
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government (Structural Changes) (Finance) Regulations 2008 (“the 2008 Regulations”).

The 2008 Regulations make incidental, consequential, transitional and supplementary provision of general application in relation to the exercise of functions by authorities under the Local Government Finance Act 1988 and the Local Government Finance Act 1992 (“the 1992 Act”) for the purposes of, and in consequence of, orders made by the Secretary of State under section 7 (implementation of proposals by order) of the Local Government and Public Involvement in Health Act 2007 (c.28) (“the 2007 Act”). In particular, where structural change occurs under the 2007 Act, for a transitional period an authority is able to calculate its council tax under Part 4 (equalisation of council tax) of the 2008 Regulations in order to equalise more equitably the council tax which is paid in its area.

The Localism Act 2011 (“the 2011 Act”) makes amendments to the 1992 Act and, in particular, to Chapter 3 (setting of council tax) of Part 1 (council tax: England and Wales) of the 1992 Act and the provisions by which a billing authority in England calculates its council tax. Regulations 3 to 6 and 8 to 10 of, and Schedule 1 to, these Regulations make amendments to the 2008 Regulations which are consequential to the changes made to the 1992 Act by the 2011 Act.

The 2011 Act also inserts a new Chapter 4ZA (referendums relating to council tax increases) into Part 1 of the 1992 Act. Regulations 7 and 11 of, and Schedule 2 to, these Regulations modify Chapters 4ZA and 6 in relation to financial years where an authority has power to calculate its council tax under Part 4 of the 2008 Regulations. These modifications are required to ensure that Chapter 4ZA of Part 1 of the 1992 Act operates appropriately whether an authority sets its council tax under Part 4 of the 2008 Regulations, or Chapter 3 of Part 1 of the 1992 Act.

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