1958 No. 1936

The Grants and Rates (Isles of Scilly) Order, 1958

Made - - - - 20*th November*, 1958
Coming into Operation 1*st December*, 1958

The Minister of Housing and Local Government, in exercise of his powers under section 146 of the Local Government Act, 1948(a), as extended by section 16 of and paragraph 28 of the Eighth Schedule to the Local Government Act, 1958(b), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, commencement and interpretation

1. This order may be cited as the Grants and Rates (Isles of Scilly) Order, 1958, and shall come into operation on the 1st day of December, 1958.

2.—(1) The Interpretation Act, 1889(c), applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—

"the Act of 1958" means the Local Government Act, 1958;

"the Isles" means the Isles of Scilly; and

"the Council" means the Council of the Isles of Scilly.

General grant

3. Paragraph 6 of Part III of the First Schedule to the Act of 1958 (which provides for a supplementary grant to a recipient authority if the ratio of the road-mileage of the area of the authority to the estimated population of the area exceeds a prescribed ratio and for the amount of the supplementary grant) shall, in its application to the Isles, have effect with the substitution for the words "the road-mileage", where first occurring of the words "the mileage of roads and sea-routes (the mileage of sea-routes being taken as nine miles)" and where secondly occurring of the words "such mileage".

Rate-deficiency Grants

4.—(1) Section 5 of the Act of 1958 (which makes provision in relation to Rate-deficiency Grants) shall, in its application to the Isles, have effect subject to the modifications hereunder—

(*a*) In subsection (2) (which sets out the local authorities to whom Rate-deficiency Grant is to be payable) the reference to county and county borough councils shall be deemed to include the Council;

(*b*) In its application to the Isles in accordance with regulation 5, the proviso to subsection (4) (which provides that in ascertaining, under the subsection, the standard penny rate product for a county or county borough the population of any county in the case of which the ratio of the population to the road-mileage of the county is less than 70 shall be taken to be increased by 2/5ths of the additional population needed in order that the population divided by the road-mileage should be 70)

(a) 11 & 12 Geo. 6. c. 26. (b) 6 & 7 Eliz. 2. c. 55. (c) 52 & 53 Vict. c. 63.

shall have effect with the substitution for the words " the road-mileage ", where first occurring of the words " the mileage of roads and sea-routes (the mileage of sea-routes being taken as nine miles) " and where secondly occurring of the words " such mileage " ; and

(*c*) The cost of the collection of rates shall be taken to be as ascertained or estimated by the district auditor in the ascertainment or estimation of the product of a rate of one penny in the pound for the Isles under paragraph (x) of article 2 of the Isles of Scilly (Local Government) Order, 1948(a).

5. In the application of subsection (4) of section 5 of the Act of 1958 (which makes provision for the ascertainment of the standard penny rate product for an area) both to the Isles and to the councils of counties and county boroughs references to a county shall include references to the Isles.

6. Section 2 of the Local Government Act, 1948, as amended by subsection (9) of section 5 of the Act of 1958 (which, as so amended, provides for Rate-deficiency Grants) shall, in its application to the Isles, have effect as if references to a local authority included references to the Council.

7. Section 6 of the Act of 1958 (which provides for the limitation of Rate-deficiency Grant to normal expenditure) shall not have effect in the Isles.

Given under the official seal of the Minister of Housing and Local Government this twentieth day of November, nineteen hundred and fifty-eight.

(L.S.)

D. P. Walsh,
Under Secretary,
Ministry of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

These Regulations provide for the modification of provisions of the Local Government Act, 1958, in relation to the Isles of Scilly, so as—

(1) to permit sea-routes, amounting to 9 miles, to be brought into account in the calculation of the amounts of the general grant and the Rate-deficiency Grant payable to the Council of the Isles in the same manner as road-mileage. (The Regulations also provide that in the ascertainment of the standard penny rate product for Rate-deficiency Grant purposes for any county or county borough (which takes account of the weighted population of England and Wales) the weighting of the population of the Isles, for mileage of roads and sea-routes, shall be brought into account) ; and

(2) to preclude section 6 of the Act (Limitation of Rate-deficiency Grant to normal expenditure) from applying.

(a) S.I. 1948/2733 (Rev. XII, p. 575: 1948 I, p. 1726).