

## SCHEDULE

Regulation 2

Amendments consequential and to give full effect to Chapter 1 of Part 5 of the Localism Act 2011

### *The Local Authorities (Calculation of Council Tax Base) Regulations 1992(1)*

#### **Regulation 2**

1. In regulation 2 (application of rules), for “33(1) and 44(1)” substitute “31B(1)(2), 42B(1)(3), and 52ZX(5)”.

#### **Regulation 3**

2. In regulation 3(1) (calculation of billing authority’s council tax base), for “33(1)” substitute “31B(1)”.

#### **Regulation 6**

3. In regulation 6 (calculation of billing authority’s council tax base for a part of its area)—
- (a) in paragraph (1)—
    - (i) after “34(3)” insert “and item T in section 52ZX(5)”, and
    - (ii) in the definition of item N, for “33(1)” substitute “31B(1)”,
  - (b) in paragraph (2)(b), for “33(1)” substitute “31B(1)”, and
  - (c) in paragraph (2)(d)(ii), after each occurrence of “34(3)” insert “and item T in section 52ZX(5)”.

#### **Regulation 7**

4. In regulation 7 (calculation of council tax base for the purposes of a major precepting authority) —
- (a) in paragraph (1)—
    - (i) before “33(1)” insert “31B(1) or”, and
    - (ii) before “44(1)” insert “42B(1) or”, and
  - (b) in paragraph (2), before “44(1)” insert “42B(1) or”.

#### **Regulation 8**

5. In regulation 8 (prescribed period)—
- (a) in paragraph (1)—
    - (i) for “33(1) and 44(1)” substitute “31B(1), 42B(1), and 52ZX(5)”, and
    - (ii) for “(2) and (3)” substitute “(2) to (4)”, and
  - (b) after paragraph (3), insert—

---

(1) [S.I. 1992/612](#), amended by [S.I. 1992/1742](#), [1992/2943](#), [1999/3437](#) and [2003/3012](#); there are other amending instruments but none is relevant..

(2) Section 31B was inserted into the Local Government Finance Act 1992 by section 74 of the Localism Act 2011 (c.20).

(3) Section 42B was inserted into the Local Government Finance Act 1992 by section 75 of the Localism Act 2011.

*Status: This is the original version (as it was originally made).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

“(4) In respect of the financial year beginning on 1st April 2012, the prescribed period for the purposes of item T in section 52ZX(5) is the period beginning on 1st April 2012 and ending on 31st May 2012.”

### **Regulation 9**

6. In regulation 9(1) (determination of billing authority’s council tax base), for “33(1)” substitute “31B(1)”.

### **Regulation 10**

7. In regulation 10 (determination of council tax base for the purposes of a major precepting authority)—

- (a) in paragraph (1), for “44(1)” substitute “42B(1)”, and
- (b) in paragraph (4), for “33(1)” substitute “31B(1)”.

### **New regulation 10A**

8. After regulation 10 insert—

#### **“Determination of council tax base for the purposes of a local precepting authority**

**10A.**—(1) Item T in section 52ZX(5) shall, in a case where a billing authority fails to notify its calculation for a financial year to the local precepting authority concerned within the period prescribed in regulation 8, be determined by the local precepting authority in the following manner.

(2) Item T shall be determined in accordance with the rules contained in regulation 6 on the basis of all the information available to the local precepting authority but, for this purpose, the relevant day in respect of a financial year is the day on which the authority calculates the relevant amount for the year for the purposes of the determination.

(3) The local precepting authority shall, in particular, have regard to any amount calculated for the preceding financial year by the billing authority—

- (a) as item TP in section 34(3) for the part of its area falling within the local precepting authority’s area, or
- (b) as item T in section 52ZX(5).”

#### *The Transport Levying Bodies Regulations 1992(4)*

### **Regulation 12**

9. In regulation 12 (anticipation of levies: billing authorities), for each occurrence of “32” substitute “31A”(5).

### **Regulation 13**

10. In regulation 13 (anticipation of levies: county councils), for each occurrence of “43” substitute “42A”(6).

---

(4) S.I. 1992/2789, to which there are amendments not relevant to these Regulations.

(5) Section 31A was inserted into the Local Government Finance Act 1992 by section 74 of the Localism Act 2011.

(6) Section 42A was inserted into the Local Government Finance Act 1992 by section 75 of the Localism Act 2011.

*The Levying Bodies (General) Regulations 1992(7)*

**Regulation 11**

- 11.** In regulation 11 (anticipation of levies), in paragraph (2)—
- (a) for “32” substitute “31A”, and
  - (b) for “43” substitute “42A”.

*The National Park Authorities (Levies) (England) Regulations 1996(8)*

**Regulation 9**

- 12.** In regulation 9 (anticipation of levies), in paragraph (3), for “that section 32 or 43” substitute “section 31A or 42A of the 1992 Act (calculation of council tax requirement by authorities in England)”.

*The Charter Trustees Regulations 1996(9)*

**Regulation 13**

- 13.** In regulation 13 (precepts)—
- (a) in paragraph (2), in the text substituted for section 41(3) of the Local Government Finance Act 1992, for each occurrence of “32” substitute “31A”,
  - (b) in paragraph (3)(a)—
    - (i) for “32” substitute “31A”,
    - (ii) for “budget” substitute “council tax”, and
    - (iii) after “(6)” insert “(b)”,
  - (c) in paragraph (4), for “32” substitute “31A”, and
  - (d) in paragraph (5)—
    - (i) for “50” substitute “49A”,
    - (ii) for each occurrence of “budget” substitute “council tax”, and
    - (iii) for “local precepting authorities” substitute “authorities in England”.

*The Local Authorities (Standing Orders) (England) Regulations 2001(10)*

**Schedule 2**

- 14.—(1)** In Part 1 (authority with mayor and cabinet executive or mayor and council manager executive)—
- (a) in paragraph 8(a)—
    - (i) for “32 to 37” substitute “31A, 31B and 34 to 36A(11)”,

---

(7) [S.I. 1992/2903](#), to which there are amendments not relevant to these Regulations.

(8) [S.I. 1996/2794](#), amended by [S.I. 1996/610](#); there are other amending instruments but none is relevant.

(9) [S.I. 1996/263](#), to which there are amendments not relevant to these Regulations.

(10) [S.I. 2001/3384](#), to which there are amendments not relevant to these Regulations.

(11) Sections 34 to 36 were amended by paragraphs 12 to 14 of Schedule 7 to the Localism Act 2011 and section 36A was inserted into the Local Government Finance Act 1992 by paragraph 15 of that Schedule.

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

- (ii) for “43 to 49” substitute “42A, 42B and 45 to 49(12)”, and
- (iii) for “budget” substitute “council tax”, and
- (b) omit paragraph 14.
- (2) In Part 2 (authority with leader and cabinet executive)—
  - (a) in paragraph 6(a)—
    - (i) for “32 to 37” substitute “31A, 31B and 34 to 36A”, and
    - (ii) for “43 to 49” substitute “42A, 42B and 45 to 49”.
  - (b) omit paragraph 10.

*The Local Government Finance (New Parishes) (England) Regulations 2008(13)*

**Regulation 3**

15. In regulation 3 (calculation of budget requirement)—
- (a) in the heading, for “budget” substitute “council tax”,
  - (b) in paragraph (2)—
    - (i) for “32” substitute “31A”, and
    - (ii) for “budget” substitute “council tax”,
  - (c) in paragraph (3)—
    - (i) for “32” substitute “31A”, and
    - (ii) after “(6)” insert “(b)”, and
  - (d) in paragraph (4)—
    - (i) for “50” substitute “49A”,
    - (ii) for each occurrence of “budget” substitute “council tax”, and
    - (iii) for “local precepting authorities” substitute “authorities in England”.

*The Local Government (Structural Changes) (Further Financial Provisions and Amendment) Regulations 2009(14)*

**Regulation 3**

16. In regulation 3 (establishment of collection funds)—
- (a) for “32” substitute “31A”, and
  - (b) for “budget” substitute “council tax”.

**Regulation 6**

17. In regulation 6 (anticipation of amounts required to discharge functions of charter trustees)—
- (a) in paragraph (1)—
    - (i) for “32” substitute “31A”, and
    - (ii) for “budget” substitute “council tax”, and

---

(12) Sections 45 to 49 were amended by paragraphs 22 to 26 of Schedule 7 to the Localism Act 2011.

(13) S.I. 2008/626, to which there are amendments not relevant to these Regulations.

(14) S.I. 2009/5, to which there are amendments not relevant to these Regulations.

(b) for paragraph (3) substitute—

“(3) Where paragraph 1 applies, section 36A(1) of the 1992 Act (substitute calculations: England) shall have effect as if after “purpose” there were inserted “and taking into account the modification of that section by regulation 6(1) of the Local Government (Structural Changes) (Further Provisions and Amendment) Regulations 2008.”.

*The Environment Agency (Levies) (England and Wales) Regulations 2011(15)*

### **Regulation 11**

**18.** In regulation 11 (anticipation of levy)—

- (a) in paragraph (4)(a), for “32” substitute “31A”, and
- (b) in paragraph 4(b), for “43” substitute “42A”.