

SCHEDULE 1

Regulation 5

PROCEDURE FOR EXERCISE BY PREPARING COUNCILS OF CERTAIN FUNCTIONS RELATING TO COUNCIL TAX

Application of this Schedule

1.—(1) This Schedule applies where by virtue of regulation 4(3) actions are the responsibility of an Implementation Executive.

(2) This Schedule has effect notwithstanding any contrary provision in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000⁽¹⁾ or in the standing orders of the preparing council.

(3) Paragraphs 3 to 7 do not apply in relation to any calculations (whether originally or by way of substitute) made under sections 52I and 52T of the 1992 Act⁽²⁾.

Interpretation

2. In this Schedule—

“relevant provisions” means—

- (a) any of sections 32 to 37 of the 1992 Act,
- (b) any of those sections as modified by Schedule 2 to these Regulations,
- (c) any of regulations 13, 14, 16 to 18, and 20 to 22 of these Regulations; and

“specified period” means the period specified by the authority under paragraph 3(2)(b)(ii).

Authority’s objections to estimates submitted by the Implementation Executive

3.—(1) This paragraph applies where—

(a) the Implementation Executive submits to the authority in relation to the first year—

- (i) estimates of the amounts aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of the relevant provisions,
- (ii) estimates of other amounts to be used for the purposes of such a calculation, or
- (iii) estimates of such a calculation; and

(b) following consideration of the estimates the authority objects to any of them.

(2) Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the relevant provisions, it must—

(a) notify the Implementation Executive of its objections; and

(b) require the Executive to reconsider the estimates—

- (i) in accordance with the authority’s requirements, and
- (ii) within such period as is specified by the authority, being a period of at least five working days beginning on the day on which the Implementation Executive receives the notification under paragraph (a).

(1) [S.I. 2000/2853](#), to which there are amendments not relevant to these Regulations.

(2) Sections 52I and 52T were inserted into the 1992 Act by paragraph 1 of Schedule 1 to the Local Government Act 1999 (c.27).

Status: This is the original version (as it was originally made).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

Reconsideration of estimates by the Implementation Executive

4. Where an Implementation Executive receives a notification under paragraph 3(2), within the specified period it must—

- (a) submit to the authority—
 - (i) revised estimates prepared by the Executive in accordance with the authority's requirements, and
 - (ii) an explanation of the revised estimates; or
- (b) notify the authority of—
 - (i) any disagreement that the Executive has with any of the authority's objections, and
 - (ii) the Executive's reasons for the disagreement.

Duty of authority to take the Implementation Executive's response into account

5. When making calculations (whether originally or by way of substitute) in accordance with any of the relevant provisions, the authority must take into account—

- (a) any revised estimates submitted in accordance with paragraph 4(a) and the Implementation Executive's explanation of those estimates; or
- (b) any disagreement notified in accordance with paragraph 4(b) and the Executive's reasons for the disagreement.

Authority's decision not to use the Implementation Executive's estimates

6.—(1) The authority may not use estimates which differ from those submitted by the Implementation Executive unless at least two-thirds of the members of the authority present at a meeting of the authority of which notice has been given as mentioned in sub-paragraph (2) vote in favour of the motion that different estimates be used for the purposes of making a calculation (whether originally or by way of substitute) in accordance with any of the relevant provisions.

(2) At least three clear days' notice must be given to all members of the authority of any meeting at which a vote is to be taken on a motion of the description in sub-paragraph (1); and the notice must set out the terms of the motion.