

2001 No. 216

LOCAL GOVERNMENT, ENGLAND

FINANCE

**The Local Authorities (Alteration of Requisite Calculations)
(England) Regulations 2001**

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| <i>Made - - - -</i> | <i>31st January 2001</i> |
| <i>Laid before Parliament</i> | <i>1st February 2001</i> |
| <i>Coming into force</i> | <i>2nd February 2001</i> |

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by sections 32(9), 33(4), 43(7) and 44(4) of the Local Government Finance Act 1992(a) and sections 86(5) and 89(9) of the Greater London Authority Act 1999(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2001 and shall come into force on 2nd February 2001.

(2) In these Regulations “the 1992 Act” means the Local Government Finance Act 1992.

(3) These Regulations have effect in relation to the financial year beginning on 1st April 2001 and in relation to authorities in England only(c).

Budget requirement (billing authorities)—calculation

2. Section 32 of the 1992 Act shall be read as if—

(a) in paragraph (e) of subsection (2)(d), for the words from “pursuant to a direction under that subsection” to the end of that paragraph there were substituted the following—

“either—

(i) pursuant to a direction under that subsection relating to the difference between amounts in respect of community charges credited and charged to a revenue account for any earlier financial year, or

(a) 1992 c. 14; section 32(9) was amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994 (1994 c. 19).

(b) 1999 c. 29.

(c) The power to make regulations under sections 32(9), 33(4), 43(7) and 44(4) in relation to Wales transferred from the Secretary of State to the National Assembly for Wales under article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Local Government Finance Act 1992.

(d) Paragraph (e) of section 32(2) was substituted by regulation 3 of the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246). Paragraph (e) of section 32(2) is modified in relation to the financial year 2000/2001 by regulation 2(a) of the Local Authorities (Alteration of Requisite Calculations) Regulations 2000 (S.I. 2000/213).

- (ii) pursuant to the Collection Fund (Council Tax Benefit) (England) Direction 2001 made by the Secretary of State under that subsection on 30th January 2001(a).”;
- (b) for subsection (12)(b) there were substituted the following subsection—

“(12) In this section and section 33 below—

“police grant” means so much of the grant payable in accordance with paragraph 3.1 of the relevant police grant report as excludes the amounts shown in column (b) of the Table set out below that paragraph;

“relevant special grant” means any of the following grants, that is to say—

- (i) the special grant payable in accordance with paragraphs 4 and 7 of the special grant report for England (Special Grant Report (No. 72)) approved by a resolution of the House of Commons pursuant to section 88B of the 1988 Act(c) on 31st January 2001; and
- (ii) the special grant payable in accordance with paragraphs 5 and 8 of that special grant report; and
- (iii) the special grant payable in accordance with paragraphs 6 and 9 of that special grant report;

and in this subsection “the relevant police grant report” means the police grant report (Police Grant Report (England and Wales) 2001/02) approved by a resolution of the House of Commons pursuant to section 46 of the Police Act 1996(d) on 31st January 2001.”.

Basic amount of council tax (billing authorities)—calculation

3. Section 33(3)(e) of the 1992 Act shall be read as if—

- (a) there were substituted for the formula the following—

“ $W + X - (Y + Z + E)$ ”;

- (b) there were added after the definition of the figure Z the following—

“E is the same amount as it is in the direction mentioned in section 32(2)(e)(ii) above (being an amount representing the authority’s contribution to council tax benefit resulting from the increase in its council tax)”.

Budget requirement (major precepting authorities other than the Greater London Authority)—calculation

4. Paragraph (a) of section 43(2) of the 1992 Act (f) shall be read as if for the words from “other than expenditure which it estimates” to the end of that paragraph there were substituted the following—

“other than—

- (i) expenditure which it estimates will be so incurred in pursuance of regulations under section 99(3) of the 1988 Act, and
- (ii) expenditure which it estimates will be so incurred in making payments to billing authorities in accordance with section 31(3) of the Local Government Act 1999(g).”.

(a) Direction CT98(5)/27.

(b) Subsection (12) was substituted by the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I. 1995/234), which also made relevant amendments to sections 32(3) and 33(1) (references to “police grant” and “relevant special grant”). Section 32(12) is substituted in relation to the financial year 2000/2001 by regulation 2(b) of S.I. 2000/213. See also section 43(6A), substituted by S.I. 1995/234.

(c) The Local Government Finance Act 1988 (1988 c. 41); section 88B was substituted by paragraph 18 of Schedule 10 to the 1992 Act.

(d) 1996 c. 16.

(e) Subsection (3) of section 33 was substituted by regulation 4 of the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246). Subsection (3) is modified in relation to the financial year 2000/2001 by regulation 3 of S.I. 2000/213.

(f) Paragraph (a) of section 43(2) is amended in relation to the financial year 2000/2001 by regulation 4 of S.I. 2000/213.

(g) 1999 c. 27.

Basic amount of council tax (major precepting authorities other than the Greater London Authority)—calculation

5. Section 44(3)(a) of the 1992 Act shall be read as if—
- (a) the word “and” at the end of paragraph (a) were omitted;
 - (b) there were added after paragraph (b) the following—
“and
 - (c) reduced by the aggregate amount of any sums which the authority estimates will be paid by it in the year to billing authorities in accordance with section 31(3) of the Local Government Act 1999.”.

Budget requirement (Greater London Authority)—calculation

6. Section 85 of the Greater London Authority Act 1999(b) shall be read as if after subsection (4) there were inserted the following subsection—

“(4A) The expenditure aggregated under subsection (4) above shall not include expenditure which the Authority estimates will be incurred in making payments to billing authorities in accordance with section 31(3) of the Local Government Act 1999.”.

Basic amount of council tax (Greater London Authority)—calculation

7. Section 89 of the Greater London Authority Act 1999(c) shall be read as if after subsection (6) there were inserted the following subsection—

“(6A) The aggregate of the sums mentioned in item P2 in subsection (4) shall be reduced by the aggregate amount of any sums which the Authority estimates that it will pay in the year to billing authorities in accordance with section 31(3) of the Local Government Act 1999.”.

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

31st January 2001

(a) Section 44(3) is modified in relation to the financial year 2000/2001 by regulation 5 of S.I. 2000/213.
(b) Section 85 is modified in relation to the financial year 2000/2001 by regulation 6 of S.I. 2000/213 and by the Greater London Authority Act 1999 (Commencement No. 3 and Transitional Finance Provisions) Order 1999 (S.I. 1999/3434 (C. 96)).
(c) Section 89 is modified in relation to the financial year 2000/2001 by regulation 7 of S.I. 2000/213 and by S.I. 1999/3434 (C. 96).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 32 and 43 of the Local Government Finance Act 1992 (“the 1992 Act”) set out respectively how a billing authority and a major precepting authority other than the Greater London Authority are to calculate their budget requirements for a financial year, and sections 33 and 44 of that Act set out respectively how a billing authority and such a major precepting authority are to calculate the basic amount of their council tax. For the Greater London Authority, the budget requirement is calculated under section 85 of the Greater London Authority Act 1999 (“the 1999 Act”) and the additional amount of council tax in respect of the Metropolitan Police Authority is calculated under section 89 of that Act.

These Regulations, which apply for the financial year beginning on 1st April 2001, modify these provisions as they apply to authorities in England in order to provide for the limitation of council tax benefit subsidy. The amount required to be transferred by a billing authority from its general fund to its collection fund (in accordance with a direction made under section 98(5) of the Local Government Finance Act 1988)—

- (a) is deducted from expenditure in the calculation of the budget requirement under section 32 (regulation 2), but
- (b) increases the basic amount of council tax calculated under section 33 (regulation 3).

Similarly, an estimate of the payment that may be required from a precepting authority to a billing authority—

- (c) is excluded from the calculation of the budget requirement under section 43 of the 1992 Act and section 85 of the 1999 Act (regulations 4 and 6), but
- (d) increases the basic amount of council tax under section 44 of the 1992 Act and the additional amount of council tax for the Metropolitan Police Authority under section 89 of the 1999 Act (regulations 5 and 7).

In addition, regulation 2(b) modifies for authorities in England the definitions in section 32 of the 1992 Act of “police grant” and “relevant special grant”. The amended definitions apply to that section, and also to sections 33, 43 and 44 of the 1992 Act. The same definition of relevant special grant applies to the corresponding sections of the 1999 Act (under section 99 of that Act).

Copies of the Reports referred to in regulation 2(b) may be obtained from the Stationery Office as follows:

Special Grant Report (No. 72) approved on 31st January 2001 ISBN 0 10 280301 3, price £4.10;

The Police Grant Report (England and Wales) 2001/2002 approved on 31st January 2001 ISBN 0 10 279201 1, price £4.70.

The Collection Fund (Council Tax Benefit) (England) Direction 2001 which is referred to may be obtained from the Department of the Environment, Transport and the Regions, Eland House, Bressenden Place, London SW1E 5DU.

£1.75

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