

WELSH STATUTORY INSTRUMENTS

2003 No. 3239

The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003

PROSPECTIVE

PART 4 SUPPLEMENTARY

Guidance

19. In carrying out its functions under Chapter 1 of Part 1, a local authority must have regard to the document entitled “Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes” published by the Chartered Institute of Public Finance and Accountancy(1) as may be amended from time to time.

Commencement Information

II Reg. 19 in force at 1.4.2004, see [reg. 1\(1\)](#)

Expenditure to be capital expenditure

20.—(1) For the purposes of Chapter 1 of Part 1 the following expenditure of a local authority must be treated as being capital expenditure insofar as it is not capital expenditure by virtue of section 16(1) —

- (a) expenditure incurred on the acquisition or preparation of a computer program, including expenditure on the acquisition of a right to use the program, if the authority acquire or prepare the program for use for a period of at least one year for any purpose relevant to its functions;
- (b) the making of an advance or the giving of a grant or other financial assistance to any person, whether for use by that person or by a third party, towards expenditure which would, if incurred by the authority, be capital expenditure;
- (c) the making of a relevant payment.

(2) For the purposes of paragraph 1(b), expenditure incurred by a local authority on the making of advances, grants or other financial assistance—

- (a) to an officer of the authority pursuant to the terms and conditions of that officers employment; or
- (b) in connection with the appointment of a person as an officer of the authority, to that person

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

in so far as, apart from this regulation, it would be expenditure for capital purposes, shall not be expenditure for capital purposes.

(3) For the purposes of paragraph (1)(c), “relevant payment” means the payment made to the National Assembly for Wales under regulation 10(4), or that part of it, which is in respect of the relevant notional capital receipt, where—

- (a) “relevant notional capital receipt” means the notional capital receipt, or that part of it, which is in respect of consideration R;
- (b) “consideration R” means the consideration N, or that part of it, in respect of which there would be relevant capital expenditure;
- (c) “consideration N” means the consideration for a disposal, or the non-money part of it, in respect of which the authority determines a notional capital receipt under regulation 15; and
- (d) “relevant capital expenditure” means any expenditure that, if the authority were to incur expenditure on whatever the consideration N consists of, would be capital expenditure.

Commencement Information

I2 Reg. 20 in force at 1.4.2004, see [reg. 1\(1\)](#)

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Pt. 3n2 Ch. 2 reg. 9 coming into force by S.I. 2003/3239 reg. 1(1)
- Pt. 3n2 Ch. 3 reg. 9 coming into force by S.I. 2003/3239 reg. 1(1)
- reg. 1para. 4 word omitted by S.I. 2018/325 reg. 3(f)(i)
- reg. 1para. 4 words inserted by S.I. 2018/325 reg. 3(f)(ii)
- reg. 1para. 4 words omitted by S.I. 2018/325 reg. 3(b)
- reg. 1para. 4 words omitted by S.I. 2018/325 reg. 3(e)
- reg. 1para. 4 words substituted by S.I. 2018/325 reg. 3(a)
- reg. 1para. 4 words substituted by S.I. 2018/325 reg. 3(c)
- reg. 1para. 4 words substituted by S.I. 2018/325 reg. 3(d)
- reg. 2A and heading inserted by S.I. 2018/325 reg. 4(1)
- reg. 3(3)(4) inserted by S.I. 2004/1010 reg. 2(4)(b)
- reg. 4(d) words added by S.I. 2006/2914 Sch. 1 para. 3
- reg. 5A inserted by S.I. 2004/1010 reg. 2(5)
- reg. 6(3)(4) inserted by S.I. 2004/1010 reg. 2(6)
- reg. 6A inserted by S.I. 2018/325 reg. 6(2)
- reg. 8A inserted by S.I. 2018/325 reg. 7
- reg. 9(6) inserted by S.I. 2004/1010 reg. 2(7)
- reg. 9A inserted by S.I. 2004/1010 reg. 2(8)
- reg. 10(2A) inserted by S.I. 2006/944 reg. 5(1)(c)
- reg. 10(9) substituted by S.I. 2006/944 reg. 5(1)(d)
- reg. 10(9)(d) words substituted by S.I. 2022/907 Sch. 1 para. 22(b)
- reg. 18(f) and word inserted by S.I. 2018/325 reg. 8(b)(ii)
- reg. 18(2)(d)(2A) and word inserted by S.I. 2004/1010 reg. 2(9)
- reg. 18(2)(e) and word substituted for full stop by S.I. 2014/481 reg. 3
- reg. 18(7) inserted by S.I. 2010/685 reg. 4(3)
- reg. 18(7) omitted by S.I. 2018/325 reg. 8(c)
- reg. 20(1)(d)(e)(f) inserted by S.I. 2004/1010 reg. 2(11)(a)
- reg. 20(1)(d) words omitted by S.I. 2018/325 reg. 9(a)
- reg. 20(1)(f) semicolon substituted for full stop by S.I. 2006/944 reg. 7(1)(a)
- reg. 20(1)(g) inserted by S.I. 2006/944 reg. 7(1)(b)
- reg. 20(1)(h) and word inserted by S.I. 2018/325 reg. 9(b)(ii)
- reg. 20(4)-(7) inserted by S.I. 2004/1010 reg. 2(11)(b)
- reg. 20(5) substituted by S.I. 2018/325 reg. 9(c)
- reg. 20(6) omitted by S.I. 2018/325 reg. 9(d)
- reg. 20(7) words substituted by S.I. 2018/325 reg. 9(e)
- reg. 21(1) words in reg. 21 renumbered as reg. 21(1) by S.I. 2004/1010 reg. 2(12)(a)
- reg. 21(2) inserted by S.I. 2004/1010 reg. 2(12)(b)
- reg. 22(3A) inserted by S.I. 2006/944 reg. 8(1)(c)
- reg. 22(5) inserted by S.I. 2004/1010 reg. 2(13)(b)
- reg. 24(5A) inserted by S.I. 2010/685 reg. 6(5)
- reg. 24(6) word substituted by S.I. 2010/685 reg. 6(6)
- reg. 24(7) words inserted by S.I. 2010/685 reg. 6(7)
- reg. 24(8) word substituted by S.I. 2010/685 reg. 6(8)(a)

- reg. 24(8) word substituted by S.I. 2010/685 reg. 6(8)(b)
- reg. 24(9)(a) word inserted by S.I. 2010/685 reg. 6(9)
- reg. 24A inserted by S.I. 2007/1051 reg. 3(2)
- reg. 24A revoked by S.I. 2007/1051 reg. 3(1)
- reg. 24A substituted by S.I. 2014/481 reg. 4
- reg. 24A(5)(6) inserted by S.I. 2010/685 reg. 5
- reg. 24A(5) words omitted by S.I. 2018/325 reg. 10(a)(i)
- reg. 24A(5) words substituted by S.I. 2018/325 reg. 10(a)(ii)
- reg. 24A(6) omitted by S.I. 2018/325 reg. 10(b)
- reg. 24B-24D inserted by S.I. 2007/1051 reg. 4
- reg. 24C(1)(b) substituted by S.I. 2008/588 reg. 4(a)
- reg. 24C(4) words inserted by S.I. 2008/588 reg. 4(b)
- reg. 24E-24F inserted by S.I. 2008/588 reg. 5
- reg. 24G inserted by S.I. 2009/560 reg. 2
- reg. 24G(1)(b) word omitted by S.I. 2010/685 reg. 6(2)(a)
- reg. 24G(1)(c) comma omitted by S.I. 2010/685 reg. 6(2)(c)
- reg. 24G(1)(d) and word inserted by S.I. 2010/685 reg. 6(2)(c)
- reg. 24G(1)(ba) inserted by S.I. 2010/685 reg. 6(2)(b)
- reg. 24G(2A) inserted by S.I. 2010/685 reg. 6(3)
- reg. 24G(3)(a) words inserted by S.I. 2010/685 reg. 6(4)(a)
- reg. 24G(3)(b) words inserted by S.I. 2010/685 reg. 6(4)(c)
- reg. 24G(3)(b)(i) words inserted by S.I. 2010/685 reg. 6(4)(b)
- reg. 24H inserted by S.I. 2010/685 reg. 7
- reg. 24I-24J inserted by S.I. 2010/685 reg. 8
- reg. 24K inserted by S.I. 2020/110 reg. 2
- reg. 24K(5) word substituted by S.I. 2023/439 reg. 2
- reg. 24L inserted by S.I. 2022/1254 reg. 2
- reg. 25(1) words in reg. 25 renumbered as reg. 25(1) by S.I. 2004/1010 reg. 2(15)(a)
- reg. 25(1)(a) substituted by S.I. 2018/325 reg. 11(a)
- reg. 25(1)(a)(b) words inserted by S.I. 2004/1010 reg. 2(15)(b)
- reg. 25(2) inserted by S.I. 2004/1010 reg. 2(15)(c)
- reg. 25(2) word substituted by S.I. 2018/325 reg. 11(b)
- reg. 25A inserted by S.I. 2016/102 reg. 3