STATUTORY INSTRUMENTS

1989 No. 2268

LOCAL GOVERNMENT, ENGLAND AND WALES

FINANCE

The Charging Authorities (Population for Precepts) (Wales) Regulations 1989

Made - - - -	*5th December 1989*
Laid before the House of Commons -	*8th December 1989*
Coming into force -	*29th December 1989*

The Secretary of State for Wales, in exercise of the powers conferred on him by section 140(4) of, and paragraphs 5 and 6 of Schedule 12A to, the Local Government Finance Act 1988(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations–

Citation, commencement and application

1. These Regulations may be cited as the Charging Authorities (Population for Precepts) (Wales) Regulations 1989, and shall come into force on 29th December 1989. They apply to Wales only.

Interpretation

2. In these Regulations–

"the Act" means the Local Government Finance Act 1988;

"charging authority" means a Welsh charging authority;

"preceding financial year" means the financial year immediately preceding the chargeable financial year;

"the chargeable financial year" means the chargeable financial year for which a precept is to be issued under section 68 of the Act;

"the registration officer", in relation to a charging authority, means the officer referred to in section 26(1) and (2) of the Act;

"the relevant day", in relation to the chargeable financial year beginning in 1990, means 29th December 1989, and in relation to any other chargeable financial year means 1st November in the preceding financial year.

Relevant population for charging authorities' areas

3.—(1) For the purposes of section 69 of the Act(b), a charging authority shall calculate the relevant population of its area for the chargeable financial year by reference to the formula–

$$\frac{I}{£175}$$

(a) 1988 c.41; Schedule 12A was inserted by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 74.

(b) Section 69 was amended by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 50.

(2) I is the sum which the charging authority estimates, in accordance with paragraph (3), would be the total amount yielded by its community charges for the year if it set for the year one amount of £175 for its personal community charges for its area under section 32 of the Act.

(3) Subject to the provisions of regulation 5, in estimating a sum for I, a charging authority shall take into account the information described in regulation 4.

(4) The calculation required by paragraph (1) shall be made to the nearest whole number in accordance with the following rules–

(a) where (apart from this sub-paragraph and after taking into account each whole number) there would be an excess of more than 0.5, the excess shall be made up to 1, and

(b) where (apart from this sub-paragraph and after taking into account each whole number) there would be an excess of 0.5 or less, the excess shall be ignored.

4.—(1) The information described in this regulation is–

(a) the number of persons, other than those to be taken into account under sub-paragraph (b), shown in the charging authority's community charges register on the relevant day as subject on that day to a personal community charge;

(b) the number of persons shown in the authority's register on the relevant day as both subject on that day to a personal community charge and undertaking a full-time course of education on that day;

(c) the registration officer's estimate of the number of individuals who will be liable on 1st April in the chargeable financial year to pay to a chargeable person in respect of that day an amount by way of contribution in accordance with the provisions of sections 9 to 11 of the Act (collective community charge contributions);

(d) the number of items contained in the authority's register on the relevant day which relate to a standard community charge to which a person is shown as subject on that day, together with (in relation to each item)–

(i) if a standard community charge multiplier is effective for the preceding financial year in relation to the relevant property, that multiplier, or

(ii) if no standard community charge multiplier is so effective, a multiplier of 1;

(e) the registration officer's estimate of the extent to which the numbers described in sub-paragraphs (a) to (d) will change during the period from the relevant day up to and including 1st April in the chargeable financial year, either–

(i) as a result of an order made on or before the relevant day under Part IV of the Local Government Act 1972(a) or paragraph 7 of Schedule 10 to that Act, or

(ii) for any other reason;

(f) the registration officer's estimate of the total amount of any sums payable to the authority by way of community charge for the chargeable financial year, which will be written off as bad debts;

(g) such other information as the authority sees fit.

(2) For the purposes of paragraph (1)–

(a) a chargeable person is a person shown in the authority's register on the relevant day as subject on that day to a collective community charge;

(b) a standard community charge multiplier is effective for the preceding financial year in relation to the relevant property if it is effective by virtue of section 40 of the Act either–

(i) for all properties in the authority's area, or

(ii) for the specified class of property to which the relevant property belongs on the relevant day.

(3) For the purposes of paragraphs (1) and (2) the relevant property, in relation to an item–

(a) 1972 c.70.

(a) is the property by virtue of which the person stated in the item in accordance with section 6(4) of the Act, is subject to the standard community charge, and

(b) belongs to a particular class on the relevant day if (and only if) it belongs to that class immediately before the day ends.

5.—(1) Subject to paragraph (4), in taking into account (for the purpose of estimating a sum for I) the information described in sub-paragraphs (a), (b), (c), (d) and (f) of regulation 4(1), the charging authority shall assume that each person shown in the authority's register on the relevant day as subject to a community charge on that day will be subject to that charge on each day in the chargeable financial year.

(2) Subject to paragraph (4), in taking into account (for the purpose of estimating a sum for I) the information described in sub-paragraph (c) of regulation 4(1), the charging authority shall assume that the number of individuals estimated by the registration officer in accordance with that sub-paragraph is the same as the number of individuals who on each day in the chargeable financial year will be liable to pay an amount as described in that sub-paragraph in respect of that day.

(3) Subject to paragraph (4), in taking into account (for the purpose of estimating a sum for I) the information described in sub-paragraph (d) of regulation 4(1), the charging authority shall assume that any multiplier taken into account in accordance with that sub-paragraph (in relation to an item) shall be the same (in relation to that item) on each day in the chargeable financial year.

(4) The assumptions required to be made in accordance with paragraphs (1), (2) and (3) shall not apply to the extent that information to the contrary is taken into account by the charging authority under sub-paragraph (e) or (g) of regulation 4(1).

6. The calculation required by regulation 3(1) shall be made as soon as is reasonably practicable after the relevant day.

Relevant population for parts of charging authorities' areas

7.—(1) Where the relevant population of part of a charging authority's area for the chargeable financial year needs to be found for the purposes of section 69 of the Act, the authority shall calculate the relevant population of that part by reference to the formula–

$$\frac{P}{£175}$$

(2) P is the sum which the charging authority estimates, in accordance with regulation 8, would be the total amount yielded by such of its community charges for the year as relate to that part if, under section 32 of the Act, it set for the year one amount of £175 for such of its personal community charges as relate to that part.

(3) The rules set out in regulation 3(4) shall apply to the making of each calculation of the relevant population of part of a charging authority's area which needs to be found for the purposes of section 69 of the Act, as they apply to the calculation required by regulation 3(1).

8. Regulations 3(3), 4 and 5 shall apply to each estimating of a sum for P as they apply to the estimating of a sum for I, with the modifications that references to a community charge shall be taken to be references to a community charge relating to the part of the charging authority's area concerned, and references to a personal community charge, a standard community charge, a collective community charge, and sums payable by way of community charge, shall be construed accordingly.

9. The calculation of the relevant population of part of a charging authority's area which needs to be found for the purposes of section 69 of the Act, shall be made as soon as is reasonably practicable after the relevant day.

Peter Walker
Secretary of State for Wales

5th December 1989

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply only to Wales.

The provisions of section 69 of the Local Government Finance Act 1988 ("the 1988 Act") require a precepting authority to secure that such of its expenses as are to be met by precepts are borne by its appropriate charging authorities (if more than one) in proportion, in accordance with that section. In Wales, these provisions have application to county councils (as precepting authorities) and district councils (as charging authorities). A charging authority is an appropriate charging authority in relation to a precepting authority to the extent of the charging authority's area which falls within the precepting authority's area. The proportions are determined, in the case of general expenses, by reference to the relevant populations of the areas of the appropriate charging authorities; and in the case of special expenses, by reference to the relevant populations of such areas or parts of such areas to which the special expenses relate.

Section 69(7A) of the 1988 Act (inserted by the Local Government and Housing Act 1989 ("the 1989 Act")) provides that the relevant population of the area of a Welsh charging authority is the relevant population, calculated under paragraph 5 of Schedule 12A to the 1988 Act (inserted by the 1989 Act) of the area for the financial year concerned. Section 69(7B) of the 1988 Act (inserted by the 1989 Act) provides that the relevant population of part of the area of a charging authority is the relevant population, calculated under paragraph 6 of that Schedule, of the part for the year. Both paragraphs 5 and 6 of Schedule 12A require the Secretary of State to make regulations containing rules for calculating relevant population. These Regulations contain those rules.

Regulation 3 sets out the rules for calculating the relevant population of a charging authority's area for the financial year concerned. Regulation 4 sets out the information to be taken into account in making that calculation, and regulation 5 sets out the assumptions required to be made in taking that information into account. Regulation 6 makes provision as to when that calculation is to be made.

Regulation 7 sets out the rules for calculating the relevant population of part of a charging authority's area for the financial year concerned, where this is required for precepting purposes. Regulation 8 applies, with modifications, the provisions of regulations 3(3), 4 and 5 to such calculations. Regulation 9 makes provision as to when such a calculation is to be made.

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