

**2009 No. 2272**

**LOCAL GOVERNMENT, ENGLAND**

**The Local Authorities (Capital Finance and Accounting)  
(England) (Amendment) (No.2) Regulations 2009**

<i>Made</i>	- - - -	<i>19th August 2009</i>
<i>Laid before Parliament</i>		<i>26th August 2009</i>
<i>Coming into force</i>	- -	<i>1st October 2009</i>

The Secretary of State, in exercise of the powers conferred by sections 9(3) and 11 of the Local Government Act 2003(a), makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Local Authorities (Capital Finance and Accounting) (England) (Amendment) (No. 2) Regulations 2009 and shall come into force on 1st October 2009.

(2) These Regulations apply only in relation to local authorities in England.

**Amendment of Regulations**

2. The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003(b) are amended as specified in regulation 3.

**Capital receipts treated as reduced**

3. In regulation 14, after paragraph (2C), insert—

“(2D) Paragraph (2) shall not apply to capital receipts arising from the disposal of an interest in housing land which is the subject of an agreement made under section 80B of the Local Government and Housing Act 1989(c)”.

Signed by authority of the Secretary of State for Communities and Local Government

19th August 2009

*Bill McKenzie*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

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(a) 2003 c.26.

(b) S.I. 2003/3146 as amended by S.I. 2006/521. There are other amending instruments but none is relevant to these Regulations.

(c) 1989 c.42. Section 80B was inserted by section 313 of the Housing and Regeneration Act 2008 (c.17).

## EXPLANATORY NOTE

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

These Regulations amend the Local Government (Capital Finance and Accounting) Regulations 2003 (“the 2003 Regulations”).

Regulation 3 inserts paragraph (2D) into regulation 14 of the 2003 Regulations. The effect of the new paragraph is that where housing land (defined in regulation 1(5) of the 2003 Regulations) is the subject of an agreement made under section 80B of the Local Government and Housing Act 1989, the capital receipt arising on disposal of an interest in such land by a local authority may be regarded as a capital receipt that may be treated as provided for in regulation 14(1)(c) of the 2003 Regulations.

Regulation 14(1)(c) provides for the amount of the capital receipt to be treated as reduced by an amount determined by the local authority up to the value of its available capital allowance. That value is determined in accordance with regulations 15 and 16 of the 2003 Regulations.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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£4.00