

This Statutory Instrument has been made in consequence of defects in S.I. 2012/711 and S.I. 2013/476 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2021 No. 611

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2021

<i>Made</i>	- - - -	<i>24th May 2021</i>
<i>Laid before Parliament</i>		<i>28th May 2021</i>
<i>Coming into force</i>	- -	<i>30th June 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 11 and 123(1) and (2) of the Local Government Act 2003⁽¹⁾.

Citation and commencement

1.—(1) These Regulations may be cited as the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2021.

(2) These Regulations come into force on 30th June 2021.

Amendment of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

2. The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003⁽²⁾ are amended in accordance with regulations 3 to 6.

Amendment of regulation 1

3. In regulation 1(5)—

- (a) in the definition of “poolable amount”, for “quarter”, in both places it occurs, substitute “financial year⁽³⁾”;
- (b) omit the definition of “quarter”;

(1) 2003 c. 26. Section 11 was amended by section 174 of the Localism Act 2011 (c. 20) and section 78 of the Housing and Planning Act 2016 (c. 22).

(2) S.I. 2003/3146, amended by S.I. 2012/711, 2013/476, 1751, 2015/341, 2017/536. There are other amending instruments but none is relevant.

(3) See section 124 of the Local Government Act 2003 (c. 26) for the definition of financial year.

- (c) omit the definition of “relevant quarter”;
- (d) in the definition of “sub-liability”—
 - (i) after “amount” insert “(“K”);
 - (ii) omit the second “in”.

Amendment of regulation 12

- 4. In regulation 12(1)—
 - (a) for “quarter”, in the first place it occurs, substitute “financial year”;
 - (b) for sub-paragraph (a) (but not the “or” following it) substitute—
 - “(a) 30th April in the following financial year;”.

Amendment of regulation 13

- 5. In regulation 13—
 - (a) in paragraph (3)—
 - (i) for “a rate of 1% above base rate” substitute “the applicable rate”;
 - (ii) for “three-monthly” substitute “yearly”;
 - (b) in paragraph (6), at the appropriate place insert—
 - ““applicable rate” means whichever is the higher of—
 - (a) 1%; and
 - (b) 1% above base rate;”.

Amendment of the Schedule

- 6.—(1) The Schedule (calculation of the sub-liability) is amended as follows.
- (2) In paragraph 2—
 - (a) for the definition of “assumed debt” substitute—
 - ““assumed debt” is an amount calculated in accordance with paragraph 4A;”;
 - (b) for the definition of “local authority share cap” substitute—
 - ““local authority share cap” is an amount calculated in accordance with paragraph 4B;”;
 - (c) for the definition of “previous quarter” substitute—
 - ““previous financial year” means the financial year before the relevant financial year;”;
 - (d) omit the definition of “quarter 1”;
 - (e) omit the definition of “sub-liability”;
 - (f) at the appropriate places insert—
 - ““pooling period” means one of the following periods—
 - (a) a quarter beginning before 1st April 2021;
 - (b) a financial year beginning on or after 1st April 2021;”;
 - ““pooling period 1” means the period from 1st April 2012 to 30th June 2012;”;
 - ““quarter” means one of the following periods—
 - (a) 1st April to 30th June;

- (b) 1st July to 30th September;
- (c) 1st October to 31st December;
- (d) 1st January to 31st March;”;

““relevant financial year” means, in relation to the calculation of the sub-liability, the financial year to which the calculation relates;”.

(3) In paragraph 3—

- (a) for “relevant quarter”, in each place it occurs, substitute “relevant financial year”;
- (b) in sub-paragraph (2), for “previous quarter”, in both places it occurs, substitute “previous financial year”.

(4) In paragraph 4—

- (a) for “relevant quarter”, in each place it occurs, substitute “relevant financial year”;
- (b) for “previous quarter”, in each place it occurs, substitute “previous financial year”;
- (c) in the definition of the term C—
 - (i) for “each quarter” substitute “each pooling period”;
 - (ii) for “quarter 1” substitute “pooling period 1”;
- (d) in the definition of the term F, for “quarters”, in both places it occurs, substitute “pooling periods”;
- (e) in the definition of the term F**—
 - (i) for “each quarter” substitute “each pooling period”;
 - (ii) for “quarter 1” substitute “pooling period 1”;
- (f) in the definition of the term L**, for “paragraph 9; and” substitute “paragraph 9(1);”;
- (g) in the definition of the term M, at the end insert “; and”;
- (h) after the definition of the term M insert—
 - “N* means the assumed debt for the previous financial year;
 - O* means the local authority share cap for the previous financial year;
 - P has the meaning set out in paragraph 9(2);
 - P* means the value of P for the previous financial year.”.

(5) After paragraph 4 insert—

4A. The assumed debt is—

- (a) in the financial year beginning on 1st April 2021, the amount of debt assumed to be associated with a local authority in that year as set out in Table A in this Schedule; and
- (b) in each subsequent financial year—

$$N^* \times 1.01$$

4B. The local authority share cap is—

- (a) in the financial year beginning on 1st April 2021, the amount attributable to an authority set out in Table B in this Schedule; and
- (b) in each subsequent financial year—

$$O^* \times 1.01$$

.”.

- (6) In paragraph 8—
- (a) omit sub-paragraph (a);
 - (b) in sub-paragraph (b), omit the words from “in quarters other than quarter 1—”.
- (7) For paragraph 9 substitute—

“9.—(1) L** means—

$$183,000,000 \div P$$

(2) P means—

- (a) in the financial year beginning on 1st April 2021, 77,988,112.73;
- (b) in each subsequent financial year—

$$P* \times 1.01$$

.”.

- (8) In paragraph 10—
- (a) omit sub-paragraph (a);
 - (b) in sub-paragraph (b), omit the words from “in any” to “2013—”.
- (9) For Table A substitute the table in Schedule 1.
- (10) For Table B substitute the table in Schedule 2.

Transitional and saving provisions

7.—(1) Regulations 1 and 12 of the principal Regulations continue to apply as they had effect immediately before the coming into force of these Regulations—

- (a) in relation to capital receipts received before 1st April 2021; and
- (b) for the purpose of determining the value of F for the quarters during the period 1st April 2012 to 31st March 2013.

(2) In respect of any unpaid amount payable before 31st July 2021, regulation 13 of the principal Regulations has effect as if—

- (a) in paragraph (3) for “yearly rests” there were substituted “three-monthly rests until 31st July 2021 and yearly rests thereafter”;
- (b) for the definition of “applicable rate” in paragraph (6) there were substituted—

““applicable rate” means—

- (a) for a day falling before [30th June 2021], 1% above base rate; and
- (b) for a day falling after that date, whichever is the higher of—
 - (i) 1%; and
 - (ii) 1% above base rate;”.

(3) For the purpose of calculating the sub-liability for the financial year beginning on 1st April 2021, the Schedule to the principal Regulations applies as if for “previous financial year”, in each place it occurs, there were substituted “previous pooling period”.

(4) The following provisions in the Schedule to the principal Regulations continue to apply as they had effect immediately before the coming into force of these Regulations for the purpose of

determining the assumed debt for a pooling period beginning before 1st April 2021, subject to the modifications set out in paragraphs (6) and (7)—

- (a) the definition of assumed debt in paragraph 2;
- (b) Table A.

(5) The following provisions in the Schedule to the principal Regulations continue to apply as they had effect immediately before the coming into force of these Regulations for the purpose of determining the local authority share cap for a pooling period beginning before 1st April 2021, subject to the modifications set out in paragraph (7)—

- (a) the definition of local authority share cap in paragraph 2;
- (b) Table B.

(6) The modification is that the definition of assumed debt is to be read as if for “quarter” there were substituted “pooling period”.

(7) The modifications are that the table is to be read as if—

- (a) in the heading, for “quarter” there were substituted “pooling period”;
- (b) in the column headed authority, for “Shepway” there were substituted “Folkestone and Hythe”.

(8) In this regulation “the principal Regulations” means the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Christopher Pincher
Minister of State
Ministry of Housing, Communities and Local
Government

24th May 2021

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SCHEDULE 1

Regulation 6(9)

Substitution of Table A

<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
Adur	121,501.92
Arun	154,866.00
Ashfield	223,586.81
Ashford	226,722.39
Babergh	183,694.98
Barking and Dagenham	437,460.99
Barnet	406,060.42
Barnsley	920,875.76
Barrow	216,533.64
Basildon	445,232.82
Bassetlaw	295,007.26
Birmingham	3,177,505.20
Blackpool	218,231.83
Bolsover	321,921.94
Bournemouth Christchurch and Poole	280,828.78
Brent	326,902.80
Brentwood	133,393.70
Brighton & Hove	295,270.41
Bristol	465,342.02
Broxtowe	231,776.69
Bury	816,843.05
Cambridge	443,177.32
Camden	787,065.94
Cannock Chase	261,853.19
Canterbury	213,673.00
Castle Point	73,949.58
Central Bedfordshire	312,731.01
Charnwood	244,915.27
Cheltenham	95,303.52
Cheshire West and Chester	640,495.66
Chesterfield	433,463.76
City of London	37,679.87

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<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
City of York	446,134.60
Colchester	276,328.10
Cornwall	228,279.83
Crawley	500,994.25
Croydon	493,371.27
Dacorum	697,462.93
Darlington	264,974.47
Dartford	164,937.47
Derby	661,899.62
Doncaster	837,251.17
Dover	172,164.15
Dudley	1,293,022.83
Ealing	339,902.21
East Devon	156,993.07
East Riding	700,597.96
East Suffolk	171,928.90
Eastbourne	83,791.70
Enfield	319,155.58
Epping Forest	365,205.77
Exeter	102,772.22
Fareham	108,512.40
Folkestone and Hythe	116,558.79
Gateshead	1,358,442.25
Gosport	109,552.45
Gravesham	222,830.17
Great Yarmouth	177,431.34
Greenwich	489,596.44
Guildford	371,600.55
Hackney	238,601.47
Hammersmith and Fulham	389,597.53
Haringey	492,679.19
Harlow	421,248.80
Harrogate	259,766.29
Harrow	209,583.78

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<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
Havering	318,422.68
High Peak	190,099.89
Hillingdon	446,945.81
Hinckley and Bosworth	200,221.60
Hounslow	397,517.95
Ipswich	285,544.27
Islington	740,259.63
Kensington and Chelsea	333,813.49
Kingston upon Hull	988,413.41
Kingston upon Thames	224,335.94
Kirklees	763,213.87
Lambeth	622,385.34
Lancaster	361,077.12
Leeds	2,232,621.80
Leicester	603,374.30
Lewes	138,336.33
Lewisham	202,345.86
Lincoln	184,690.60
Luton	258,421.48
Manchester	962,910.28
Mansfield	265,824.60
Medway Towns	87,036.36
Melton	93,497.31
Mid Devon	96,747.13
Mid Suffolk	156,340.12
Milton Keynes	491,774.91
New Forest	294,767.63
Newark and Sherwood	307,475.13
Newcastle upon Tyne	1,454,616.23
Newham	377,991.90
North East Derbyshire	496,343.87
North Kesteven	216,480.80
North Northamptonshire	422,261.02
North Tyneside	1,071,143.29

<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
North Warwickshire	188,579.70
North West Leicestershire	251,520.81
Northumberland	416,855.05
Norwich	470,484.81
Nottingham	924,230.54
Nuneaton	268,249.85
Oadby & Wigston	60,711.45
Oldham	-3,107.63
Oxford City	442,269.24
Portsmouth	343,180.46
Reading	400,823.58
Redbridge	150,455.65
Redditch	296,808.31
Richmondshire	87,786.58
Rotherham	1,020,513.09
Rugby	249,810.92
Runnymede	196,165.06
Salford	56,817.91
Sandwell	1,504,657.58
Sedgemoor	110,662.16
Selby	194,828.91
Sheffield	1,207,881.23
Shropshire	274,963.07
Slough	340,266.55
Solihull	547,623.09
Somerset West and Taunton	209,662.28
South Cambridgeshire	407,718.64
South Derbyshire	186,144.15
South Holland	208,059.98
South Kesteven	376,252.60
South Tyneside	1,125,930.45
Southampton	375,193.06
Southend-on-Sea	200,002.51
Southwark	891,989.48

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<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
St Albans	375,638.28
Stevenage	428,687.55
Stockport	883,258.96
Stoke-on-Trent	550,670.65
Stroud	175,802.47
Sutton	268,536.85
Swindon	306,768.45
Tamworth	236,922.62
Tandridge	137,672.93
Tendring	118,827.28
Thanet	52,208.15
Thurrock	368,682.80
Tower Hamlets	278,674.37
Uttlesford	178,281.22
Waltham Forest	288,537.06
Wandsworth	812,153.97
Warwick	449,176.82
Waverley	368,222.67
Wealden	122,106.72
Welwyn Hatfield	601,654.37
West Lancashire	561,957.76
West Northamptonshire	580,800.18
Westminster	493,992.90
Wigan	2,131,858.94
Wiltshire	220,606.38
Winchester	315,490.53
Woking	193,706.96
Wokingham	199,206.04
Wolverhampton	1,065,452.06

SCHEDULE 2

Regulation 6(10)

Substitution of Table B

<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
Adur	128,167.99
Arun	132,079.04
Ashfield	236,715.31
Ashford	206,977.25
Babergh	139,126.13
Barking and Dagenham	553,630.35
Barnet	745,590.60
Barnsley	709,950.38
Barrow	181,337.67
Basildon	439,046.76
Bassetlaw	236,713.97
Birmingham	2,648,001.97
Blackpool	357,932.42
Bolsover	193,051.82
Bournemouth Christchurch and Poole	389,450.36
Brent	556,793.45
Brentwood	160,784.57
Brighton & Hove	525,932.88
Bristol	900,023.15
Broxtowe	177,698.91
Bury	601,079.44
Cambridge	483,252.66
Camden	2,019,791.79
Cannock Chase	222,897.46
Canterbury	229,893.28
Castle Point	64,288.70
Central Bedfordshire	218,359.10
Charnwood	280,621.01
Cheltenham	168,330.18
Cheshire West and Chester	502,868.20
Chesterfield	394,178.19
City of London	149,589.89

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<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
City of York	502,564.36
Colchester	215,950.48
Cornwall	464,689.29
Crawley	439,568.51
Croydon	857,823.71
Dacorum	664,427.59
Darlington	267,618.46
Dartford	172,657.05
Derby	528,146.66
Doncaster	853,986.53
Dover	125,259.63
Dudley	978,990.73
Ealing	647,909.92
East Devon	184,141.73
East Riding	558,986.84
East Suffolk	135,518.30
Eastbourne	119,862.20
Enfield	581,668.68
Epping Forest	357,685.51
Exeter	180,883.14
Fareham	83,354.09
Folkestone and Hythe	93,482.51
Gateshead	1,177,667.44
Gosport	118,434.75
Gravesham	222,692.39
Great Yarmouth	155,673.04
Greenwich	988,867.61
Guildford	294,818.67
Hackney	1,386,199.19
Hammersmith and Fulham	898,753.34
Haringey	736,148.55
Harlow	423,113.61
Harrogate	337,596.77
Harrow	330,166.53

<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
Havering	463,375.67
High Peak	166,253.15
Hillingdon	498,778.37
Hinckley and Bosworth	177,066.65
Hounslow	839,043.23
Ipswich	240,161.65
Islington	1,611,323.41
Kensington and Chelsea	494,889.65
Kingston upon Hull	664,969.75
Kingston upon Thames	293,883.31
Kirklees	858,005.92
Lambeth	1,422,189.56
Lancaster	304,854.29
Leeds	2,450,179.39
Leicester	725,562.12
Lewes	172,309.32
Lewisham	820,611.82
Lincoln	225,591.59
Luton	277,413.42
Manchester	1,088,197.60
Mansfield	202,070.09
Medway Towns	112,486.65
Melton	64,462.05
Mid Devon	98,501.90
Mid Suffolk	134,278.55
Milton Keynes	355,448.22
New Forest	244,575.80
Newark and Sherwood	188,791.27
Newcastle upon Tyne	1,102,721.41
Newham	756,445.92
North East Derbyshire	274,422.35
North Kesteven	170,629.47
North Northamptonshire	325,764.92
North Tyneside	798,533.64

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<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
North Warwickshire	136,847.90
North West Leicestershire	252,939.42
Northumberland	594,384.95
Norwich	467,525.99
Nottingham	887,966.30
Nuneaton	249,063.00
Oadby & Wigston	65,141.12
Oldham	119,477.82
Oxford City	656,422.01
Portsmouth	395,246.44
Reading	385,564.44
Redbridge	247,590.32
Redditch	330,810.31
Richmondshire	122,410.65
Rotherham	812,153.49
Rugby	209,978.15
Runnymede	185,563.65
Salford	87,250.52
Sandwell	1,149,500.98
Sedgemoor	117,005.23
Selby	185,219.16
Sheffield	1,423,534.79
Shropshire	248,747.82
Slough	351,607.38
Solihull	599,562.14
Somerset West and Taunton	162,663.24
South Cambridgeshire	202,190.86
South Derbyshire	132,792.19
South Holland	183,226.03
South Kesteven	341,076.00
South Tyneside	863,711.96
Southampton	494,472.86
Southend-on-Sea	235,373.93
Southwark	1,816,559.92

<i>Authority</i>	<i>Financial year 2021-22 (£)</i>
St Albans	398,068.64
Stevenage	367,885.88
Stockport	917,765.35
Stoke-on-Trent	562,413.38
Stroud	196,450.29
Sutton	307,995.25
Swindon	309,416.61
Tamworth	178,165.09
Tandridge	159,330.12
Tendring	130,994.81
Thanet	83,576.03
Thurrock	439,693.01
Tower Hamlets	740,233.45
Uttlesford	181,362.89
Waltham Forest	558,187.18
Wandsworth	1,097,179.82
Warwick	409,529.79
Waverley	323,488.62
Wealden	142,467.71
Welwyn Hatfield	574,039.94
West Lancashire	345,820.52
West Northamptonshire	457,055.32
Westminster	1,241,590.14
Wigan	1,603,927.75
Wiltshire	286,863.65
Winchester	325,208.77
Woking	228,339.41
Wokingham	124,528.22
Wolverhampton	919,699.30

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (S.I. 2003/3146) (“the principal Regulations”).

Their effect is to change the period by reference to which a poolable amount payable to the Secretary of State under regulation 12 of the principal Regulations is calculated from a quarter to a financial year.

The Regulations also make the following other amendments to the principal Regulations—

- Regulation 3(d)(ii) rectifies a drafting error;
- Regulation 5 amends provision related to the calculation of interest on late payments of a poolable amount; and
- Regulation 6(2)(e) removes a redundant definition.

Regulation 7 makes transitional and saving provision as follows—

- Paragraph (1) saves provisions in regulations 1 and 12 of the principal Regulations as they had effect before these Regulations came into force in relation to a capital receipt received before 1st April 2021 and for the purpose of determining the value of F for the quarters during the period 1st April 2012 to 31st March 2013 (see paragraph 4 of the Schedule);
- Paragraph (2) modifies regulation 13 of the principal Regulations to make transitional provision in relation to the payment of interest on any unpaid amount payable before 31st July 2021;
- Paragraph (3) modifies the Schedule to the principal Regulations for the purpose of calculating the sub-liability for the financial year beginning on 1st April 2021;
- Paragraph (4) saves the definition of assumed debt and Table A in the Schedule to the principal Regulations with modifications set out in paragraphs (6) and (7);
- Paragraph (5) saves the definition of local authority share cap and Table B in the Schedule to the principal Regulations with modifications set out in paragraph (7).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.