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STATUTORY INSTRUMENTS

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**1990 No. 776**

**LOCAL GOVERNMENT, ENGLAND AND WALES  
HOUSING, ENGLAND AND WALES  
LANDLORD AND TENANT,  
ENGLAND AND WALES  
RATING AND VALUATION**

**The Local Government Finance (Repeals, Savings  
and Consequential Amendments) Order 1990**

<i>Made</i>	- - - -	<i>29th March 1990</i>
<i>Laid before Parliament</i>		<i>29th March 1990</i>
<i>Coming into force</i>	- -	<i>1st April 1990</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 upon them by sections 140(4), 147(1) and (2) of the Local Government Finance Act 1988<sup>(1)</sup>, section 194(2) of the Local Government and Housing Act 1989<sup>(2)</sup>, and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1990 and shall come into force on 1st April 1990.

(2) In this Order “the 1967 Act” means the General Rate Act 1967<sup>(3)</sup>.

**Application of the Order**

**2.**—(1) The provisions of this Order apply only to so much of the provisions of enactments and instruments referred to herein as extend or apply to England or Wales.

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(1) 1988 c. 41.  
(2) 1989 c. 42.  
(3) 1967 c. 9.

(2) Nothing in this Order shall prejudice the effect of any regulations under section 117(8) of the Local Government Finance Act 1988 or order under section 147 of that Act or regulations under section 149 of the Local Government and Housing Act 1989 made before the making of this Order.

### **Repeals, revocations and savings**

**3.**—(1) Subject to paragraphs (2) and (3), the enactments and instruments mentioned in column (1) of Schedule 1 to this Order are hereby repealed and revoked to the extent mentioned in column (2).

(2) Without prejudice to section 16 of the Interpretation Act 1978<sup>(4)</sup>, nothing in paragraph (1) shall have effect in relation to the operation on and after 1st April 1990 of the enactments mentioned in Schedule 1 for the purposes of, or for purposes connected with—

- (a) any rate made, or precept issued, under the 1967 Act in respect of any period ending before 1st April 1990;
- (b) any liability for rates in respect of any such period;
- (c) the alteration of any valuation list in force immediately before 1st April 1990 pursuant to a proposal made before that date but to which effect had not been given immediately before that date.

(3) The repeal of section 133 of the Lands Clauses Consolidation Act 1845<sup>(5)</sup>, section 2(7) of the Rating and Valuation Act 1925<sup>(6)</sup> and section 27 of the Compulsory Purchase Act 1965<sup>(7)</sup> shall not affect any liability (whenever incurred) to make good a deficiency arising in respect of any period ending before 1st April 1990.

### **Amendments relating to the jurisdiction of county courts**

**4.**—(1) In the following enactments, and in any other enactment relating to the jurisdiction of county courts, references to net annual value for rating or rateable value shall be construed as references to a sum equivalent to the last such value of the property concerned immediately before 1st April 1990:

- (a) the Tithe Act 1891<sup>(8)</sup>;
- (b) sections 3(7), 30(2), 49(4), 66(4), 146 and 147(5) of, and Schedule 1 to, the Law of Property Act 1925<sup>(9)</sup>;
- (c) section 113 of the Settled Land Act 1925<sup>(10)</sup>;
- (d) sections 43A, 53 and 63 of the Landlord and Tenant Act 1954<sup>(11)</sup>;
- (e) section 1 of the Land Charges Act 1972<sup>(12)</sup>;
- (f) section 1 of the Matrimonial Homes Act 1983<sup>(13)</sup>;
- (g) sections 21, 22 and 139 of, and Schedule 1 to, the County Courts Act 1984<sup>(14)</sup>; and
- (h) paragraph 6(5) of Schedule 18 to the Housing Act 1985<sup>(15)</sup>.

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(4) 1978 c. 30.  
 (5) 1845 c. 18.  
 (6) 1925 c. 90.  
 (7) 1965 c. 56.  
 (8) 1891 c. 8.  
 (9) 1925 c. 20.  
 (10) 1925 c. 18.  
 (11) 1954 c. 56.  
 (12) 1972 c. 61.  
 (13) 1983 c. 19.  
 (14) 1984 c. 28.  
 (15) 1985 c. 68.

(2) In enactments to which paragraph (1) applies, references to the net annual value for rating or rateable value of a property which did not have such a value immediately before 1st April 1990 shall be construed as references to—

- (a) the rateable value immediately before that date of a hereditament of which the property concerned forms or formed part; or
- (b) where there is no such hereditament, or where it had no such value, the value by the year of the property concerned at the time when the relevant proceedings are commenced.

### **Certification of rateable value for certain housing purposes**

**5.—**(1) This article applies for the purposes of the application of the enactments referred to in paragraph (2) in relation to a house, premises or other property—

- (a) in respect of which a tenancy was entered into before 1st April 1990; and
- (b) which was capable of beneficial occupation immediately before that date; and
- (c) in respect of which the requirements of paragraph (3) or (4) are satisfied.

(2) The enactments referred to in paragraph (1) are—

- (a) section 186 of the Local Government and Housing Act 1989<sup>(16)</sup>;
- (b) Part I of the Housing Act 1988<sup>(17)</sup>;
- (c) the Rent Act 1977<sup>(18)</sup>;
- (d) the Rent (Agriculture) Act 1976<sup>(19)</sup>;
- (e) the Leasehold Reform Act 1967<sup>(20)</sup>;
- (f) Part I of the Landlord and Tenant Act 1954<sup>(21)</sup>;
- (g) Part II of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951<sup>(22)</sup>.

(3) The requirements of this paragraph are that—

- (a) immediately before 1st April 1990, no rateable value was assigned to the property for the purposes of the 1967 Act; and
- (b) no proposal to enter the property in a valuation list maintained for the purposes of that Act immediately before 1st April 1990 was outstanding at that time.

(4) The requirements of this paragraph are that—

- (a) an entry appeared in a valuation list in force immediately before 1st April 1990; and
- (b) structural alterations were completed between the date on which that entry was made and 1st April 1990; and
- (c) immediately before 1st April 1990, no proposal was outstanding in respect of the alteration of that entry consequent upon the completion of the alterations.

(5) On the application of the landlord or the tenant of property to which this article applies, the valuation officer shall certify the amount which, but for the repeal of the 1967 Act, he would, in accordance with section 69(2) of that Act, have proposed—

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(16) 1989 c. 42.

(17) 1988 c. 50.

(18) 1977 c. 42.

(19) 1976 c. 80.

(20) 1967 c. 88.

(21) 1954 c. 56.

(22) 1951 c. 65.

- (a) where the requirements of paragraph (3) are satisfied, as the amount to be entered in a valuation list maintained immediately before 1st April 1990 for the purposes of that Act as the rateable value of the property in question; or
  - (b) where the requirements of paragraph (4) are satisfied, by way of alteration of the valuation list.
- (6) An application under paragraph (5) shall be accompanied by particulars of the name and address of the person (other than the applicant) who is then the landlord or, as the case may be, the tenant of the property and of any other person who is known to the applicant to have an interest in the property.
- (7) Before providing the certificate referred to in paragraph (5) the valuation officer shall—
- (a) give not less than four weeks' notice in writing to the applicant and to every person whose name and address have been provided as mentioned in paragraph (6) of the amount that he proposes to certify;
  - (b) consider the representations (if any) made to him within the period of four weeks beginning on the date on which the notice was given.
- (8) The amount specified in any certificate issued in accordance with paragraph (5) shall be treated, for the purposes mentioned in paragraph (1), as the amount entered in a valuation list in force immediately before 1st April 1990 as the rateable value of the property in question.
- (9) For the purposes of paragraphs (5) and (6)—
- (a) “tenant” includes a statutory tenant within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976; and
  - (b) “landlord”, in relation to a statutory tenant, means the person who, apart from the statutory tenancy, would be entitled to possession of the property.

### **Amendment of the Housing Act 1985**

6. Sections 469(2) and (3), 492(2) and 498C(1) of the Housing Act 1985<sup>(23)</sup> shall have effect, as respects applications on or after 1st April 1990, as if references to the date of the application were references to 31st March 1990.

### **Consequential amendments of the General Rate Act 1967**

7. The provisions of the 1967 Act mentioned in column (1) of Schedule 2 are amended as mentioned in column (2).

### **Other consequential amendments**

8. The provisions mentioned in Schedule 3 are hereby amended as so mentioned.

29th March 1990

*Chris Patten*  
Secretary of State for the Environment

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(23) 1985 c. 68; section 498C(1) was inserted by the Housing and Planning Act 1986 (c. 63), Schedule 3, paragraph 6.

Signed by authority of the Secretary of State for Wales

27th March 1990

*Ian Grist*  
Parliamentary Under Secretary of State, Welsh  
Office

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## SCHEDULE 1

Article 3

## ENACTMENTS REPEALED AND INSTRUMENTS REVOKED

(1) Enactment or instrument	(2) Extent of repeal
The Lands Clauses Consolidation Act 1845 (c. 18)	Section 133
The City of London Sewers Act 1848 (c.clxiii)	Section 177
The City of London Sewers Act 1851 (c.xci)	Section 42, insofar as it relates to section 177 of the City of London Sewers Act 1848
The Allotments Act 1922 (c. 51)	Section 16
The Rating and Valuation Act 1925 (c. 90)	Section 2(7)
The London Government Act 1963 (c. 33)	Section 67
The Police Act 1964 (c. 48)	Section 57
The Compulsory Purchase Act 1965 (c. 56)	Section 27
The Transport Act 1968 (c. 73)	Section 162(1), (3), (4)(a) and (5)
The Decimal Currency Act 1969 (c. 19)	Paragraph 6 of Schedule 2
The Post Office Act 1969 (c. 48)	Section 52
The Local Government Act 1972 (c. 70)	Paragraph 23 of Schedule 13
The Local Government Act 1974 (c. 7)	Sections 15 to 19, 21 and 22, Schedule 3 and paragraphs 3 to 10 of Schedule 7
The Rating of Minor Structural Alterations to Dwellings (Specified Amount) Order 1974 (S.I. 1974/629)	
The General Rate (Public Utilities) Act 1977 (c. 11)	The whole Act
The Rating (Disabled Persons) Act 1978 (c. 40)	Sections 1 to 3 and 8(3) and Schedule 1
The Local Government, Planning and Land Act 1980 (c. 65)	(a) (a) Sections 28 to 31, 33 to 44, 47(1) to (3), and (4)(a) and (d); (b) in section 69(1) the words from “paragraph 8” to “by virtue of” and the words “(which makes similar provision for Scotland)”; (c) in section 179, the words “and rates”; (d) Part IV of Schedule 32 and paragraphs 9 to 11 of Schedule 33
The Local Government Finance Act 1982 (c. 32)	Sections 1 and 6
The Telecommunications Act 1984 (c. 12)	Section 31 and paragraph 15 of Schedule 5
The County Courts Act 1984 (c. 28)	Section 147(2) and (3)

(1) Enactment or instrument	(2) Extent of repeal
The London Regional Transport Act 1984 (c. 32)	Paragraph 3 of Schedule 4
The Rates Act 1984 (c. 33)	Section 15, paragraphs 2 to 22 of Schedule 1 and Schedule 2
The Tyne and Wear Metro (Rateable Values) Order 1984 (S.I. 1985/102)	
The Drainage Rates (Disabled Persons) Act 1986 (c. 17)	The whole Act
The Home Loss Payments Orders 1989 (S.I. 1989/24)	

## SCHEDULE 2

Article 7

## CONSEQUENTIAL AMENDMENTS OF THE GENERAL RATE ACT 1967

(1) Provision	(2) Amendment
Section 7(1)(24)	
<p>(a) (a) the words “(a) the date of publication of the rate under section 4 of this Act; or” shall be omitted;</p> <p>(b) for the word “latest” there shall be substituted the word “later”.</p>	
Section 12(7)	In paragraph (b) for the words after “shall” to the end there shall be substituted the words “be paid by the precepting authority to the rating authority.”.
Section 20(1A)(25)	
The words “Subject to subsection (1B) of this section,” shall be omitted.	
Section 108(26)	
<p>(a) (a) in subsection (1) for the words from the beginning to “officer may” there shall be substituted the words—</p> <p>“(1) Any person may, subject to subsection (2A) of this section,”;</p>	

(24) Section 7(1) was amended by the Courts Act 1971 (c. 23), Schedule 11, Part IV, and the Crown Court Rules 1982 (S.I. 1982/1109).

(25) Section 20(1A) and (1B) were inserted by the Local Government, Planning and Land Act 1980 (c. 65), section 30(3).

(26) Section 108 was substituted by the Rates Act 1984 (c. 33), Schedule 1, paragraph 20. Section 108(1)(c) was amended by paragraph 1 of Schedule 2 to the Valuation and Community Charge Tribunals (Transfer of Jurisdiction) Regulations 1989 (S.I. 1989/440).

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(1) Provision	(2) Amendment
<p>(b) for paragraph (b) of subsection (1) there shall be substituted the following paragraph—</p> <p>“<b>(b)</b> any notice of objection, proposal or notice of appeal served or transmitted with respect to the valuation list in force immediately before 1st April 1990 in a rating area;”</p> <p>(c) in paragraph (c) of subsection (1)—</p> <p>(i) for the words “currently in force” there shall be substituted the words “in force immediately before 1st April 1990”; and</p> <p>(ii) the words after “rating area” shall be omitted;</p> <p>(d) after subsection (2) there shall be inserted the following subsection—</p> <p>“(2A) Paragraphs (b) and (c) of subsection (1) of this section shall cease to have effect on 1st April 2000.”; and</p> <p>(e) subsections (3) and (4) shall be omitted.</p>	

## SCHEDULE 3

Article 8

### OTHER CONSEQUENTIAL AMENDMENTS

## PART I

### PUBLIC GENERAL ACTS

#### **The Public Health Acts Amendment Act 1907 (c. 53)**

**1.** In section 21—

- (a) the words “and value” shall be omitted; and
- (b) after the word “ratepayers” there shall be added the words “and persons who are liable under the Local Government Finance Act 1988 to pay an amount in respect of any community charge”.

#### **The Small Holdings and Allotments Act 1908 (c.**

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2. In section 23(2) for the word “ratepayers” there shall be substituted the words “persons who are liable under the Local Government Finance Act 1988 to pay an amount in respect of any community charge”.

#### **The Statutory Orders (Special Procedure) Act 1945 (9 & 10 Geo 6, c.18)**

3. In section 11(1) for the definition of “local authority” there shall be substituted the following definition—

““local authority” means—

- (a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (b) a levying body within the meaning of section 74 of that Act; and
- (c) a body as regards which section 75 of that Act applies.”.

#### **The Civil Defence Act 1948 (12 & 13 Geo. 6, c.5)**

4. In section 9(1), in the definition of “local authority”, there shall be substituted for the words from “any authority” to “rate” the following words—

- “(a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (b) a levying body within the meaning of section 74 of that Act; and
- (c) a body as regards which section 75 of that Act applies.”.

#### **The Coal-Mining (Subsidence) Act 1957 (c. 59)**

5. In section 13(1), for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraph—

- “(a) in England and Wales, to the Lands Tribunal or, where all the parties so agree, to the county court;”.

6. In section 17(1)—

- (a) for the definition of “dwelling-house” there shall be substituted the following definition—

““dwelling house” means any building or part of a building used wholly or partly as a private dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part;”;
- (b) the definition of “rating unit” shall be omitted.

7. In paragraph 1 of the Second Schedule—

- (a) in sub-paragraph (a) for the words “a rating unit, that rating unit” there shall be substituted the words “a dwelling-house, that dwelling-house”;
- (b) after sub-paragraph (a) there shall be added the following sub-paragraph—

“(aa) where any other property which has suffered subsidence damage is a relevant non-domestic hereditament for the purposes of Part III of the Local Government Finance Act 1988, that hereditament; and”;
- (c) in the proviso for the words “a rating unit and property not included in any rating unit” there shall be substituted the words “two or more units of property”; and the word “rating” wherever it subsequently occurs shall be omitted.

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### **The Stock Transfer Act 1963 (c. 18)**

8. In section 4(1), in the definition of “local authority”, there shall be substituted for the words from “any authority” to “rate” the following words—

- “(a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (b) a levying body within the meaning of section 74 of that Act; and
- (c) a body as regards which section 75 of that Act applies.”.

### **The Industrial and Provident Societies Act 1965 (c. 12)**

9. In section 31(a) for the words “any local authority within the meaning of the Local Loans Act 1875” there shall be substituted the following words—

- “(i) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (ii) a levying body within the meaning of section 74 of that Act; and
- (iii) a body as regards which section 75 of that Act applies”.

### **The Public Works Loans Act 1965 (c. 63)**

10. In section 2(1)(a) for the words from “any authority” to the end there shall be substituted the words—

- “(i) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (ii) a levying body within the meaning of section 74 of that Act; and
- (iii) a body as regards which section 75 of that Act applies;”.

### **The Sea Fisheries Regulation Act 1966 (c. 38)**

11. In section 3 the words “ratepayers and” shall be omitted.

### **The National Loans Act 1968 (c. 13)**

12. For paragraph 1(a) of Schedule 4(27) there shall be substituted the following sub-paragraph—

- “(a) in relation to England and Wales—
  - (i) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
  - (ii) a levying body within the meaning of section 74 of that Act; and
  - (iii) a body as regards which section 75 of that Act applies”.

### **The Development of Tourism Act 1969 (c. 51)**

13. In section 14(2)(a) for the words from “any authority” to “rate” there shall be substituted the following—

- “(i) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;

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(27) Paragraph 1 was amended by paragraph 25 of Schedule 1 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47).

- (ii) a levying body within the meaning of section 74 of that Act; and
- (iii) a body as regards which section 75 of that Act applies”.

#### **The Pensions (Increase) Act 1971 (c. 56)**

**14.** In paragraph 6(1)(a) of Schedule 3(28) for the words after “Wales” there shall be substituted the following words—

- “(i) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (ii) a levying body within the meaning of section 74 of that Act; and
- (iii) a body as regards which section 75 of that Act applies; and”.

#### **The Town and Country Planning Act 1971 (c. 78)**

**15.** In section 290(1)(29), in the definition of “local authority”—

- (a) for the words from “the council of a county” to “drainage board and” there shall be substituted the following—
  - “(a) a charging authority, a precepting authority (except the Receiver for the Metropolitan Police District), a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
  - (b) a levying body within the meaning of section 74 of that Act; and
  - (c) a body as regards which section 75 of that Act applies, and includes”;
- (b) for the words “within the meaning of that Act” there shall be substituted the words “as aforesaid”.

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

**16.** In section 150(1)—

- (a) in paragraphs (a), (b) and (c) the words “or community” (in each place where they occur) shall be omitted;
- (b) in paragraph (b) the words “or communities” (in both places where they occur) shall be omitted;
- (c) in paragraph (c) the words “or a community meeting of a community” and the commas immediately before and after those words shall be omitted;
- (d) there shall be inserted after the word “parish” where it last occurs in paragraph (c) a semi-colon and the following—
  - “(d) in the case of a community council for a community not grouped under a common community council, be chargeable on the community;
  - (e) in the case of a common community council for communities so grouped, be chargeable on the communities within the group;
  - (f) in the case of a community meeting of a community having a separate community council, be chargeable on the community;
  - (g) in the case of a community meeting of a community grouped under a common community council, be chargeable on the communities within the group;

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(28) Paragraph 6(1)(a) was amended by the Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974 (S.I 1974/595), article 3(16).

(29) The definition of “local authority” was amended by the Water Act 1989 (c. 15), Schedule 25, paragraph 42(3)(a).

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- (h) in the case of a community meeting of a community not having a community council, whether separate or common, be chargeable on the district in which the community is situated:

Provided that paragraph (h) shall not apply in any case in relation to which a resolution in accordance with section 33(4)(d) of the Local Government Finance Act 1988 (special expenses of a charging authority) is in force”.

17. For paragraph (b) of section 168(1) there shall be substituted the following paragraph—

- “(b) in the case of any charging authority—
  - (i) of the amount payable to the authority by way of personal community charge, standard community charge, collective community charge and non-domestic rates; and
  - (ii) of the amount paid to any other authority in pursuance of a precept or levy.”.

18. For subsection (5) of section 168 there shall be substituted the following subsection—

- “(5) In this section “local authority” means—
  - (a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
  - (b) a levying body within the meaning of section 74 of that Act; and
  - (c) a body as regards which section 75 of that Act applies”.

#### **The Land Compensation Act 1973 (c. 26)**

19. In section 30—

- (a) in subsection (1)(b) after the words “1st April 1973” there shall be inserted the words “but before 1st April 1990”;
- (b) after subsection (1) there shall be inserted the following subsection—
  - “(1A) The amount of a home loss payment shall be £1,500 where the date of a displacement is on or after 1st April 1990.”.

#### **The National Heritage Act 1980 (c. 17)**

20. In paragraph 2 of Schedule 1 for the words “Section 40 of the General Rate Act 1967 (relief for charities and other organisations)” there shall be substituted the words “Sections 43(6), 45(6) and 47 of the Local Government Finance Act 1988”.

#### **The Highways Act 1980 (c. 66)**

21. In paragraph 3(3)(a) of Schedule 6 for the words from “any council” to “1875” there shall be substituted the words—

- “(i) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (ii) a levying body within the meaning of section 74 of that Act; and
- (iii) a body as regards which section 75 of that Act applies”.

### **The New Towns Act 1981 (c. 64)**

22. In section 80(1), in the definition of “local authority”, for the words from “the council” to “drainage board” there shall be substituted the following—

- “(a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (b) a levying body within the meaning of section 74 of that Act; and
- (c) a body as regards which section 75 of that Act applies”.

### **The Acquisition of Land Act 1981 (c. 67)**

23. In section 7(1)(30), for the definition of “local authority”, there shall be substituted the following definition—

““local authority” means—

- (a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (b) a levying body within the meaning of section 74 of that Act;
- (c) a body as regards which section 75 of that Act applies;
- (d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs (a) to (c); and
- (e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple.”.

### **The National Heritage Act 1983 (c. 47)**

24. In paragraphs 2(5), 12(5), 22(3) and 32(5) of Schedule 1 and in paragraph 2(5) of Schedule 3, for the words after “shall” there shall in each case be substituted the words “for the purposes of Part III of the Local Government Finance Act 1988 be treated as if it were a Crown hereditament.”.

### **The Further Education Act 1985 (c. 47)**

25. In section 3—

- (a) in subsection (8)(c), for the words “rate fund” there shall be substituted the words “county fund or general fund”; and
- (b) in subsection (10), the definition of “rate fund” shall be omitted.

### **The Local Government Act 1985 (c. 51)**

26. In paragraph (b) of section 77(1)(31), for the words “any such authority” there shall be substituted the words “any authority to which this subsection applies”.

### **The Education Reform Act 1988 (c. 40)**

27. In Part I of Schedule 13, the entry relating to section 3(10) of the Further Education Act 1985 shall be omitted.

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(30) The definition of “local authority” was amended by the Water Act 1989 (c. 15), Schedule 27, Part I.

(31) Section 77(1) is partially repealed with effect from 1st April 1990 by section 194(2) of the Local Government and Housing Act 1989 (c. 42); see article 4 of the Local Government and Housing Act 1989 (Commencement No. 5 and Transitional Provisions) Order 1990 (S.I. 1990/431).

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### **The Water Act 1989 (c. 15)**

**28.** In paragraph 1(11) of Schedule 25, the words “(which define local authority by reference to the Local Loans Act 1875)” shall be omitted.

## **PART II**

### **LOCAL ACTS**

### **The East Sussex Act 1981 (c. xxv)**

**29.** In section 61, in the definition of “occupier” for the words from “who” to “election” there shall be substituted the words “who, in respect of the period of 12 months immediately preceding the day of the making or giving by him of any such request or consent or the tendering of his vote at any such election, has been assessed to the general rate in respect of such house or part thereof or, where any part of the period falls on or after 1st April 1990 would, but for the repeal of the General Rate Act 1967, have been assessed to the general rate in respect of such house or part thereof”.

**30.** In section 66(1), for the words “for the time being in force” there shall be substituted the words “in force immediately before 1st April 1990”.

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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 establishes new systems of community charges and non-domestic rates to replace the present rating system) and upon Part IV of the Local Government and Housing Act 1989 (which establishes a new system for the control of the capital expenditure of local authorities).

Article 3 of the Order provides for the repeal and revocation, subject to the savings mentioned in paragraph (2), of the provisions of Acts and subordinate legislation listed in Schedule 1 to the Order.

Article 4 provides, as respects enactments which relate to the jurisdiction of county courts, for the interpretation after 31st March 1990 of references to certain terms applicable to the present rating system.

Article 5 provides for the certification of the rateable value of property for the purposes of certain enactments relating to housing.

Article 6 amends sections 469(2) and (3), 492(2) and 498C(1) of the Housing Act 1985 (which relate to applications for certain types of grant).

Article 7 amends the provisions of the General Rate Act 1967 set out in Schedule 2 (which are saved from repeal by the General Rate Act 1967 and Related Provisions (Savings and Consequential Provision) Regulations 1990 (S.I. [1990/777](#))).

Article 8 provides for consequential amendments to the enactments mentioned in Schedule 3.