

1990 No. 1285

LOCAL GOVERNMENT, ENGLAND AND WALES
RATING AND VALUATION
TRANSPORT

**The Local Government Finance (Miscellaneous
Amendments and Repeal) Order 1990**

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| <i>Made</i> - - - - | <i>21st June 1990</i> |
| <i>Laid before Parliament</i> | <i>28th June 1990</i> |
| <i>Coming into force</i> - | <i>19th July 1990</i> |

The Secretary of State, in exercise of the powers conferred upon him by section 147(1) and (2) of the Local Government Finance Act 1988(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Local Government Finance (Miscellaneous Amendments and Repeal) Order 1990 and shall come into force on 19th July 1990.

Provisions amended

2. The provisions mentioned in the Schedule hereto are hereby amended as so mentioned.

Provision repealed

3. Section 30 of the Channel Tunnel Act 1987(b) is hereby repealed.

21st June 1990

Chris Patten
One of Her Majesty's Principal Secretaries of State

(a) 1988 c.41.
(b) 1987 c.53.

PROVISIONS AMENDED

PART I

PUBLIC GENERAL ACTS

The Forged Transfers Act 1891 (c.43)

1. In section 1(3), for the words "fund or rate" there shall be substituted the word "revenues".
2. In section 2, for the definition of "local authority" there shall be substituted the following definition—

"The expression "local authority" shall mean—

- (a) a charging authority, a precepting authority, a combined police authority or a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;
- (b) a levying body within the meaning of section 74 of that Act; and
- (c) a body as regards which section 75 of that Act applies."

The Civil Defence Act 1939 (c.31)

3. For paragraph (a) of subsection (1A) of section 62(a) there shall be substituted the following paragraph—

" (a) in the case of England and Wales, includes any charging authority or precepting authority within the meaning of section 144 of the Local Government Finance Act 1988, any metropolitan county passenger transport authority and any combination or joint committee of such authorities;"

The Landlord and Tenant Act 1954 (c.56)

4. In section 37(b)—

- (a) in subsection (2), "(5E)" shall be substituted for "(5D)"; and
- (b) after subsection (5D) there shall be inserted the following subsection—

"(5E) Any deduction made under paragraph 2A of Schedule 6 to the Local Government Finance Act 1988 (deduction from valuation of hereditaments used for breeding horses etc.) shall be disregarded, to the extent that it relates to the holding, in determining the rateable value of the holding under subsection (5) of this section."

The Public Service Vehicles (Travel Concessions) Act 1955 (c.26)(c)

5. In section 1(5) the word "rate" (in both places where it occurs) shall be omitted.

The Public Libraries and Museums Act 1964 (c.75)

6. In paragraphs 2(1)(d) and 5 of Schedule 2 for the words "general rate fund" there shall be substituted the words "general fund or, in the case of the Common Council, the City fund".

The Building Act 1984 (c.55)

7. In section 80(1)(b)(iii), for the words "as defined in section 26 of the General Rate Act 1967" there shall be substituted the words "within the meaning of any of paragraphs 3 to 7 of Schedule 5 to the Local Government Finance Act 1988".

The Transport Act 1985 (c.67)

8. In section 105(2) the word "rate" shall be omitted.

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- (a) Section 62(1A) was inserted by the Statute Law (Repeals) Act 1976 (c.16), Schedule 2, Part II.
 - (b) Section 37 was amended by section 11 of the Law of Property Act 1969 (c.59), paragraph 4 of Schedule 33 to the Local Government, Planning and Land Act 1980 (c.65) and paragraph 2 of Schedule 7 to the Local Government and Housing Act 1989 (c.42).
 - (c) The Act was repealed by the Transport Act 1985 (c.67). Relevant transitional provisions are in paragraph 23 of Schedule 6 to the 1985 Act.
 - (d) Paragraph 2(1) was amended by the Local Government Act 1972 (c.70), Schedule 30.

The Coroners Act 1988 (c.13)

9. In section 27(3)–

- (a) in paragraph (a) the word “rate” shall be omitted; and
- (b) in paragraph (c) for the words “general rate” there shall be substituted the words “City fund”.

PART II
STATUTORY INSTRUMENTS

| <i>Instrument</i> | <i>Reference</i> | <i>Amendment</i> |
|---|------------------|--|
| The Greater Manchester Passenger Transport Area (Adaptation of Enactments and Instruments) Order 1973 | S.I. 1973/1727 | In article 7(1)(a) the word “rate” shall be omitted |
| The South Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973 | S.I. 1973/1728 | In article 12(1)(a) the word “rate” shall be omitted |
| The West Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973 | S.I. 1973/1729 | In article 12(1)(a) the word “rate” shall be omitted |
| The West Midlands Passenger Transport Area (Adaptation of Enactments and Instruments) Order 1973 | S.I. 1973/1730 | In article 7(1)(a) the word “rate” shall be omitted |
| The Local Government Superannuation Regulations 1986 | S.I. 1986/24 | In regulation M2(2)(c) the word “rate” shall be omitted. |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequent upon the Local Government Finance Act 1988 (which establishes new systems of community charges and non-domestic rates).

Article 2 provides for the amendment of the enactments and statutory instruments mentioned in the Schedule.

Article 3 repeals section 30 of the Channel Tunnel Act 1987.