
STATUTORY INSTRUMENTS

1993 No. 616

**COUNCIL TAX, ENGLAND AND WALES
LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Finance (Repeals, Savings
and Consequential Amendments) Order 1993**

<i>Made</i>	- - - -	<i>11th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 114 of the Local Government Finance Act 1992(1), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1993 and shall come into force on 1st April 1993.

(2) This Order shall extend to England and Wales only.

Repeals and revocations

2. Subject to article 4—

- (a) the enactments mentioned in column (1) of Part I of Schedule 1 to this Order shall be repealed to the extent mentioned in column (2); and
- (b) the instruments mentioned in column (1) of Part II of that Schedule shall be revoked to the extent mentioned in column (2).

Consequential amendments

3. Subject to article 4, the enactments and instruments mentioned in Schedule 2 shall be amended as so mentioned.

(1) 1992 c. 14.

Savings

4. Without prejudice to section 16(1) of the Interpretation Act 1978(2) and section 118(1) and (4) of the Local Government Finance Act 1992, nothing in this Order shall affect the operation on and after 1st April 1993 of the enactments and instruments mentioned in Schedules 1 and 2 for the purposes of, or for purposes connected with—

- (a) any community charge in respect of any day before 1st April 1993; or
- (b) any financial year beginning before that date,

or the power of the Secretary of State to repeal or revoke any such enactment or instrument.

10th March 1993

Michael Howard
Secretary of State for the Environment

11th March 1993

David Hunt
Secretary of State for Wales

SCHEDULE 1

Article 2

REPEALS AND REVOCATIONS

PART I

PUBLIC GENERAL ACTS

(1) Enactment	(2) Extent of repeal
The Local Government Act 1972 (c. 70)	In section 150 (expenses of parish and community councils), subsection (1).
The Local Government Finance Act 1988 (c. 41)	In section 117 (rates and precepts: abolition), subsection (4).

PART II

SUBORDINATE LEGISLATION

(1) Instrument	(2) Extent of revocation
The Local Government Finance (Capital Money) (Consequential Amendments) Order 1990 (S.I. 1990/268)	The whole instrument.
The Local Government Finance (Garden Squares) (Consequential Amendments) Order 1990 (S.I. 1990/525)	In column (2) of the Schedule— (a) paragraphs (c)(i) and (f); and (b) in the entry relating to the Town Gardens Protection Act 1863(3), paragraph (i).
The Standard Community Charge and Non-Domestic Rating (Definition of Domestic Property) (Amendment) Order 1991 (S.I. 1991/474)	Paragraph (2) of article 3.
The Domestic Property (Valuation) Regulations 1991 (S.I. 1991/1934)	The whole instrument.
The Domestic Property (Valuation) (Amendment) Regulations 1991 (S.I. 1991/2815)	The whole instrument.

(3) 1863 c. 13; amended by S.I. 1965/654 and 1990/525.

SCHEDULE 2

Article 3

CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF ENACTMENTS

The Grimsby Pastures Act 1849 (c.xvi)(4)

1. In sections III and VI, for the words “and paying a personal community charge of the Corporation” there are substituted the words “and liable, as a resident, to pay an amount of council tax to the Corporation”.

2. In section VIII for the words “or shall not have paid a personal community charge of the Corporation” there are substituted the words “or shall not have paid to the Corporation an amount of council tax for which he is liable as a resident”.

The Pier and Harbour Orders Confirmation (No. 2) Act 1894 (c.cxi)

3. In the Schedule(5), in the Polperro Order—

(a) in article 4, for the words “and subject to a personal community charge of Caradon District Council” there are substituted the words “and liable, as a resident, to pay an amount of council tax to Caradon District Council”; and

(b) in article 5—

(i) for the words “chargepayers”, in the first, third, fourth and fifth place where it occurs, there are substituted the words “council tax payers”;

(ii) for the words “An extract from the community charges register certified by the community charges registration officer” there are substituted the words “The register of local government electors (within the meaning of the Representation of the People Act 1983)”;(6)

(iii) for the words

““chargepayers” means persons who are subject to a personal community charge of Caradon District Council”

there are substituted the words

““council tax payers” means persons who are liable, as residents, to pay an amount of council tax to Caradon District Council”

The East Sussex Act 1981 (c.xxv)

4. In section 61(7), for the definition of “occupier” there is substituted the following definition—

““occupier” shall mean any person who, in respect of each day in the period of 12 months immediately preceding the day on which such request is made, such consent is given or (as the case may be) such election held, was liable (whether solely or with others) to pay council tax to the Brighton Borough Council in respect of a privileged house or part thereof or, where any

(4) As continued and amended by section 81 of, and Schedule 5 to, the **Humberside Act 1982 (c.iii)**, and S.I. 1991/1730.

(5) Amended by S.I. 1991/1730.

(6) 1983 c. 2.

(7) Section 61 was amended by paragraph 29 of Schedule 3 to S.I. 1990/776 and by regulation 9(4) of S.I. 1991/216.

part of the period falls before 1st April 1993, was liable to pay a personal, collective, or standard community charge of that Council in respect of residence in, or (as the case may be) having a leasehold or freehold interest in, a privileged house or part thereof.”

The Local Government Act 1985 (c. 51)

5. In section 77(8)—
- (a) in subsection (2), for the words “charging authority” there are substituted the words “billing authority”;
 - (b) in subsection (4), for the words “the charging authorities” there are substituted the words “the billing authorities”;
 - (c) in subsection (5), for the words “and references in this section to a charging authority shall be construed as references to an authority which is a charging authority for the purposes of the Local Government Finance Act 1988 by virtue of section 144(1)(a), (b) or (c) of that Act” there are substituted the words “and references in this section to a billing authority shall be construed as references to an authority, other than the Council of the Isles of Scilly, which is a billing authority for the purposes of Part I of the Local Government Finance Act 1992.”.

PART II

AMENDMENTS OF INSTRUMENTS

The National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (S.I. 1988/551)(9)

In paragraph 3 in Part II of Schedule 1 (calculation of requirements)(10) —

- (a) for paragraph (ii) of sub-paragraph (a) there is substituted the following—
 - “(ii) the weekly amount of any council tax which the claimant or his partner is liable to pay under Part I or Part II of the Local Government Finance Act 1992;” and
- (b) in sub-paragraph (b) for the words “community charge benefit” there are substituted the words “council tax benefit”.

The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (S.I. 1989/1058)

For the words “charging authority” (wherever they occur) there are substituted the words “billing authority”.

The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059)

In regulation 2, for the words “charging authority” (in both places where they occur) there are substituted the words “billing authority”.

(8) Section 77 was amended by S.I. 1990/268.

(9) A relevant amending instrument is S.I. 1990/548.

(10) In relation to the reference to Part II of the Social Security Act 1986 (c. 50), see section 2 of the Social Security (Consequential Provisions) Act 1992 (c. 6).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989 (S.I. 1989/1060)

In regulation 6—

- (a) in paragraph (1), for the words “charging authorities” there are substituted the words “billing authorities”; and
- (b) in paragraphs (2) to (6), for the words “charging authority” (wherever they occur) there are substituted the words “billing authority”.

The Non-Domestic Rating (Miscellaneous Provisions) (No. 2) Regulations 1989 (S.I. 1989/2303)

In regulation 5 and 6, for the words “charging authority” there are substituted the words “billing authority”.

The Non-Domestic Rating (Collection and Enforcement) (Miscellaneous Provisions) Regulations 1990 (S.I. 1990/145)

For the words “charging authority” (wherever they occur) there are substituted the words “billing authority”.

The Non-Domestic Rating (Transitional Period) Regulations 1990 (S.I. 1990/608)

For the words “charging authority” (wherever they occur) there are substituted the words “billing authority”.

The Non-Domestic Rating (Payment of Interest) Regulations 1990 (S.I. 1990/1904)

In regulation 3, for the words “charging authority” (in both places where they occur) there are substituted the words “billing authority”.

The Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment and Miscellaneous Provision) Regulations 1991 (S.I. 1991/141)

In regulation 5, for the words “charging authority” there are substituted the words “billing authority”.

The Home Energy Efficiency Grants Regulations 1992 (S.I. 1992/483)

In regulation 3 (persons who may apply for a grant)(11), for the words “community charge benefit” in sub-paragraph (b) of paragraph (1), there are substituted the words “council tax benefit”.

(11) In relation to the reference in regulation 3(1)(b) to section 20 of the Social Security Act 1986 (c. 50), see section 2(4) of the Social Security (Consequential Provisions) Act 1992 (c. 6).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision, as regards England and Wales, consequent on the Local Government Finance Act 1992 (which abolishes community charges and introduces council tax on 1st April 1993).

Article 2 of the Order provides for the repeal and revocation, subject to the savings mentioned in article 4, of the provisions of Acts and subordinate legislation listed in Schedule 1 to the Order.

Article 3 provides for consequential amendments to the enactments and instruments mentioned in Schedule 2.