
STATUTORY INSTRUMENTS

1994 No. 3054

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Changes for England (Non-Domestic Rating) (Contributions) Regulations 1994

Made - - - - 30th November 1994
Laid before Parliament 7th December 1994
Coming into force - - 28th December 1994

The Secretary of State, in exercise of the powers conferred on him by sections 19(1), 26(3) and (4) of the Local Government Act 1992(1) 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 Changes for England (Non-Domestic Rating) (Contributions) Regulations 1994 and shall come into force on 28th December 1994.

Interpretation

2. In these Regulations—

“abolished authority” means a local authority which is wound up and dissolved by a section 17 order;

“acquiring authority”, in relation to a relinquishing authority, means an authority which, by virtue of a section 17 order, has from the reorganisation date all the functions (or would have all the functions but for an order under sections 21 or 22 of the Act) in relation to an area which prior to that date were the functions of the relinquishing authority in relation to that area;

“the Act” means the Local Government Act 1992;

“1988 Act” means the Local Government Finance Act 1988(2);

“immediately preceding year” means the financial year ending immediately before a reorganisation date;

“initial year” means the financial year beginning on the reorganisation date;

(1) 1992 c. 19.
(2) 1988 c. 41.

“preliminary period” means the period specified in a section 17 order or, where no such period is specified, the period commencing on the preliminary date, as specified in a section 17 order, and terminating immediately prior to the reorganisation date;

“the principal Regulations” means the Local Government Changes for England (Finance) Regulations 1994⁽³⁾;

“the 1992 Regulations” means the Non-Domestic Rating Contributions (England) Regulations 1992⁽⁴⁾;

“relinquishing authority” means a local authority which, by virtue of a section 17 order, ceases to have functions in relation to a part of its area from the reorganisation date;

“the reorganisation date” means the date which is specified in a section 17 order;

“section 17 order” in relation to an authority means an order under section 17 of the Act affecting that authority; and

“successor authority”, in relation to an abolished authority, means a local authority which is to have from the reorganisation date all the functions (or would have all the functions but for an order under sections 21 or 22 of the Act) in relation to an area which, before that date, were the functions of the abolished authority in relation to that area.

Billing authorities

3. For the purposes of the 1992 Regulations references to a “billing authority” shall during the preliminary period include an authority which has functions under Part III of, and Part II of Schedule 8 to, the 1988 Act by virtue of regulation 28(1) of the principal Regulations.

Rules for the calculation of contributions

4.—(1) This regulation shall apply in respect of the calculation under the 1992 Regulations, during the preliminary period, by a successor authority, a relinquishing authority or an acquiring authority of its non-domestic rating contributions for the initial year.

(2) In paragraph 4(1) of Part I of Schedule 1 to the 1992 Regulations (deductions from gross amount) items I and L shall be read as if the references to the authority’s non-domestic rating list on 31st December in the immediately preceding year were references to the list sent to the authority by the valuation officer in accordance with regulation 31(1) of the principal Regulations, or the notice of the effect of alterations to the authority’s non-domestic rating list served on the authority by the valuation officer in accordance with regulation 31(2) of those Regulations, as the case may be.

(3) Paragraphs 2(1) and 2(3) of Part I of Schedule 2 to the 1992 Regulations (assumptions as to gross amount) shall be read as if the references to the authority’s non-domestic rating list on 31st December in the immediately preceding year were references to the list sent to the authority by the valuation officer in accordance with regulation 31(1) of the principal Regulations, or the notice of the effect of alterations to the authority’s non-domestic rating list served on the authority by the valuation officer in accordance with regulation 31(2) of those Regulations, as the case may be.

(3) S.I.1994/2825.

(4) S.I. 1992/3082. Relevant amendments to the 1992 Non-Domestic Rating Contributions (England) Regulations are made by the Non-Domestic Rating (Contributions) (England) (Amendment) Regulations 1992 (S.I. 1992 No. 3259), the Non-Domestic Rating Contributions (England) (Amendment) Regulations 1993 (S.I. 1993 No. 1496) and the Non-Domestic Rating Contributions (England) (Amendment) (No. 2) Regulations 1993 (S.I. 1993 No. 3082).

Signed by authority of the Secretary of State

30th November 1994

David Curry
Minister of State,
Department of the Environment

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 1992 makes provision for local government changes in England. Where recommendations for change are made by the Local Government Commission, the Secretary of State may make an order giving effect to those recommendations (“a reorganisation order”).

The Local Government Changes for England (Finance) Regulations 1994 make transitional provisions for authorities subject to such an order to have the functions of billing authorities and major precepting authorities in advance of the reorganisation date provided for in such orders and for non-domestic rating lists, or notice of the effect of alterations to such lists, to be provided by valuation officers to authorities affected by reorganisation orders.

These Regulations make consequential and transitional amendments for the application, in relation to reorganisation orders, of the 1994 Regulations to the rules for the calculation of an English billing authority’s non-domestic rating contribution, payable to the Secretary of State, which are provided in the Non-Domestic Rating Contributions (England) Regulations 1992, as amended.