
WELSH STATUTORY INSTRUMENTS

2011 No. 683

The Pembrokeshire (Communities) Order 2011

Initial expenses etc of new community councils

21.—(1) In this article—

“the 1992 Act” (“*Deddf 1992*”) means the Local Government Finance Act 1992(1);

“the 1995 Regulations” (“*Rheoliadau 1995*”) means the Local Authorities (Precepts) (Wales) Regulations 1995(2);

“the prospective billing authority” (“*yr awdurdod bilio arfaethedig*”) means Pembrokeshire County Council; and

“the relevant financial year” (“*y flwyddyn ariannol berthnasol*”) means the financial year beginning on 1 April 2012.

(2) Section 41 of the 1992 Act (issue of precepts by local precepting authorities) has effect—

(a) in relation to the new community council, the prospective billing authority and the relevant financial year; and

(b) as respects the period beginning on 1 April 2012 and ending immediately before the day on which there is issued by the new community a precept for the relevant financial year, with the substitution for subsection (3) of the following subsection—

“(3) In making calculations in accordance with section 32 above (originally or by way of substitute) the billing authority must take into account for the purposes of its estimate under section 32(2)(a) above an amount equal to that notified to the billing authority in accordance with article 21(6) of the Pembrokeshire (Communities) Order 2011.”.

(3) In relation to the new community council, the prospective billing authority and the relevant financial year—

(a) section 32 of the 1992 Act (calculation of budget requirements by billing authorities) has effect with the omission of subsection (6);

(b) section 41(4) of the 1992 Act has effect with the substitution for the words “March in the financial year preceding that for which it is issued” of the words “October in the financial year for which it is issued”; and

(c) the references in section 52X(1) (calculations to be net of precepts) and 52Y(2) (information for purposes of Chapter 4A) of the 1992 Act to the aggregate amount of precepts anticipated by a billing authority in pursuance of regulations under section 41 have effect as if the aggregate amount included the amount notified to the community council in accordance with paragraph (6) of this article.

(4) In relation to the amount taken into account for the purposes of section 32(2)(a) of the 1992 Act by virtue of paragraph (2) above, Chapter III of Part I of the 1992 Act (setting of council tax) is to have effect as if—

(1) 1992 c. 14. Sections 32 and 35 were amended, in relation to Wales, by paragraphs 4 and 6 respectively of Schedule 12 to the Local Government (Wales) Act 1994 (c. 19). Section 50 was amended by Part 1 of Schedule 8 to the Local Government Act 2003 (c. 26). Sections 52X and 52Y were inserted by Part 1 of Schedule 1 to the Local Government Act 1999 (c. 27).
(2) S.I.1995/2562 (as amended by S.I. 2001/3649).

- (a) the amount were an item mentioned in section 35(1) of the 1992 Act (special items) which related to the new community; and
- (b) the area of the prospective billing authority included the new community.

(5) The new community council must make the calculations required by section 50 of the 1992 Act (calculation of budget requirement by local precepting authorities) for the relevant financial year so as to secure that the amount calculated as its budget requirement for that year does not exceed the amount notified to the community council in accordance with paragraph (6) of this article.

(6) The amount to be notified in accordance with this paragraph must be notified in writing by the Welsh Ministers to the billing authority and the new community council.

(7) In relation to the new community council, the prospective billing authority and the relevant financial year, the 1995 Regulations have effect—

- (a) as if—
 - (i) regulation 5 (information on schedules of payment), and
 - (ii) in sub-paragraphs (1), (2) and (3) of paragraph 8 of Part II of the Schedule (rules for determination of schedules in instalments) in each case the second “or” and the words following to the end of each sub-paragraph, were omitted; and
- (b) in sub-paragraph (1) of that paragraph 8, with the substitution of “May” for “April”.