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STATUTORY INSTRUMENTS

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**1991 No. 1730**

**LOCAL GOVERNMENT, ENGLAND AND WALES  
RATING AND VALUATION**

**The Local Government Finance (Repeals  
and Consequential Amendments) Order 1991**

<i>Made</i>	- - - -	<i>19th July 1991</i>
<i>Laid before Parliament</i>		<i>31st July 1991</i>
<i>Coming into force</i>	- -	<i>21st August 1991</i>

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 147(1) and (2) of the Local Government Finance Act 1988(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Local Government Finance (Repeals and Consequential Amendments) Order 1991, and shall come into force on 21st August 1991.

**Repeals and consequential amendments**

2. –

(1) The enactments mentioned in column (1) of Schedule 1 to this Order are hereby repealed to the extent mentioned in column (2).

(2) The provisions mentioned in Schedule 2 are hereby amended as so mentioned.

19th July 1991

*Michael Heseltine*  
Secretary of State for the Environment

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(1) 1988 c. 41.

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**Status:** *This is the original version (as it was originally made).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

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19th July 1991

*David Hunt*  
Secretary of State for Wales

SCHEDULE 1

Article 2(1)

ENACTMENTS REPEALED

(1) Enactment	(2) Extent of repeal
Parish Councils Act 1957 (c. 42)	Section 3(1A)
Local Government Act 1972 (c. 70)	Sections 147, 148(1) and (3), 149. In section 150(1) paragraphs (a) to (c) and the words “parish or”, wherever else they occur. Section 150(4). Schedule 13, paragraph 25
Local Government Act 1985 (c. 51)	Sections 68 and 74

SCHEDULE 2

Article 2(2)

CONSEQUENTIAL AMENDMENTS

PART I

PUBLIC GENERAL ACTS

**Small Holdings and Allotments Act 1908 (c. 36)**

In section 29(1), for the words from “contributing” to the end there shall be substituted “liable to a personal community charge of the district or London borough council in which the land is vested”.

**Coast Protection Act 1949 (c. 74)**

In section 20(2)(b), after the words “the whole county” there shall be added

“in respect of the financial year ending on 31st March 1990, increased or decreased in proportion to the difference between—

- (a) the retail prices index for September of the financial year preceding that in which the contribution is payable and
- (b) the retail prices index for September 1989.”.

**The Local Government Act 1972 (c. 70)**

In section 148—

- (a) for subsection (4) there shall be substituted—

“(4) All receipts of a county council shall be carried to the county fund, and all liabilities falling to be discharged by that council shall be discharged out of that fund.”;

- (b) in subsection (5) for the words “the appropriate fund” there shall be substituted—

“(a) the county fund, in the case of a county, and

- (b) the collection fund and the general fund established under sections 89 and 91 of the Local Government Finance Act 1988, in the case of a district or London borough;”.

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### **Representation of the People Act 1983 (c. 2)**

In section 36(5), for the words from “shall be chargeable” to the end there shall be substituted “shall, if the district council so require, be repaid to that council by the council of the parish or community for which the election is held.”.

## **PART II**

### **LOCAL ACTS**

#### **The Grimsby Pastures Act 1849 (c.xvi)((2)**

In sections III and VI, for the words “and paying Rates” there shall be substituted the words “and paying a personal community charge of the Corporation”.

In section VIII for the words “or shall not have paid Rates within the Borough” there shall be substituted the words “or shall not have paid a personal community charge of the Corporation”.

In section XLIX for the words “General Rate Fund” there shall be substituted the words “general fund”.

#### **The Pier and Harbour Orders Confirmation (No. 2) Act 1894 (c.cxi)**

In the Schedule, articles 4 and 5 of the Polperro Order shall be amended as follows:–

- (a) in article 4, for the words from “rated” to the end there shall be substituted “and subject to a personal community charge of Caradon District Council.”;
- (b) in article 5–
  - (i) for the word “ratepayers”, in the first, third, fourth and fifth place where it occurs, there shall be substituted the word “chargepayers”;
  - (ii) the words from “who are rated” to “referred to as the ratepayers” shall be omitted; and
  - (iii) for the words “The ratebooks” there shall be substituted the words “An extract from the community charges register certified by the community charges registration officer”;
  - (iv) at the end there shall be added “and in this article “chargepayers” means persons who are subject to a personal community charge of Caradon District Council.”

#### **The County of Lancashire Act 1984 (c.xxi)**

In section 111 (Guild Merchant Fund of Preston)–

- (a) in subsections (1) and (2)(b), for the words “general rate fund” there shall be substituted “general fund”; and
- (b) in subsection (1), after the word “1967” there shall be added–

“in respect of the financial year ending on 31st March 1990, increased or decreased in proportion to the difference between–

  - (a) the retail prices index for September of the year preceding that in which the financial year in question began, and
  - (b) the retail prices index for September 1989.”.

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(2) As continued and amended by section 81 of and Schedule 5 to the **Humberside Act 1982 (c.iii)**.

## PART III

### STATUTORY INSTRUMENTS

#### **The Isles of Scilly Order 1978 (S.I.1978/1844)**

In article 9 of the Isles of Scilly Order 1978 there shall be added at the end—

“(4) The Council shall keep an account of receipts carried to, and payments made out of, its collection fund established under section 89 of the Local Government Finance Act 1988.”.

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes provision consequent upon the Local Government Finance Act 1988, which established new systems of community charges and non-domestic rates.

Article 2 provides for the repeal of the enactments mentioned in Schedule 1, and amendment of the provisions mentioned in Schedule 2, in consequence of the new systems.