
STATUTORY INSTRUMENTS

1994 No. 2825

**The Local Government Changes for
England (Finance) Regulations 1994**

PART II

MODIFICATIONS OF PRIMARY LEGISLATION

Billing authorities and major precepting authorities

3.—(1) References to a billing authority in any enactment shall, unless the contrary intention appears, include for any financial year an authority which is, by virtue of section 18(1) of the Act (consequences of structural changes etc.), a billing authority for that year for the purposes of Part I of the 1992 Act.

(2) References to a major precepting authority in any enactment shall, unless the contrary intention appears, not include for any financial year an authority which is, by virtue of section 18(1) of the Act, a billing authority for that year for the purposes of Part I of the 1992 Act.

Local Government Act 1972 (c. 70) Principal councils' funds and accounts

4. After subsection (5) of section 148 of the 1972 Act (principal councils' funds and accounts)(1) there shall be added the following subsections—

“(5A) Subsections (2) and (4) above shall not apply to the council for a county for any financial year for which that council is, by virtue of section 18(1) of the Local Government Act 1992, a billing authority for that year for the purposes of Part I of the Local Government Finance Act 1992.

(5B) For any financial year for which the council for a county is, by virtue of section 18(1) of the Local Government Act 1992, a billing authority for that year for the purposes of Part I of the Local Government Finance Act 1992, subsection (5)(b) above, and not subsection (5) (a), shall apply in the case of the county.”

Local Government Finance Act 1988 (c. 41) Levies

5. In section 74 of the 1988 Act (levies)(2), after subsection (2) there shall be inserted the following subsection—

“(2A) The reference in subsection (2) above to the council concerned includes a reference to a council to which the functions of the council concerned in relation to the whole or any part of its area have been transferred by or in consequence of an order under section 17 of the Local Government Act 1992.”

(1) Subsection (5) of section 148 of the 1972 Act was amended by the Local Government (Consequential Amendments) Order 1991 (S.I.1991/1730).

(2) Section 74 was amended by paragraph 72 of Schedule 13 to the 1992 Act and by paragraph 21 of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19).

Collection funds

6.—(1) In subsection (2) of section 89 of the 1988 Act (collection funds)(3) there shall be inserted at the beginning the words “Subject to subsection (2A) below,”.

(2) After subsection (2) of that section there shall be inserted the following subsections—

“(2A) In the case of a district council which is established for an area by an order under section 17 of the Local Government Act 1992, the collection fund must be established on the date on which by virtue of the order the structural or boundary change affecting the area comes into force.

(2B) In the case of—

(a) a county council which is established by such an order and to which are transferred by or in consequence of the order the functions of district councils in relation to the county council’s area, or

(b) an existing county council to which are transferred by or in consequence of such an order the functions of district councils in relation to the county council’s area,

the collection fund must be established on the date on which by virtue of the order the structural change concerned comes into force.”.

(3) After subsection (5) of that section there shall be inserted the following subsection—

“(6) In this section and section 91 below “structural change” and “boundary change” shall be construed in accordance with section 14 of the Local Government Act 1992.”.

General funds

7.—(1) In subsection (1) of section 91 of the 1988 Act (general funds), after paragraph (a) there shall be inserted the following paragraph—

“(aa) a county council to which have been transferred, by or in consequence of an order under section 17 of the Local Government Act 1992, the functions of district councils in relation to the county council’s area,”.

and accordingly regulation 5(7) of the Local Government Changes for England Regulations 1994 shall not apply in relation to the reference in paragraph a of that subsection to a district council(4).

(2) In subsection (3) of that section there shall be inserted at the beginning the words “Subject to subsection (3A) below,”.

(3) After subsection (3) of that section there shall be inserted the following subsections—

“(3A) In the case of a district council which is established for an area by an order under section 17 of the Local Government Act 1992, the general fund must be established on the date on which by virtue of the order the structural or boundary change affecting the area comes into force.

(3B) In the case of—

(a) a county council which is established by such an order and to which are transferred by or in consequence of the order the functions of district councils in relation to the county council’s area, or

(b) an existing county council to which are transferred by or in consequence of such an order the functions of district councils in relation to the county council’s area,

the general fund must be established on the date on which by virtue of the order the structural change comes into force (in this section referred to as “the reorganisation date”).”.

(3) Section 89 was amended by paragraph 62 of Schedule 5 to the 1989 Act and paragraph 19 of Schedule 10 to the 1992 Act.

(4) S.I. 1994/867.

(4) In subsection (4) of that section for the words “after 31 March 1990 shall be paid into its general fund” there shall be substituted the words “on or after the date on which it is required by this section to establish its general fund shall be paid into that fund”.

(5) In subsection (5) of that section for the words “after 31 March 1990 shall be met from its general fund” there shall be substituted the words “on or after the date on which it is required by this section to establish its general fund shall be met from that fund”.

(6) At the end of that section there shall be added the following subsection—

“(8) The assets held in the county fund of a county council such as is referred to in subsection (3B)(b) above immediately before the reorganisation date (other than assets forming part of a trust fund) shall be transferred on that date to its general fund established under this section.”.

General funds: supplementary

8. In subsection (4) of section 92 of the 1988 Act (general funds: supplementary), for the words “section 91(6) or (7)” there shall be substituted the words “section 91(6), (7) or (8)”.

Local Government and Housing Act 1989 (c. 42) Fire authorities

9. In section 39(1) of the 1989 Act (authorities to which Part IV of that Act applies) after paragraph (i) there shall be inserted—

“(ia) a fire authority constituted by a combination scheme made under section 6 of the Fire Services Act 1947 in consequence of an order made under Part II of the Local Government Act 1992.”.

Recoupment of subsidy in certain cases

10. In subsection (1) of section 86 of the 1989 Act (recoupment of subsidy in certain cases), after the words “the authority” there shall be inserted the words “any or, in the case of a local housing authority in England, other authority which subsequently exercises the functions of a local housing authority for any part of the same area”.

Local Government Finance Act 1992 (c. 14) Power to designate authorities

11. In subsection (3) of section 54 of the 1992 Act (power to designate authorities)(5)—

(a) for paragraph (b) there shall be substituted the following paragraph—

“(b) councils of non-metropolitan districts which do not have the functions of county councils;”;

(b) for paragraph (e) there shall be substituted the following paragraphs—

“(e) county councils which do not have the functions of district councils;

(ea) councils of non-metropolitan districts which have the functions of county councils, and county councils which have the functions of district councils;”.

Special transitional provisions

12. In subsection (1) of section 55 of the 1992 Act (special transitional provisions), at the end of paragraph (b) there shall be inserted the words—

(5) Subsection (3) of section 54 of the 1992 Act has been prospectively amended by paragraph 98 of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19) and section 27(2) of the Police and Magistrates' Courts Act 1994 (c. 29).

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

“or

- (c) as regards any financial year and any new authority established by an order under section 17 of the Local Government Act 1992 as a county or district council for an area at any time during the period consisting of that year and the preceding financial year,”.