

SCHEDULE 3

Article 8

OTHER CONSEQUENTIAL AMENDMENTS

PART I

PUBLIC GENERAL ACTS

The Public Health Acts Amendment Act 1907 (c. 53)

1. In section 21–
 - (a) the words “and value” shall be omitted; and
 - (b) after the word “ratepayers” there shall be added the words “and persons who are liable under the Local Government Finance Act 1988 to pay an amount in respect of any community charge”.

The Small Holdings and Allotments Act 1908 (c.

36)

2. In section 23(2) for the word “ratepayers” there shall be substituted the words “persons who are liable under the Local Government Finance Act 1988 to pay an amount in respect of any community charge”.

The Statutory Orders (Special Procedure) Act 1945 (9 & 10 Geo 6, c.18)

3. In section 11(1) for the definition of “local authority” there shall be substituted the following definition–

““local authority” means–

- (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 1948 (12 & 13 Geo. 6, c.5)

4. In section 9(1), in the definition of “local authority”, there shall be substituted for the words from “any authority” to “rate” the following words–

- “(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 Coal-Mining (Subsidence) Act 1957 (c. 59)

5. In section 13(1), for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraph–

- “(a) in England and Wales, to the Lands Tribunal or, where all the parties so agree, to the county court;”.

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6. In section 17(1)–
 - (a) for the definition of “dwelling-house” there shall be substituted the following definition–

““dwelling house” means any building or part of a building used wholly or partly as a private dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part;”;
 - (b) the definition of “rating unit” shall be omitted.
7. In paragraph 1 of the Second Schedule–
 - (a) in sub-paragraph (a) for the words “a rating unit, that rating unit” there shall be substituted the words “a dwelling-house, that dwelling-house”;
 - (b) after sub-paragraph (a) there shall be added the following sub-paragraph–

“(aa) where any other property which has suffered subsidence damage is a relevant non-domestic hereditament for the purposes of Part III of the Local Government Finance Act 1988, that hereditament; and”;
 - (c) in the proviso for the words “a rating unit and property not included in any rating unit” there shall be substituted the words “two or more units of property”; and the word “rating” wherever it subsequently occurs shall be omitted.

The Stock Transfer Act 1963 (c. 18)

8. In section 4(1), in the definition of “local authority”, there shall be substituted for the words from “any authority” to “rate” the following words–
 - (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 Industrial and Provident Societies Act 1965 (c. 12)

9. In section 31(a) for the words “any local authority within the meaning of the Local Loans Act 1875” there shall be substituted the following words–
 - (i) 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;
 - (ii) a levying body within the meaning of section 74 of that Act; and
 - (iii) a body as regards which section 75 of that Act applies”.

The Public Works Loans Act 1965 (c. 63)

10. In section 2(1)(a) for the words from “any authority” to the end there shall be substituted the words–
 - (i) 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;
 - (ii) a levying body within the meaning of section 74 of that Act; and
 - (iii) a body as regards which section 75 of that Act applies;”.

The Sea Fisheries Regulation Act 1966 (c. 38)

11. In section 3 the words “ratepayers and” shall be omitted.

The National Loans Act 1968 (c. 13)

12. For paragraph 1(a) of Schedule 4(1) there shall be substituted the following sub-paragraph–

- “(a) in relation to England and Wales–
 - (i) 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;
 - (ii) a levying body within the meaning of section 74 of that Act; and
 - (iii) a body as regards which section 75 of that Act applies”.

The Development of Tourism Act 1969 (c. 51)

13. In section 14(2)(a) for the words from “any authority” to “rate” there shall be substituted the following–

- “(i) 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;
- (ii) a levying body within the meaning of section 74 of that Act; and
- (iii) a body as regards which section 75 of that Act applies”.

The Pensions (Increase) Act 1971 (c. 56)

14. In paragraph 6(1)(a) of Schedule 3(2) for the words after “Wales” there shall be substituted the following words–

- “(i) 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;
- (ii) a levying body within the meaning of section 74 of that Act; and
- (iii) a body as regards which section 75 of that Act applies; and”.

The Town and Country Planning Act 1971 (c. 78)

15. In section 290(1)(3), in the definition of “local authority”–

- (a) for the words from “the council of a county” to “drainage board and” there shall be substituted the following–
 - “(a) a charging authority, a precepting authority (except the Receiver for the Metropolitan Police District), 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, and includes”;
- (b) for the words “within the meaning of that Act” there shall be substituted the words “as aforesaid”.

The Local Government Act 1972 (c. 70)

16. In section 150(1)–

(1) Paragraph 1 was amended by paragraph 25 of Schedule 1 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47).
(2) Paragraph 6(1)(a) was amended by the Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974 (S.I. 1974/595), article 3(16).
(3) The definition of “local authority” was amended by the Water Act 1989 (c. 15), Schedule 25, paragraph 42(3)(a).

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- (a) in paragraphs (a), (b) and (c) the words “or community” (in each place where they occur) shall be omitted;
- (b) in paragraph (b) the words “or communities” (in both places where they occur) shall be omitted;
- (c) in paragraph (c) the words “or a community meeting of a community” and the commas immediately before and after those words shall be omitted;
- (d) there shall be inserted after the word “parish” where it last occurs in paragraph (c) a semi-colon and the following—
 - “(d) in the case of a community council for a community not grouped under a common community council, be chargeable on the community;
 - (e) in the case of a common community council for communities so grouped, be chargeable on the communities within the group;
 - (f) in the case of a community meeting of a community having a separate community council, be chargeable on the community;
 - (g) in the case of a community meeting of a community grouped under a common community council, be chargeable on the communities within the group;
 - (h) in the case of a community meeting of a community not having a community council, whether separate or common, be chargeable on the district in which the community is situated:

Provided that paragraph (h) shall not apply in any case in relation to which a resolution in accordance with section 33(4)(d) of the Local Government Finance Act 1988 (special expenses of a charging authority) is in force”.

17. For paragraph (b) of section 168(1) there shall be substituted the following paragraph—

- “(b) in the case of any charging authority—
 - (i) of the amount payable to the authority by way of personal community charge, standard community charge, collective community charge and non-domestic rates; and
 - (ii) of the amount paid to any other authority in pursuance of a precept or levy.”.

18. For subsection (5) of section 168 there shall be substituted the following subsection—

- “(5) In this section “local authority” means—
 - (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 Land Compensation Act 1973 (c. 26)

19. In section 30—

- (a) in subsection (1)(b) after the words “1st April 1973” there shall be inserted the words “but before 1st April 1990”;
- (b) after subsection (1) there shall be inserted the following subsection—
 - “(1A) The amount of a home loss payment shall be £1,500 where the date of a displacement is on or after 1st April 1990.”.

The National Heritage Act 1980 (c. 17)

20. In paragraph 2 of Schedule 1 for the words “Section 40 of the General Rate Act 1967 (relief for charities and other organisations)” there shall be substituted the words “Sections 43(6), 45(6) and 47 of the Local Government Finance Act 1988”.

The Highways Act 1980 (c. 66)

21. In paragraph 3(3)(a) of Schedule 6 for the words from “any council” to “1875” there shall be substituted the words—

- “(i) 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;
- (ii) a levying body within the meaning of section 74 of that Act; and
- (iii) a body as regards which section 75 of that Act applies”.

The New Towns Act 1981 (c. 64)

22. In section 80(1), in the definition of “local authority”, for the words from “the council” to “drainage board” there shall be substituted the following—

- “(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 Acquisition of Land Act 1981 (c. 67)

23. In section 7(1)(4), for the definition of “local authority”, there shall be substituted the following definition—

““local authority” means—

- (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;
- (c) a body as regards which section 75 of that Act applies;
- (d) any joint board or joint committee if all the constituent authorities are such authorities as are described in paragraphs (a) to (c); and
- (e) the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple.”.

The National Heritage Act 1983 (c. 47)

24. In paragraphs 2(5), 12(5), 22(3) and 32(5) of Schedule 1 and in paragraph 2(5) of Schedule 3, for the words after “shall” there shall in each case be substituted the words “for the purposes of Part III of the Local Government Finance Act 1988 be treated as if it were a Crown hereditament.”.

The Further Education Act 1985 (c. 47)

25. In section 3—

(4) The definition of “local authority” was amended by the Water Act 1989 (c. 15), Schedule 27, Part I.

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- (a) in subsection (8)(c), for the words “rate fund” there shall be substituted the words “county fund or general fund”; and
- (b) in subsection (10), the definition of “rate fund” shall be omitted.

The Local Government Act 1985 (c. 51)

26. In paragraph (b) of section 77(1)(5), for the words “any such authority” there shall be substituted the words “any authority to which this subsection applies”.

The Education Reform Act 1988 (c. 40)

27. In Part I of Schedule 13, the entry relating to section 3(10) of the Further Education Act 1985 shall be omitted.

The Water Act 1989 (c. 15)

28. In paragraph 1(11) of Schedule 25, the words “(which define local authority by reference to the Local Loans Act 1875)” shall be omitted.

PART II

LOCAL ACTS

The East Sussex Act 1981 (c. xxv)

29. In section 61, in the definition of “occupier” for the words from “who” to “election” there shall be substituted the words “who, in respect of the period of 12 months immediately preceding the day of the making or giving by him of any such request or consent or the tendering of his vote at any such election, has been assessed to the general rate in respect of such house or part thereof or, where any part of the period falls on or after 1st April 1990 would, but for the repeal of the General Rate Act 1967, have been assessed to the general rate in respect of such house or part thereof”.

30. In section 66(1), for the words “for the time being in force” there shall be substituted the words “in force immediately before 1st April 1990”.

(5) Section 77(1) is partially repealed with effect from 1st April 1990 by section 194(2) of the Local Government and Housing Act 1989 (c. 42); see article 4 of the Local Government and Housing Act 1989 (Commencement No. 5 and Transitional Provisions) Order 1990 (S.I.1990/431).