
STATUTORY INSTRUMENTS

1995 No. 798

The Local Government Changes for England (Capital Finance) Regulations 1995

PART III

CAPITAL RECEIPTS

Interpretation of Part

10. In this Part—

“relevant amount” means the amount of “K” agreed or determined in accordance with paragraph 5 of the Schedule to the Transfer of Property Regulations;

“relevant date” means the date falling two months after the service by a designated authority of a notice under regulation 15(1) of the Transfer of Property Regulations, or, in the event that any participant authority disagrees with the calculations contained in that notice, the date when the designated authority serves a notice under regulation 16 of those Regulations;

“section 60” means section 60 of the 1989 Act; and

“usable receipts” means the usable part of capital receipts (within the meaning of Part IV of the 1989 Act) which have not been applied as mentioned in section 60(2).

Usable receipts of designated authority

11.—(1) Where in relation to an abolished authority there is only one successor authority, section 60 shall have effect as if on the reorganisation date there were added to the usable receipts of the successor authority an amount equal to the usable receipts of the abolished authority on the last day of the preliminary period.

(2) Where in relation to an abolished authority there are two or more successor authorities, section 60 shall have effect as if—

- (a) on the reorganisation date there were added to the usable receipts of the designated authority an amount equal to the usable receipts of the abolished authority on the last day of the preliminary period;
- (b) it were provided that the designated authority shall not, before the relevant date, apply the amount added under sub-paragraph (a) in either of the ways mentioned in section 60(2), except to meet expenditure for capital purposes incurred by the abolished authority; and
- (c) the usable receipts of the designated authority were reduced on the relevant date by an amount equal to the aggregate of the relevant amounts for the participant authorities.

(3) Section 60 shall have effect in relation to a relinquishing authority as if the relinquishing authority’s usable receipts were reduced on the relevant date by an amount equal to the aggregate of the relevant amounts for the participant authorities.

Usable receipts of participant authority

12. Section 60 shall have effect in relation to a participant authority as if on the relevant date there were added to the usable receipts of the authority in question an amount equal to the relevant amount for that authority.

Disposal of surplus land

13.—(1) This paragraph applies to capital receipts received by a successor authority or a relinquishing authority for the disposal of land which is surplus land within the meaning of regulation 10(7) of the Transfer of Property Regulations.

(2) The 1990 Regulations shall apply in relation to capital receipts to which paragraph (1) above applies as if—

- (a) in regulation 10 of the 1990 Regulations (interpretation), the following paragraphs were added after paragraph (3)—

“(4) In regulations 12 and 13—

“the Transfer of Property Regulations” means the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995(1);

“successor authority” means an authority specified for the purposes of regulation 6(4) of the Transfer of Property Regulations in an agreement made pursuant to regulation 5(2) of those Regulations; and

“relevant expenditure” and “surplus land” have the same meanings as in regulation 10(7) of the Transfer of Property Regulations.

(5) In regulations 12 and 13, any reference to a relinquishing authority or an acquiring authority shall be construed in accordance with regulation 2(2) of the Transfer of Property Regulations.”;

- (b) in regulation 12 of the 1990 Regulations (sums to be capital receipts), the following paragraph were added after paragraph (d)—

“and

- (e) any sum paid to the authority under regulation 10(2) or (3) of the Transfer of Property Regulations in respect of the amount received for the disposal of surplus land by the authority in whom the land was vested.”; and

- (c) in regulation 13 of the 1990 Regulations (sums not to be capital receipts), the following paragraph were added after paragraph (2)—

“(3) The following sums shall not be capital receipts, namely—

- (a) so much of the amount received by a successor authority for the disposal of surplus land as they—

(i) deduct under regulation 10(2)(a) of the Transfer of Property Regulations in respect of any relevant expenditure relating to the land in question; and

(ii) distribute under regulation 10(2)(b) of those Regulations among other successor authorities;

- (b) so much of the amount received by a relinquishing authority for the disposal of surplus land as is equal to the amount of any relevant expenditure relating to the land in question; and

- (c) so much of the amount received by a relinquishing authority for the disposal of surplus land as they pay to an acquiring authority under regulation 10(3)(b) of the Transfer of Property Regulations.”.