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WELSH STATUTORY INSTRUMENTS

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**2021 No. 1227**

**The Monmouthshire (Communities) Order 2021**

**Initial expenses etc of new community councils**

**251.**—(1) In this article—

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

“the new community” (“*y gymuned newydd*”) means the appropriate community area of the new community councils established by this Order;

“the new community councils” (“*y cynghorau cymuned newydd*”) means the new community councils established by this Order;

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

“the relevant financial year” (“*y flwyddyn ariannol berthnasol*”) means the financial year beginning 1 April 2022.

(2) In relation to the relevant financial year, section 32 of the 1992 Act (calculation of budget requirements by billing authorities) applies to the new community councils and the prospective billing authority but as if—

(a) for the purposes of making a calculation in accordance with section 32(2)(a) of the 1992 Act—

(i) the amount notified in accordance with paragraph (6) of this article were an item mentioned in section 35(1) of the 1992 Act (special items) relating to the new community, and

(ii) the area of the prospective billing authority included the new community.

(b) subsection (6) were omitted.

(3) In relation to the relevant financial year, section 41 of the 1992 Act (issue of precepts by local precepting authorities) applies to the new community councils and the prospective billing authority but as if the prospective billing authority, in making calculations in accordance with section 32 of the 1992 Act (originally or by way of substitution) for the purposes of its estimate under section 32(2) (a) of the 1992 Act, were required to take into account an amount equal to that notified to it in accordance with paragraph (6) of this article.

(4) In relation to the relevant financial year, sections 52X(1) (calculations to be net of precepts) and 52Y(2) (information for purposes of Chapter 4A) of the 1992 Act apply to the new community councils and the prospective billing authority but as if the aggregate amount of precepts anticipated by the prospective billing authority in pursuance of regulations made under section 41 of the 1992 Act included the amounts notified to the new community councils in accordance with paragraph (6) of this article.

(5) In relation to the relevant financial year, section 50 of the 1992 Act (calculation of budget requirement by local precepting authorities) applies to the new community councils and the

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(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).

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prospective billing authority as if each of the new community councils were required to secure that the amount calculated as its budget requirement for that year does not exceed the amount notified to that new community council in accordance with paragraph (6) of this article.

(6) The appropriate amount to be notified to each of the new community councils in accordance with this paragraph, must be notified by the Welsh Ministers in writing to the prospective billing authority and to each of the new community councils.

(7) In relation to the relevant financial year, the Local Authorities (Precepts) (Wales) Regulations 1995<sup>(2)</sup> apply to the new community councils and the prospective billing authority as if—

- (a) regulation 5 (information on schedules of payment) were omitted;
- (b) in paragraph 8 of the Schedule (rules for determination of schedules in instalments)—
  - (i) in sub-paragraphs (1), (2) and (3), the words after the first reference to “that financial year” were omitted;
  - (ii) in sub-paragraph (1)(a), the reference to “April” were a reference to “May”.

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(2) [S.I. 1995/2562](#) (as amended by [S.I. 2001/3649](#)).