
STATUTORY INSTRUMENTS

1995 No. 161

The Local Government Finance (Miscellaneous Provisions) (England) Order 1995

New parishes

- 3.—(1) Section 41 of the Act (issue of precepts by local precepting authorities) shall have effect—
- (a) in relation to a new parish council, the prospective billing authority and the relevant year; and
 - (b) as respects the period beginning on the day after that on which the section 9 order is made and ending immediately before the day on which there is issued by the new parish council, or chairman of the parish meeting of the parish, a precept for the relevant 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 shall take into account for the purposes of its estimate under section 32(2) (a) above an amount equal to that specified, in relation to a new parish council for the purposes of the Local Government Finance (Miscellaneous Provisions) (England) Order 1995, in an order made under section 9 of the Local Government Act 1972(1) which creates that parish council.”;

- (2) In relation to the new parish council, the prospective billing authority and the relevant year,—
 - (a) section 32 of the Act (calculation of budget requirement by billing authorities) shall have effect with the omission of subsection 6;
 - (b) section 41(4) of the Act shall have effect with the substitution for the words “March in the financial year preceding that for which it is issued” the words “October in the financial year for which it is issued”; and
 - (c) the reference in section 54(4) of the Act (power to designate authorities) to a precept anticipated by a billing authority in pursuance of regulations under section 41 of the Act shall be construed as a reference to the amount specified in relation to the new parish council in question in the relevant section 9 order.
- (3) In relation to an amount taken into account for the purposes of section 32(2)(a) of the Act by virtue of paragraph (2) above, Chapter III of Part I of the Act shall have effect as if—
 - (a) the amount were an item mentioned in section 35(1) of that Act which related to the area of the relevant parish; and
 - (b) the area of the prospective billing authority included the area of the relevant parish.
- (4) The new parish council, or chairman of the parish meeting of the parish, shall make the calculations required by section 50 of the Act (calculation of budget requirement by local precepting authorities) for the relevant year so as to secure that the amount calculated as its budget requirement for that year does not exceed the amount specified in relation to the new parish council in the relevant section 9 order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
