Given under the official seal of the Minister of Health this twenty-first day of December, nineteen hundred and forty-nine.

(L.S.) *Aneurin Bevan,*
Minister of Health.

EXPLANATORY NOTE

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

Under Parts I and V of the Local Government Act, 1948, the Minister of Health is required to make a number of estimates and calculations in each year for the purposes of Exchequer grants payable to local authorities, and payments to be made by county councils to district councils, by the London County Council to metropolitan boroughs and by the British Transport Commission and the British Electricity Authority to the Minister for the benefit—in lieu of rates—of local authorities. The Regulations specify the information required by the Minister for the purpose of these estimates and calculations and when, by whom and in what form it is to be supplied. They further specify the manner in which certain estimates and calculations are to be made and provide for their being treated as provisional only where later information will enable a more accurate final estimate or calculation to be made. The Regulations also determine the method of payment to the Minister of the sums due from the Transport and Electricity authorities referred to and of the distribution by him of these sums among the local authorities concerned. Provision is finally made for consequential effect to be given under the Regulations to estimates, calculations, and payments made before the Regulations come into force.

The Local Government (Payment of Grants, etc.) Regulations 1949

1949 No. 488

Made - - - -	21*st March*, 1949
Laid before Parliament	22*nd March*, 1949
Coming into Operation	1*st April*, 1949

M.H. 109062.

The Minister of Health in pursuance of the powers conferred upon him by section 15 of the Local Government Act, 1948, and, with respect to the times at which payments in respect of Exchequer Equalisation Grants and Exchequer Transitional Grants are to be made, with the consent of the Treasury, hereby makes the following regulations :—

11 & 12 Geo. 6. c. 26.

1. These regulations may be cited as the Local Government (Payment of Grants, etc.) Regulations, 1949, and shall come into operation on the first day of April, 1949.

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

52 & 53 Vict. c. 63.

(2) In these regulations, unless the context otherwise requires—

"any grant" means any Exchequer Equalisation Grant or Exchequer Transitional Grant;

"the Act" means the Local Government Act, 1948;

"the Minister" means the Minister of Health;

"year" means a period of 12 months beginning with the first day of April;

the expressions "1948-1949" and "1949-1950" mean the years ending on the 31st March, 1949, and the 31st March 1950 respectively.

(3) Instalments shall be payable under these regulations in successive months on or about the twenty-fifth day thereof, and "payment dates" shall be construed accordingly.

3.—(1) Before the beginning of each year the Minister shall estimate and notify to the council of each county and county borough the Exchequer Equalisation Grant (if any) which will become payable for that year to that council and until the grant so payable has been conclusively calculated, as hereinafter provided, he may make and notify to the council such further estimates of the said grant, based upon information not previously available, as he thinks fit.

(2) As soon as practicable after he has received what appears to him to be sufficient information for the purpose the Minister shall make a conclusive calculation of any such grant as aforesaid and shall notify the result thereof to the council concerned.

4.—(1) Subject as hereinafter provided in these regulations Exchequer Equalisation Grants shall be paid in accordance with this regulation.

(2) Approximately ninety per cent. of any such grant as first estimated and notified to a council shall be paid to that council in approximately equal instalments on the payment dates in the year for which the grant is payable:

Provided that where a further estimate of the grant is so notified before or during the said year any instalments thereafter falling to be paid in that year shall, if the notification so provides, be so adjusted as to secure, as far as possible, that there will be paid in that year approximately ninety per cent. of the grant as last so estimated and notified.

(3) Any balance appearing to be due to the council at the end of any year, having regard to the estimate of the grant then last notified to them, shall be paid in approximately equal instalments on the payment dates in the year then commencing:

Provided that—

(*a*) Where a further estimate of the grant is notified to the Council during any year, any instalments thereafter falling to be paid on account thereof in that year shall, if the notification so provides, be so adjusted as to secure, as far as possible, that the amount paid to the council in that year shall correspond to the balance due to them in accordance with such further estimate; and

(*b*) no payment need be made under this paragraph to any council in any year for which it appears to the Minister that no Exchequer Equalisation Grant or Exchequer Transitional Grant is payable to that council.

(4) Any balance shown by the conclusive calculation of the grant to be due to the council shall be paid on the payment date next ensuing after the notification of the calculation to the council.

5. Where at the end of any year it appears from the last estimate of any grant then notified to a council that sums in excess of the amount of that grant have already been paid on account thereof to the council the Minister may make such deductions, of approximately equal amounts, from the instalments falling to be paid to the council on account of any grant in the year then commencing as will serve to offset the amount of the excess or as much thereof as possible, and any part of such excess which is not so recoverable shall be paid by the council to the Minister in approximately equal instalments on the payment dates in the said year, or, if the council so desire and the Minister agrees, by a single payment on or about the 25th day of September in that year:

Provided that where from an estimate of any grant notified to the council during the said year there appears to be a variation either in the amount of the said excess then outstanding or in the amount of the instalments thereafter falling to be paid to the council on account of any grant in that year, this regulation shall apply afresh to the altered circumstances, but with the substitution of references to "the remainder of the year then current" and "on the payment dates in the remainder of the year then current" for the references to "the year then commencing" and "on the payment dates in the said year" respectively.

6. Where it is shown by a conclusive calculation of any grant notified to a council that sums in excess of the amount of that grant have already been paid on account thereof to the council the amount of the excess shall be recoverable by the Minister, as far as possible, by deductions from any payments falling to be made to that council on account of any grant during the year current on the next ensuing payment date, and any part of such excess which is not so recoverable shall be paid by the council to the Minister on the payment date next ensuing after a demand therefor.

7. The foregoing provisions of these regulations shall extend and apply to any Exchequer Transitional Grant payable to any council for any year until the conclusive calculation of such grant payable to the council for the year 1948-49 is notified to them, whereupon—

(*a*) any balance due to that council on account of any Exchequer Transitional Grant payable for any year preceding the year then current shall be paid on the payment date next ensuing, and

(*b*) the balance or the whole, as the case may be, of any such grant payable to that council for the year then current shall be paid in approximately equal instalments on the remaining payment dates in that year, or, if there is no such date, on the first payment date in the year next ensuing, and

(*c*) any such grant payable to that council for any subsequent year shall be paid in approximately equal instalments on the payment dates in the year for which the grant is payable.

8. These regulations shall apply as far as may be to any grant payable for the year 1948-49 or the year 1949-50, and as if any estimates thereof notified to the council concerned and any payments on account thereof made to that council before the commencement of these regulations had been notified or made in accordance therewith.

9. Any balance remaining unpaid at the date when these regulations come into force of an amount payable under section 9 of the Act by the council of a county to the council of a county district for the year 1948-49 shall, in so far as payment thereof is not effected in the manner provided by subsection (3) of that section, be paid on the first payment date in the year 1949-50 and any amount so payable for any subsequent year shall, save in so far as payment thereof is not effected as aforesaid, be paid in approximately equal instalments on the payment dates in the year in question.

10. The making of any payment by way of Exchequer Equalisation Grant or Exchequer Transitional Grant under these regulations is conditional upon the provision by Parliament of the necessary moneys.

Given under the official seal of the Minister of Health this twenty-first day of March, nineteen hundred and forty-nine.

(L.S.) *Aneurin Bevan,*
Minister of Health.

EXPLANATORY NOTE

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

The Regulations prescribe the manner in which Exchequer Equalisation Grants and Exchequer Transitional Grants to county and county borough councils and payments by county councils to county district councils under Part I of the Local Government Act, 1948, are to be paid. Normally payments will be made by monthly instalments.

In the case of Exchequer Equalisation Grants, as far as possible approximately 90 per cent. of the grant payable for any year is to be paid in that year and the balance in the year following. Payments in the first instance, however, must be based upon estimates, and provision is made for the adjustment from time to time of outstanding instalments, for the making of further payments, and for the recovery of sums over-paid in the light of successive estimates. A final adjustment is to be made in respect of each grant when the conclusive calculation of that grant has been notified to the council concerned. Exchequer Transitional Grants will, until the calculation of such grants for the year 1948-49 is completed, be paid in the like manner and thereafter by equal instalments throughout the year in which they are due.

The payments by county councils, in so far as they are not effected, as provided for in the Act, by deductions from county precepts, are to be paid by equal instalments throughout the year in which they are due.