

*This Statutory Instrument has been made in consequence of defects in S.I.1998/119 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**1998 No. 3270**

**COUNCIL TAX, ENGLAND AND WALES  
LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Finance (New  
Parishes) (Amendment) Regulations 1998**

*Made - - - - 23rd December 1998*

*Laid before Parliament 6th January 1999*

*Coming into force - - 27th January 1999*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by sections 32(9) and 113 of the Local Government Finance Act 1992<sup>(1)</sup> and sections 15 and 23 of the Local Government and Rating Act 1997<sup>(2)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Local Government Finance (New Parishes) (Amendment) Regulations 1998 and shall come into force on 27th January 1999.

**Interpretation and consequential amendment**

2.—(1) In regulation 2 of the Local Government Finance (New Parishes) Regulations 1998<sup>(3)</sup> (“the principal Regulations”)—

(a) for the definition of “the Act” there is substituted—

““the 1992 Act” means the Local Government Finance Act 1992;

“the 1997 Act” means the Local Government and Rating Act 1997;

“establishment order” means, as respects a relevant parish council or relevant chairman, the order under section 14 or section 16 of the 1997 Act which constituted the new parish for which it is the council, or in relation to which he is the chairman;”

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(1) 1992 c. 14. Section 32 is amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994 (c. 19).

(2) 1997 c. 29.

(3) S.I. 1998/119.

(b) for the definition of “new parish” there is substituted—

““new parish” means a parish constituted by an order under section 14 of the 1997 Act or for which a separate parish council is established by an order under section 16 of that Act;”

(c) for the words from “relevant parish council” to the end there is substituted—

““relevant parish council” means a parish council established by an order under section 14 of the 1997 Act, or a separate parish council established by an order under section 16 of that Act;

“relevant year” means the financial year in which a new parish is constituted, or that in which a separate parish council is first established for a parish.”

(2) In regulations 3(2), (3) and (4) and 4 to 6 of the principal Regulations, for “the Act”, wherever occurring, there is substituted “the 1992 Act”.

#### **Calculation of budget requirement**

3.—(1) Regulation 3 of the principal Regulations is amended as follows.

(2) In paragraph (1)(b), for “the section 14 order” there is substituted “the establishment order”.

(3) In paragraph (2), for the words from “in a section 14 order” to the end, and in paragraph (4) for “in the relevant section 14 order”, there is substituted “in the establishment order”.

#### **Issue of precepts**

4. In regulation 5(1) of the principal Regulations, after “relevant parish” there is added “council”.

#### **Limitation of council tax and precepts**

5. In regulation 6 of the principal Regulations, for “in a section 14 order” there is substituted “in the establishment order”.

Signed by authority of the Secretary of State

*Nick Raynsford*  
Parliamentary Under Secretary of  
State Department of the Environment, Transport  
and the Regions

23rd December 1998

## EXPLANATORY NOTE

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

The Local Government Finance (New Parishes) Regulations 1998 make transitional and consequential provision in relation to new parishes in England constituted by an order under section 14 of the Local Government and Rating Act 1997, and to the financial year in which each such new parish is constituted.

These Regulations extend the provisions of those Regulations relating to—

- (a) calculation of budgets and special items (regulation 3)
- (b) issue of precepts (regulation 4), and
- (c) limitation of council tax and precepts (regulation 5)

to cases where a separate parish council is established by order of the district council under section 16 of the 1997 Act.

They also correct (regulation 4) a reference in regulation 5 of the previous Regulations.