
STATUTORY INSTRUMENTS

1996 No. 619

LOCAL GOVERNMENT, ENGLAND AND WALES

WALES

FINANCE

The Local Government Reorganisation (Wales)
(Finance) (Miscellaneous Amendments
and Transitional Provisions) Order 1996

<i>Made</i>	- - - -	<i>8th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State for Wales, in exercise of the powers conferred upon him by section 54(1) and (2) of the Local Government (Wales) Act 1994⁽¹⁾, hereby makes the following Order:

PART I
GENERAL

Citation and commencement

1. This Order may be cited as the Local Government Reorganisation (Wales) (Finance) (Miscellaneous Amendments and Transitional Provisions) Order 1996 and shall come into force on 1st April 1996.

Interpretation

2. In this Order—

“the 1988 Act” means the Local Government Finance Act 1988⁽²⁾;

“the 1989 Act” means the Local Government and Housing Act 1989⁽³⁾;

(1) 1994 c. 19.
(2) 1988 c. 41.
(3) 1989 c. 42.

- “the 1992 Act” means the Local Government Finance Act 1992(4);
- “the 1994 Act” means the Local Government (Wales) Act 1994;
- “old authority” means a county or district council which will cease to exist as a result of the 1994 Act; and
- “successor authority”, in relation to an old authority, has the meaning given by section 53(2) of the 1994 Act.

PART II

NON-DOMESTIC RATING

Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989

3. Regulation 1(2) of the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989(5) shall be amended by the insertion after “section 41” of “or section 41A”.

Non-Domestic Rating Contributions (Wales) Regulations 1992

4. For the purposes of any calculation, on or after 1st April 1996, of a Welsh billing authority’s non-domestic rating contribution for the financial year beginning on 1st April 1996, paragraph 4(1) of Schedule 1 to the Non-Domestic Rating Contributions (Wales) Regulations 1992(6) shall apply as if references to 31st December in the immediately preceding year were references to 1st April 1996.

Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993

5.—(1) References in regulation 4B of the 1993 Regulations(7) to the next list shall not be taken to include references to a list compiled under section 41A of the 1988 Act(8).

(2) Regulation 18(1) of the 1993 Regulations shall be amended by the deletion of the words “of the Act” and the substitution of the words “or section 41A(10) of the Act, as the case may be”.

(3) In this article, “the 1993 Regulations” means the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(9).

Valuation Officers

6.—(1) The abolition of the old authorities shall not affect the validity of anything done by a valuation officer for an old billing authority before their abolition.

(2) Anything which at 1st April 1996 is in the process of being done by or in relation to a valuation officer for an old billing authority in the exercise of or in connection with any of his functions may be continued by or in relation to the new valuation officer by whom those functions become exercisable.

(3) Anything done by or in relation to a valuation officer for an old billing authority before 1st April 1996 in the exercise of or in connection with any of his functions shall, so far as is required for continuing its effect on or after that date, have effect as if done by or in relation to the new valuation officer by whom those functions become exercisable.

(4) Paragraph (3) applies in particular to—

(4) 1992 c. 14.

(5) S.I. 1989/1060, amended by S.I. 1989/2303 and 1993/616.

(6) S.I. 1992/3238, amended by S.I. 1993/1505; 1993/3077; 1994/547; 1994/1742; 1994/3125 and 1995/3235.

(7) Regulation 4B was inserted by S.I. 1995/609.

(8) Section 41A was inserted by section 37 of the 1994 Act.

(9) S.I. 1993/291, amended by S.I. 1994/1809, 1995/609 and 1995/623.

- (a) any decision, determination, declaration, designation, compilation, alteration, admission, agreement, record or instrument made by a valuation officer for an old billing authority;
- (b) any permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to a valuation officer for an old billing authority;
- (c) any notice, statement, direction, certificate, information or order given by or to a valuation officer for an old billing authority;
- (d) any application, request, proposal or objection made by or to a valuation officer for an old billing authority;
- (e) any condition or requirement imposed by or on a valuation officer for an old billing authority;
- (f) any fee paid by or to a valuation officer for an old billing authority;
- (g) any appeal allowed by or in favour of or against a valuation officer for an old billing authority;
- (h) any proceedings instituted by or against a valuation officer for an old billing authority.

(5) Any reference in this article to anything done by or in relation to a valuation officer for an old billing authority includes a reference to anything which by virtue of any enactment is treated as having been done by or in relation to that valuation officer.

(6) Any references (however framed) to a valuation officer for an old billing authority in any document constituting, or relating to, anything to which the provisions of this article apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the new valuation officer for the new billing authority which is the successor authority.

(7) The provisions of this article are without prejudice to any provision made by or under the 1994 Act in relation to any particular functions and shall not be construed as continuing in force any contract of employment made by any of the old authorities.

(8) In this article—

“alteration” includes reference to an alteration to a list;

“compilation” means the compilation of a list; and

“list” means a local non-domestic rating list maintained under Part III of the 1988 Act; and

“old billing authority”, “new billing authority”, “valuation officer”, and “new valuation officer” have the meanings given in section 41A of the 1988 Act.

PART III

COUNCIL TAX

Council Tax (Contents of Valuation Lists) Regulations 1992

7. Regulation 1(2) of the Council Tax (Contents of Valuation Lists) Regulations 1992(10) shall be amended by the insertion after “section 22” of “or section 22A”.

Council Tax (Alteration of Lists and Appeals) Regulations 1993

8.—(1) Regulation 2(1) of the 1993 Regulations shall be amended by the insertion after “section 22” of “or section 22A”.

(10) S.I. 1992/553.

(2) In relation to a list compiled under section 22A of the 1992 Act, regulation 14(1) of the 1993 Regulations shall have effect as if for the words “since the list was compiled” there were substituted “since 1st April 1993”.

(3) In relation to a list compiled under section 22A of the 1992 Act, regulation 14(6) of the 1993 Regulations shall have effect as if for the words “from the day on which the list was compiled” there were substituted “from 1st April 1993”.

(4) Regulation 15(1) of the 1993 Regulations shall be amended by the deletion of the words “of the Act” and the substitution of the words “or section 22A(10) of the Act, as the case may be”.

(5) In this article, “the 1993 Regulations” means the Council Tax (Alteration of Lists and Appeals) Regulations 1993(11).

Listing Officers

9.—(1) The abolition of the old authorities shall not affect the validity of anything done by a listing officer for an old billing authority before their abolition.

(2) Anything which at 1st April 1996 is in the process of being done by or in relation to a listing officer for an old billing authority in the exercise of or in connection with any of his functions may be continued by or in relation to the new listing officer by whom those functions become exercisable.

(3) Anything done by or in relation to a listing officer for an old billing authority before 1st April 1996 in the exercise of or in connection with any of his functions shall, so far as is required for continuing its effect on or after that date, have effect as if done by or in relation to the new listing officer by whom those functions become exercisable.

(4) Paragraph (3) applies in particular to—

- (a) any decision, determination, declaration, designation, compilation, alteration, admission, agreement, record or instrument made by a listing officer for an old billing authority;
- (b) any permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to a listing officer for an old billing authority;
- (c) any notice, statement, direction, certificate, information or order given by or to a listing officer for an old billing authority;
- (d) any application, request, proposal or objection made by or to a listing officer for an old billing authority;
- (e) any condition or requirement imposed by or on a listing officer for an old billing authority;
- (f) any fee paid by or to a listing officer for an old billing authority;
- (g) any appeal allowed by or in favour of or against a listing officer for an old billing authority;
- (h) any proceedings instituted by or against a listing officer for an old billing authority.

(5) Any reference in this article to anything done by or in relation to a listing officer for an old billing authority includes a reference to anything which by virtue of any enactment is treated as having been done by or in relation to that listing officer.

(6) Any reference (however framed) to a listing officer for an old billing authority in any document constituting, or relating to, anything to which the provisions of this article apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the new listing officer for the new billing authority which is the successor authority.

(7) The provisions of this article are without prejudice to any provision made by or under the 1994 Act in relation to any particular functions and shall not be construed as continuing in force any contract of employment made by any of the old authorities.

(11) S.I. 1993/290, amended by S.I. 1994/1746 and 1995/624.

(8) In this article—

“alteration” includes an alteration to a list;

“compilation” means the compilation of a list; and

“list” means a valuation list maintained under Part I of the 1992 Act; and

“old billing authority”, “new billing authority”, “listing officer”, and “new listing officer” have the meanings given in section 22A of the 1992 Act.

PART IV

HOUSING REVENUE

10. In subsection (1) of section 86 of the 1989 Act (**12**) (recoupment of subsidy in certain cases) the words “, in the case of a local housing authority in England,” shall be omitted.

PART V

MISCELLANEOUS

Commutation of, and interest on, periodic payments of grants etc.

11.—(1) Where in relation to an old authority—

(a) before 1st April 1996 the Secretary of State has determined to commute any annual or other periodic payment under section 157 of the 1989 Act (commutation of, and interest on, periodic payments of grants etc.); and

(b) on that date, the whole or any part of the commuted payment has not been paid,

the payment made by the Secretary of State on or after 1st April 1996 shall be made to the new authority or, if he thinks it appropriate, to the Public Works Loans Commissioners.

(2) Where after 31st March 1996 it appears to the Secretary of State that a commuted payment made to an old authority or, by reference to that authority, to the Public Works Loans Commissioners, on or before that date was smaller or greater than it should have been he may on or after 1st April 1996, as the case may require—

(a) make a payment to the new authority or to those Commissioners; or

(b) require a payment to him by the new authority of such sum as he may direct.

(3) For the purposes of any determination under section 157 of the 1989 Act which may be made on or after 1st April 1996, the reference in subsection (1) of that section to expenditure incurred by the local authority shall, in the case of a new authority, include expenditure incurred by the old authority.

(4) In this article “new authority” means—

(a) in the case of an old authority in relation to which there is only one successor authority, that successor authority;

(b) in the case of an old authority in relation to which there is more than one successor authority, the designated authority.

(12) Section 86(1) was amended by S.I. [1994/2825](#).

Revocation of Regulations

12.—(1) The following Regulations are hereby revoked—

- (a) the Community Charges and Non-Domestic Rating (Demand Notices) (Wales) Regulations 1990(**13**);
- (b) the Community Charges and Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 1991(**14**);
- (c) the Community Charges and Non-Domestic Rating (Demand Notices) (Wales) (Amendment) (No. 2) Regulations 1991(**15**);
- (d) the Community Charges (Demand Notices) (Additional Provisions) (Wales) Regulations 1991(**16**);
- (e) the Community Charges and Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 1992(**17**);
- (f) the Community Charges and Non-Domestic Rating (Demand Notices) (Wales) (Amendment) (No. 2) Regulations 1992(**18**);
- (g) the Community Charges and Non-Domestic Rating (Demand Notices) (Wales) (Amendment) (No. 3) Regulations 1992(**19**).

(2) Nothing in this article shall affect the operation of the provisions referred to in paragraph (3) below in relation to any community charge in respect of a day falling before 1st April 1993; and nothing in this article shall affect the operation of the Regulations described in paragraph (1) above in relation to any financial year beginning before that date.

(3) The provisions referred to in this paragraph are regulations 1 to 12 of, and Schedule 1 to, the Community Charges and Non-Domestic Rating (Demand Notices) (Wales) Regulations 1990.

Signed by authority of the Secretary of State for Wales

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

8th March 1996

(13) S.I. 1990/293, amended by S.I. 1990/608, 1991/118, 1991/434, 1991/877, 1992/96, 1992/935, and 1992/1530.

(14) S.I. 1991/118.

(15) S.I. 1991/434.

(16) S.I. 1991/877.

(17) S.I. 1992/96.

(18) S.I. 1992/935.

(19) S.I. 1992/1530.

EXPLANATORY NOTE

(This note is not part of the Order)

On 1st April 1996 by virtue of the Local Government (Wales) Act 1994 the county and county borough councils created as a result of the 1994 Act will take over responsibility for the discharge of functions relating to local government in Wales from the county and district councils created as a result of the Local Government Act 1972. The new councils came into existence following their election on 4th May 1995 and, until the abolition of the existing councils on 1st April 1996, are preparing to take on their full functions. This Order makes supplementary and transitional provision in respect of local government finance.

Articles 3 to 5 make consequential and transitional provision for regulations relating to non-domestic rating, as regards references to non-domestic rating lists.

Articles 7 and 8 make consequential and transitional provision for regulations relating to council tax, as regards references to valuation lists.

Articles 6 and 9 make transitional provision regarding the actions and duties of valuation officers and listing officers of old and new authorities.

Article 10 makes consequential provision as regards recoupment of housing revenue account subsidy.

Article 11 empowers the Secretary of State to make a commuted payment to either the appropriate new authority or to the Public Works Loan Commissioners (if he thinks it appropriate) where the payment is commuted under section 157 of the Local Government and Housing Act 1989 but has not been paid to an old authority before 1st April 1996.

Article 12 revokes, with savings, demand notice regulations (relating to local taxation) which are now spent.