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STATUTORY INSTRUMENTS

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**1999 No. 2842**

**LOCAL GOVERNMENT, ENGLAND**

**The Major Precepting Authorities (Excessive Budget Requirements—Payments) (England) Regulations 1999**

<i>Made</i>	- - - -	<i>18th October 1999</i>
<i>Laid before Parliament</i>		<i>25th October 1999</i>
<i>Coming into force</i>	- -	<i>15th November 1999</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by section 31(5) and (6) of the Local Government Act 1999(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement, extent, application and interpretation**

1.—(1) These Regulations may be cited as the Major Precepting Authorities (Excessive Budget Requirements—Payments) (England) Regulations 1999, and shall come into force on 15th November 1999.

(2) These Regulations extend to England only and apply to sums payable by a major precepting authority under section 31 of the Local Government Act 1999 in respect of the financial year.

(3) In these Regulations, “the financial year” means the year beginning with 1st April 1999.

**Calculation of payment**

2. The sum which a major precepting authority must pay to a billing authority shall be equal to—

$$A \times \frac{Tb \times Q}{F}$$

where—

A is the amount which is required to be calculated in accordance with the Schedule to the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 1999(2) as expenditure for the purposes of section 43(2)(a)(ii) of the Local Government Finance Act

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(1) 1999 c. 27.  
(2) S.I.1999/228.

1992(3) and as the aggregate of sums for the purpose of section 44(3)(c) of that Act and which is referred to in paragraph 1(2) of that Schedule;

Tb is the amount of the council tax base of the billing authority for its area, or, where the precept relates to a part of the billing authority's area only, for that part of the area, and which in either case is included in the aggregate of amounts of council tax bases which is T for the purposes of section 44 of the Local Government Finance Act 1992;

Q is the amount shown for the billing authority in column 2 of Table A in the Schedule to the Collection Fund (General) (England) Direction 1999 made by the Secretary of State on 3rd February 1999; and

F is the aggregate of Tb multiplied by Q for all the billing authorities to which the precepting authority has issued a precept.

### Payments

3.—(1) Where the precepting authority and the billing authority have not before the date these Regulations come into force agreed when the sum calculated under regulation 2 is to be paid, then—

- (a) that sum shall be paid in equal instalments on the instalment days in the financial year remaining after that date;
- (b) where there are no such instalment days, the whole of the sum shall be paid before 1st December 1999.

(2) In this regulation, “the instalment days” means, in relation to a billing authority, the days in the financial year contained in the schedule of instalments determined before the date on which these Regulations come into force by that billing authority under regulations 4 and 6 of the Local Authorities (Funds) (England) Regulations 1992(4).

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Hilary Armstrong*  
Minister of State,  
Department of the Environment Transport and  
the Regions

18th October 1999

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(3) 1992 c. 14. Sub-paragraph (ii) of section 43(2)(a) and paragraph (c) of section 44(3) were inserted by regulations 4 and 5 of the Local Authority (Alteration of Requisite Calculations) (England) Regulations 1999.

(4) S.I. 1992/2428.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Under section 31 of the Local Government Act 1999, a major precepting authority whose budget requirement is excessive must pay a sum to each billing authority to which the precepting authority may issue a precept. These Regulations contain provisions for the calculation and timing of those payments.

The Collection Fund (General) (England) Direction 1999 which is referred to may be obtained from the Department of the Environment, Transport and the Regions, Eland House, Bressenden Place, London SW1A 2AY.