

1990 No. 69

LOCAL GOVERNMENT, ENGLAND AND WALES

FINANCE

**The Charging Authorities (Notification of Population to
Precepting Authorities) (England) Regulations 1990**

<i>Made</i> - - - -	<i>22nd January 1990</i>
<i>Laid before Parliament</i>	<i>23rd January 1990</i>
<i>Coming into force</i>	<i>24th January 1990</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 73(1), 140(4), 143(1) and 146(6) of the Local Government Finance Act 1988(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Charging Authorities (Notification of Population to Precepting Authorities) (England) Regulations 1990 and shall come into force on 24th January 1990.

(2) These Regulations apply to England only.

Interpretation

2. In these Regulations —

“the Act” means the Local Government Finance Act 1988;

“appropriate parish authority” in relation to a charging authority means a parish council, or charter trustees or the chairman of a parish meeting, having power to precept on the charging authority;

“appropriate principal authority” in relation to a charging authority means a county council, or the Receiver for the Metropolitan Police District, having power to precept on the charging authority;

“charging authority” means an English charging authority;

“Temples authority” means the sub-treasurer of the Inner Temple and the under-treasurer of the Middle Temple;

“working day” means a day which is not a Saturday, Sunday or bank holiday.

Notification to appropriate principal authorities

3.—(1) A charging authority shall supply to an appropriate principal authority the information prescribed in paragraph (2) within the period prescribed in paragraph (3).

(2) The information is –

- (a) where part of the charging authority's area falls within the area of the appropriate principal authority, the relevant population of that part calculated for a chargeable financial year under paragraph 6 of Schedule 12A to the Act(a).
- (b) where expenses of the appropriate principal authority are its special expenses by virtue of section 70(2) of the Act(b), the relevant population of the part of the charging authority's area to which those expenses relate, calculated for a chargeable financial year under paragraph 6 of Schedule 12A to the Act

(3) The period is the period of 3 working days beginning with the day on which the population was calculated in accordance with paragraph 6 of Schedule 12A to the Act.

4.—(1) Subject to paragraph (2) below, where an appropriate principal authority has notified a charging authority that it requires the information prescribed in paragraph (3), the charging authority shall supply that information to the principal authority within the period prescribed in paragraph (4).

(2) A charging authority shall not be required to supply the information prescribed in paragraph (3) if at the time at which the charging authority was notified, or after that time but before the authority has supplied the information, the authority is required under regulation 3 to these Regulations to supply to the appropriate principal authority the relevant population, calculated for the chargeable financial year in relation to which the notification under paragraph (1) was made, of the part of the area in relation to which that notification was made.

(3) The information is the charging authority's estimate of the relevant population which it would calculate under paragraph 6 of Schedule 12A to the Act for a part of its area if the relevant population of that part needed to be found for the purposes of section 69 of the Act(c).

(4) The period is the period of 10 working days beginning with the day on which the charging authority was notified by the appropriate principal authority that the information was required.

Notification to appropriate parish authorities and Temples authorities

5.—(1) Where an appropriate parish authority, or a Temples authority with power to precept on the charging authority, has notified a charging authority that it requires the information prescribed in paragraph (2), the charging authority shall supply that information to the parish authority or Temples authority within the period prescribed in paragraph (3).

(2) The information is the relevant population of the area of the parish or of the area of the Inner or Middle Temple (as the case may be) calculated by the authority for a chargeable financial year under paragraph 6 of Schedule 12A to the Act, or the charging authority's estimate of the relevant population which would be so calculated if it needed to be found for the purposes of section 69 of the Act.

(3) The period is the period of 10 working days beginning with the day on which the charging authority was notified by the appropriate parish or the Temples authority that the information was required.

22nd January 1990

Chris Patten
Secretary of State for the Environment

(a) Schedule 12A was inserted by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 74.
(b) Section 70 was amended by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 51.
(c) Section 69 was amended by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 50.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 69 of the Local Government Finance Act 1988 ("the Act") requires precepting authorities to secure that their general and special expenses are borne by the appropriate charging authorities in proportion. The proportions are determined by reference to the relevant populations of such areas or parts of areas to which the expenses relate. Paragraph 6 of Schedule 12A to the Act (inserted by paragraph 74 of Schedule 5 to the Local Government and Housing Act 1989(c.42)) requires charging authorities to calculate the relevant population of any part of their area where it needs to be found for the purposes of section 69 of the Act.

Regulation 3 of these Regulations requires charging authorities to supply appropriate principal authorities (county councils and the Receiver of the Metropolitan Police District) with the figure for relevant population which it has calculated in relation to the precepting authority under paragraph 6 of Schedule 12A to the Act, within 3 days of making the calculation.

Regulation 4 requires a charging authority to notify those appropriate principal authorities which demand the information of the charging authority's estimate of the relevant population which it would calculate in relation to that authority were it necessary to do so. Regulation 5 makes equivalent provision in relation to parish authorities and Temples authorities (defined in regulation 2 of the Regulations).