

2003 No. 195

LOCAL GOVERNMENT, ENGLAND
FINANCE

**The Local Authorities (Alteration of Requisite
Calculations) (England) Regulations 2003**

<i>Made - - - - -</i>	<i>5th February 2003</i>
<i>Laid before Parliament</i>	<i>6th February 2003</i>
<i>Coming into force - -</i>	<i>7th February 2003</i>

The First Secretary of State, in exercise of the powers conferred upon him by sections 32(9), 33(4), 43(7), 44(4) and 113(2) of the Local Government Finance Act 1992(a) and sections 86(5), 88(8), 89(9) and 420(1) of the Greater London Authority Act 1999(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2003 and shall come into force on 7th February 2003.

(2) These Regulations apply in relation to the financial year beginning on 1st April 2003 and in relation to authorities in England only(c).

(3) In these Regulations—

“the 1992 Act” means the Local Government Finance Act 1992;

“the 1999 Act” means the Greater London Authority Act 1999.

Budget requirement (billing authorities)—calculation

2. Section 32 of the 1992 Act has effect as if—

(a) in subsection(3)(a)(d) the words “or relevant special grant” were omitted;

(b) for subsection (12)(e) there were substituted the following subsection—

(a) 1992 c. 14; section 32(9) was amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994 (1994 c. 19).

(b) 1999 c. 29.

(c) The power to make regulations under sections 32(9), 33(4), 43(7) and 44(4) in relation to Wales transferred from the Secretary of State to the National Assembly for Wales under article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Local Government Finance Act 1992.

(d) Section 32(3)(a) was amended by the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246) and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I. 1995/234). For the financial year beginning on 1st April 2002 section 32(3)(a) was amended by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2002 (S.I. 2002/155).

(e) Subsection (12) was inserted by the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I. 1995/234), which also made relevant amendments to sections 32(3) and 33(1) (references to “police grant” and “relevant special grant”). Section 32(12) was substituted in relation to the financial year 2002–03 by regulation 2(b) of the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2002 (S.I. 2002/155).

“(12) In this section and section 33 below “police grant” means the grant payable in accordance with paragraph 3.1 of the Police Grant Report (England and Wales) 2003/04 approved by a resolution of the House of Commons pursuant to section 46 of the Police Act 1996(a) on 5th February 2003.”.

Basic amount of council tax (billing authorities)—calculation

3. Section 33(1) of the 1992 Act(b) has effect as if the words “or relevant special grant” in item P were omitted.

Budget requirement (major precepting authorities other than the Greater London Authority)—calculation

4. Section 43 of the 1992 Act has effect as if—

- (a) in subsection (3)(a)(i)(c) the words “relevant special grant” were omitted;
- (b) for subsection (6A)(d), there were substituted the following subsection—

“(6A) In this section and section 44 below, “police grant” has the meaning given by section 32(12) above.”.

Basic amount of council tax (major precepting authorities other than the Greater London Authority)—calculation

5. Section 44(1) of the 1992 Act(e) has effect as if the words “relevant special grant” in item P were omitted.

Budget requirement (Greater London Authority)—calculation

6. Section 85(5)(a)(i) of the 1999 Act(f) has effect as if the words “relevant special grant” were omitted.

Basic amount of council tax (Greater London Authority)—calculation

7. Section 88 of the 1999 Act(g) has effect as if—

- (a) in subsection (2) in item P1 paragraph (e) were omitted;
- (b) in subsection (4) paragraph (d) were omitted.

Additional calculation: special item for part of Greater London

8. Section 89 of the 1999 Act(h) has effect as if—

- (a) in subsection (4) in item P2 paragraph (f) were omitted;
- (b) in subsection (6) paragraph (e) were omitted.

Interpretation of Chapter I of Part 3 of the 1999 Act

9. Section 99 of the 1999 Act(i) has effect as if the definition of “relevant special grant” were omitted.

(a) 1996 c. 16.

(b) Section 33(1) was amended by S.I. 1994/246, S.I. 1995/234 and in relation to the financial year 2002–03 by S.I. 2002/155.

(c) Section 43(3)(a) was amended by S.I. 1995/234, and in relation to the financial year 2002–03 by S.I. 2002/155.

(d) Section 43(6A) was inserted by S.I. 1994/246, substituted by S.I. 1995/234, and substituted in relation to the financial year 2002–03 by S.I. 2002/155.

(e) Section 44(1) was amended by S.I. 1994/246, S.I. 1995/234, and in relation to the financial year 2002–03 by S.I. 2002/155.

(f) Section 85(5) was amended in relation to the financial year 2002–03 by S.I. 2002/155.

(g) Paragraph (e) of subsection (2) and paragraph (d) of subsection (4) of section 88 was omitted in relation to the financial year 2002–03 by S.I. 2002/155.

(h) Paragraph (f) of subsection (4) and paragraph (e) of subsection (6) of section 89 were omitted in relation to the financial year 2002–03 by S.I. 2002/155.

(i) Section 99 was amended in relation to the financial year 2002–03 by S.I. 2002/155.

Distribution of grants by the Greater London Authority

- 10.** Section 102 of the 1999 Act(a) has effect as if—
- (a) in subsection (2) paragraph (c) were omitted;
 - (b) subsection (8) were omitted.

Signed by authority of the First Secretary of State

5th February 2003

Nick Raynsford
Minister of State
Office of the Deputy Prime Minister

(a) Paragraph (c) of subsection (2) and subsection (8) of section 102 were omitted in relation to the financial year 2002–03 by S.I. 2002/155.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 32 and 43 of the Local Government Finance Act 1992 (“the 1992 Act”) set out respectively how a billing authority and a major precepting authority other than the Greater London Authority (“GLA”) are to calculate their budget requirements for a financial year, and sections 33 and 44 of that Act set out respectively how a billing authority and such a major precepting authority are to calculate the basic amount of their council tax. For the Greater London Authority, the budget requirement is calculated under section 85 of the Greater London Authority Act 1999 (“the 1999 Act”), the basic amount of council tax (for services funded by the GLA other than the Metropolitan Police Authority) is calculated under section 88 of that Act and the additional amount of council tax in respect of the Metropolitan Police Authority is calculated under section 89 of that Act.

Regulation 2(b) of these Regulations amends for authorities in England the definition in section 32 of the 1992 Act of “police grant” for the financial year beginning on 1st April 2003. The amended definition applies to that section, and also to sections 33, 43 and 44 of the 1992 Act. The same definitions of police grant applies to the corresponding sections of the 1999 Act (under section 99 of that Act).

Regulations 2(a) and 3 to 10 of these Regulations omit references to “relevant special grants” from sections, 32, 33, 43 and 44 of the 1992 Act, and from sections 85, 88, 89, 99 and 102 of the 1999 Act, for the financial year beginning on 1st April 2003 since no special grants are being defined as relevant special grants for the financial year beginning on 1st April 2003.

A copy of the Police Grant Report (England and Wales) 2003/04 approved on 5th February 2003 ISBN 0 10 292029 X, price £5.00, referred to in regulation 2 may be obtained from the Stationery Office.

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