 authorities

1. Subject to paragraph 3, the deductible amount in a case where section 11 of the 1992 Act (discounts) does not apply is calculated by applying the following formula—

$$\frac{(C-U) \times V}{W} = X$$

where—

C is the council tax figure,

U is £156,

V is the council tax base for the relevant area for the financial year beginning on 1st April 1995; and for this purpose—

- (a) where the relevant billing authority is an authority referred to in paragraph 3(2)(a)(i) of Schedule 1 to the 1996 Regulations, the council tax base for the relevant area is the figure for item H shown opposite the name of the authority in column (4) of Part 1 of Schedule 3 to those Regulations,
- (b) where the relevant billing authority is an authority referred to in paragraph 3(2)(a)(ii) of Schedule 1 to the 1996 Regulations, the council tax base for the relevant area is the figure shown opposite the name of the relevant transferor authority in column (3) of Part 4 of Schedule 3 to those Regulations,
- (c) where the relevant billing authority is an authority referred to in paragraph 3(2)(b) of Schedule 1 to the 1996 Regulations, the council tax base for the relevant area is the figure shown opposite the name of the relevant billing authority in column (4) of Part 2 of Schedule 3 to those Regulations, and
- (d) where the relevant billing authority is an authority referred to in paragraph 3(2)(c) of Schedule 1 to the 1996 Regulations, the council tax base for the relevant area is the authority's council tax base, calculated by the authority for that year,

W is the council tax base for the relevant area for the financial year beginning on 1st April 1999, and

X, if it is a positive amount, is the deductible amount for a relevant dwelling in valuation band D and, if it is not a positive amount, the deductible amount is zero.

2. Subject to paragraph 3, the deductible amount in a case where section 11 of the 1992 Act applies is calculated by applying the following formula—

$$\frac{(C-U) \times V \times (1-Z)}{W} = X$$

where—

C, U, V, W and X have the same meanings as in paragraph 1, and

Z is the appropriate percentage for the purposes of section 11(1) of the 1992 Act, expressed as a fraction, or, in a case to which subsection (2) of that section applies, twice the appropriate percentage, expressed as a fraction.

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3. The deductible amount for a relevant dwelling in any valuation band other than band D shall bear the same relation to the deductible amount for a relevant dwelling in valuation band D calculated in accordance with paragraph 1 or 2, as the case may be, as the figure for that band, set out in section 5 of the 1992 Act, bears to the figure set out in that section for band D.

PART II

Deductible amount: 1997 authorities

1. Subject to paragraph 3, the deductible amount in a case where section 11 of the 1992 Act (discounts) does not apply is calculated by applying the following formula—

$$\frac{(C-U) \times V}{W} = X$$

where—

C is the council tax figure,

U is £156,

V is the council tax base for the relevant area for the financial year beginning on 1st April 1996; and for this purpose—

- (a) where the relevant billing authority is an authority referred to in paragraph 3(2)(a)(i) of Schedule 1 to the 1997 Regulations, the council tax base for the relevant area is the figure for item H shown opposite the name of the authority in column (4) of Part 1 of Schedule 2 to those Regulations,
- (b) where the relevant billing authority is an authority referred to in paragraph 3(2)(a)(ii) of Schedule 1 to the 1997 Regulations, the council tax base for the relevant area is the figure shown opposite the name of the relevant transferor authority in column (3) of Part 3 of Schedule 2 to those Regulations, and
- (c) where the relevant billing authority is an authority referred to in paragraph 3(2)(b) of Schedule 1 to the 1997 Regulations, the council tax base for the relevant area is the authority's council tax base, calculated by the authority for that year,

W is the council tax base for the relevant area for the financial year beginning on 1st April 1999, and

X, if it is a positive amount, is the deductible amount for a relevant dwelling in valuation band D and, if it is not a positive amount, the deductible amount is zero.

2. Subject to paragraph 3, the deductible amount in a case where section 11 of the 1992 Act applies is calculated by applying the following formula—

$$\frac{(C-U) \times V \times (1-Z)}{W} = X$$

where—

C, U, V, W and X have the same meanings as in paragraph 1, and

Z is the appropriate percentage for the purposes of section 11(1) of the 1992 Act, expressed as a fraction, or, in a case to which subsection (2) of that section applies, twice the appropriate percentage, expressed as a fraction.

3. The deductible amount for a relevant dwelling in any valuation band other than band D shall bear the same relation to the deductible amount for a relevant dwelling in valuation band D calculated in accordance with paragraph 1 or 2, as the case may be, as the figure for that band, set out in section 5 of the 1992 Act, bears to the figure set out in that section for band D.

PART III

Deductible amount: 1998 authorities

1. Subject to paragraph 3, the deductible amount in a case where section 11 of the 1992 Act (discounts) does not apply is calculated by applying the following formula—

$$\frac{(C-U) \times V}{W} = X$$

where—

C is the council tax figure,

U is £104,

V is the council tax base for the relevant area for the financial year beginning on 1st April 1997; and for this purpose—

- (a) where the relevant billing authority is an authority referred to in paragraph 3(2)(a)(i) of Schedule 1 to the 1998 Regulations, the council tax base for the relevant area is the figure for item H shown opposite the name of the authority in column (4) of Part 1 of Schedule 2 to those Regulations,
- (b) where the relevant billing authority is an authority referred to in paragraph 3(2)(a)(ii) of Schedule 1 to the 1998 Regulations, the council tax base for the relevant area is the figure shown opposite the name of the relevant transferor authority in column (3) of Part 4 of Schedule 2 to those Regulations,
- (c) where the relevant billing authority is an authority referred to in paragraph 3(2)(b)(i) of Schedule 1 to the 1998 Regulations, the council tax base for the relevant area is the figure shown opposite the name of the relevant billing authority in column (4) of Part 2 of Schedule 2 to those Regulations,
- (d) where the relevant billing authority is an authority referred to in paragraph 3(2)(b)(ii) of Schedule 1 to the 1998 Regulations, the council tax base for the relevant area is the figure shown opposite the name of the relevant transferor authority in column (3) of Part 4 of Schedule 2 to those Regulations, and
- (e) where the relevant billing authority is an authority referred to in paragraph 3(2)(c) of Schedule 1 to the 1998 Regulations, the council tax base for the relevant area is the authority's council tax base, calculated by the authority for that year,

W is the council tax base for the relevant area for the financial year beginning on 1st April 1999, and

X, if it is a positive amount, is the deductible amount for a relevant dwelling in valuation band D and, if it is not a positive amount, the deductible amount is zero.

2. Subject to paragraph 3, the deductible amount in a case where section 11 of the 1992 Act applies is calculated by applying the following formula—

$$\frac{(C-U) \times V \times (1-Z)}{W} = X$$

where—

C, U, V, W and X have the same meanings as in paragraph 1, and

Z is the appropriate percentage for the purposes of section 11(1) of the 1992 Act, expressed as a fraction, or, in a case to which subsection (2) of that section applies, twice the appropriate percentage, expressed as a fraction.

3. The deductible amount for a relevant dwelling in any valuation band other than band D shall bear the same relation to the deductible amount for a relevant dwelling in valuation band D calculated

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in accordance with paragraph 1 or 2, as the case may be, as the figure for that band, set out in section 5 of the 1992 Act, bears to the figure set out in that section for band D.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under Part II of the Local Government Act 1992, where recommendations for changes to local government in England are made by the Local Government Commission, the Secretary of State may make an order (“a reorganisation order”).

These Regulations provide for the reduction in certain cases of the amount that a person is liable to pay by way of council tax to a billing authority which has been subject to a reorganisation order, or is in the area of a county affected by such an order (regulations 5 and 6). They have effect in relation to the financial year beginning on 1st April 1999 (regulation 3) and for this year section 13 of the Local Government Finance Act 1992 is modified (regulation 4).

A person is eligible for a reduction for any day as regards which his liability relates to a dwelling in an area where, broadly, the difference if positive (“the council tax figure”) between a notional council tax and an adjusted council tax exceeds £156, where billing authorities were subject to, or affected by, a reorganisation order from 1st April 1996 or 1st April 1997, or £104 where billing authorities were subject to, or affected by, a reorganisation order from 1st April 1998. The council tax figure is calculated by reference to the Local Government Changes for England (Council Tax) (Transitional Reduction) Regulations 1996 (“the 1996 Regulations”), the Local Government Changes for England (Council Tax) (Transitional Reduction) Regulations 1997 (“the 1997 Regulations”) or the Local Government Changes for England (Council Tax) (Transitional Reduction) Regulations 1998 (“the 1998 Regulations”), according to the effective date of the reorganisation. The amount of the reduction allowed is calculated in accordance with the relevant Part of the Schedule to these Regulations by reference to the dwelling’s valuation band.

When calculating a person’s eligibility for a reduction for any day, unless the Council Tax (Reduction for Disabilities) Regulations 1992 apply, the relevant valuation band is the one to which the dwelling is assigned in the billing authority’s valuation list as regards that day. Where those Regulations apply, account is taken of the lower valuation band applicable for the purposes of those Regulations. Any discount provided for in section 11 of the 1992 Act is also taken into account (see the definition of “discounted chargeable amount” in regulation 2).

Where there is an entitlement to council tax benefit, the amount of the benefit is deducted from the amount an eligible person is liable to pay after calculation of relief under these Regulations (regulation 6(2)).

Regulation 7 enables a billing authority to obtain information for the purpose of establishing whether or not these Regulations apply to any person. Regulation 8 provides for appeals in connection with these Regulations to be considered by a review board of the billing authority, rather than by a valuation tribunal. Regulations 9 and 10 relate to the appeal procedure.

Regulation 11 revokes the Local Government Changes for England (Council Tax) (Transitional Reduction) (Amendment) Regulations 1996 and, with the exception of provisions required for the purposes of these Regulations, the 1996 Regulations, the 1997 Regulations and the 1998 Regulations.

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