STATUTORY INSTRUMENTS

2000 No. 214

LOCAL GOVERNMENT, ENGLAND

FINANCE

The Major Precepting Authorities (Excessive Budget Requirements—Payments) (England) Regulations 2000

Made - - - - -	*3rd February 2000*
Laid before Parliament	*4th February 2000*
Coming into force - -	*25th February 2000*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by sections 31(5) and (6) of the Local Government Act 1999(**a**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Major Precepting Authorities (Excessive Budget Requirements—Payments) (England) Regulations 2000, and shall come into force on 25th February 2000.

(2) These Regulations extend to England only and apply to sums payable by a major precepting authority under section 31 of the Local Government Act 1999 in respect of the financial year beginning with 1st April 2000.

(3) In these Regulations—

"the 1992 Act" means the Local Government Finance Act 1992(**b**);

"the 1999 Act" means the Greater London Authority Act 1999(**c**).

Calculation of payment

2. The sum which a major precepting authority must pay to a billing authority under section 31(3) of the Local Government Act 1999 shall be equal to—

$$E \times \frac{Tb \times Q}{Tz}$$

where—

E (the authority's contribution to council tax benefit) is the amount calculated in accordance with the Schedule to these Regulations;

(**a**) 1999 c. 27.
(**b**) 1992 c. 14.
(**c**) 1999 c. 29.

[DETR 1779]

Tb is the amount of the council tax base of the billing authority for its area, or, where the precept relates to a part of the billing authority's area only, for that part of the area, and which in either case is included in the aggregate of amounts of council tax bases which is T for the purpose of section 44 of the 1992 Act(**a**) or section 88 of the 1999 Act(**b**), as the case may be;

Q (estimated proportions of council tax yield accounted for by council tax benefit) is the amount shown for the billing authority in column 2 of Table A in the Schedule to the Collection Fund (General) (England) Directions 2000 made by the Secretary of State on 2nd February 2000;

Tz is the aggregate of Tb multiplied by Q for all the billing authorities to which the precepting authority has issued a precept.

Time for payment

3.—(1) Where the precepting authority and the billing authority have not before 1st April 2000 agreed when the sum calculated under regulation 2 is to be paid then that sum shall be paid in equal instalments on the instalment days in the financial year beginning with 1st April 2000.

(2) In this regulation, "instalment days" means, in relation to a billing authority, the days in the financial year contained in the schedule of instalments determined by that billing authority under regulations 4 and 6 of the Local Authorities (Funds) (England) Regulations 1992(**c**).

Signed by authority of the Secretary of State for
the Environment, Transport and the Regions

Hilary Armstrong
Minister of State,
Department of the Environment,
Transport and the Regions

3rd February 2000

(**a**) Section 44 of the 1992 Act is adapted in respect of the financial year beginning with 1st April 2000 by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2000 (S.I. 2000/213), and in its application to the Receiver for the Metropolitan Police District in respect of the financial year beginning with 1st April 2000, section 44 is adapted by the Greater London Authority Act 1999 (Transitional and Consequential Finance Provisions) Order 1999 (S.I. 1999/3435).

(**b**) Section 88 of the 1999 Act is adapted in respect of the financial year beginning with 1st April 2000 by Schedule 1 to the Greater London Authority Act 1999 (Commencement No. 3 and Transitional Finance Provisions) Order 1999 (S.I. 1999/3434 (C. 96)), and by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2000 (S.I. 2000/213).

(**c**) S.I. 1992/2428.

SCHEDULE

Regulation 2

Contribution to Council Tax Benefit

1.—(1) E (contribution to benefit costs) is zero when either A is less than or equal to 1.045 or F is less than or equal to J. (For A, F and J see paragraphs 2, 3 and 4 respectively.)

(2) Otherwise, E is equal to—

$$\frac{(C - M) \times T \times B \times Z}{1 - (B \times Z)}$$

(3) For C, M and T see paragraphs 2(2), 5 and 5(4) respectively.

(4) B is the amount shown in relation to the authority in column 2 of Table A in this Schedule, being the lower of—

(a) the proportion (estimated by the Secretary of State) of council tax yield for the authority in the financial year beginning with 1st April 1999 accounted for by council tax benefit;

(b) the national average proportion (as so estimated) of council tax yield for authorities in that financial year accounted for by council tax benefit.

(5) Z (proportion of council tax benefit subsidy to be borne by the authority) is the amount shown in column 2 of Table B in this Schedule which corresponds with the amount N for the authority. (For N see paragraph 6.)

A

2.—(1) A (proportionate increase in council tax) equals

$$\frac{C}{D}$$

(2)(a) For the Greater London Authority C equals—

$$\frac{R - P}{T}$$

where R is the same as in section 88(2) of the 1999 Act(**a**), P is the same as in paragraph 5(3)(a), and T is the same as in paragraph 5(4), in each case for the financial year beginning with 1st April 2000.

(b) For any other authority C is the basic amount of council tax for the financial year beginning with 1st April 2000 calculated by the authority under section 44 of the 1992 Act but omitting, for the purposes of this calculation, the amount referred to in subsection (3)(c)(**b**).

(3) D (the guideline council tax as estimated by the Secretary of State for the financial year beginning with 1st April 1999) is the amount shown in relation to the authority in column 3 of Table A in this Schedule.

F

3.—(1) F (increase in budget requirement) equals G − H.

(2) G is the amount of the authority's budget requirement for the financial year beginning with 1st April 2000, calculated under section 43 of the 1992 Act(**c**) or (in relation to the Greater London Authority) the consolidated budget requirement calculated under section 85(8) of the 1999 Act(**d**).

(3) H (the budget requirement consistent with the guideline council tax for the financial year beginning with 1st April 1999 and estimated by the Secretary of State) is the amount shown in relation to the authority in column 4 of Table A in this Schedule.

J

4.—(1) J (cash Standard Spending Assessment increase) equals K − L.

(**a**) Section 88(2) of the 1999 Act is adapted in relation to the financial year beginning with 1st April 2000 by the Greater London Authority (Commencement No. 3 and Transitional Finance Provisions) Order 1999 (S.I. 1999/3434 (C. 96)).

(**b**) Paragraph (c) of section 44(3) is inserted by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2000 (S.I. 2000/213).

(**c**) Section 43 of the 1992 Act is adapted in relation to the financial year beginning with 1st April 2000 by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2000 (S.I. 2000/213), and in its application to the Receiver for the Metropolitan Police District in respect of the financial year beginning with 1st April 2000, section 43 is adapted by the Greater London Authority Act 1999 (Transitional and Consequential Finance Provisions) Order 1999 (S.I. 1999/3435).

(**d**) Section 85(8) of the 1999 Act is adapted in relation to the financial year beginning with 1st April 2000 by the Greater London Authority Act 1999 (Commencement No. 3 and Transitional Finance Provisions) Order 1999 (S.I. 1999/3434 (C. 96)).

(2) K is, subject to paragraph 7, the Standard Spending Assessment for the authority for the financial year beginning with 1st April 2000, calculated in accordance with the Local Government Finance Report for that year made under section 78A of the Local Government Finance Act 1988(**a**).

(3)(a) L (estimated Standard Spending Assessment for the financial year beginning with 1st April 1999) for the Greater London Authority is £1,039,759,000.

(b) L for any other authority is, subject to paragraph 7, the Standard Spending Assessment for the authority for the financial year beginning with 1st April 1999, calculated in accordance with the Local Government Finance Report for that year made under section 78A of the Local Government Finance Act 1988.

M

5.—(1) M (council tax at guideline for the financial year beginning with 1st April 2000) is the higher of

(a) $D \times 1.045$; or

(b) $\frac{H + J - P}{T}$

(2) For D, H and J, see paragraphs 2(3), 3(3) and 4 respectively.

(3)(a) P for the Greater London Authority is the aggregate of P1 and P2 (defined in sections 88(2) and 89(4) of the 1999 Act(**b**)) for the financial year beginning with 1st April 2000 increased or reduced in accordance with sections 88 and 89 respectively, but omitting for the purpose of this calculation the amount referred to in section 89(6A) of the 1999 Act(**c**).

(b) P for any other authority is the same as in section 44 of the 1992 Act for the financial year beginning with 1st April 2000, increased or reduced in accordance with that section but omitting, for the purpose of this calculation, the amount referred to in subsection (3)(c)(**d**).

(4) T is for the financial year beginning with 1st April 2000 the same as in section 44 of the 1992 Act or, in relation to the Greater London Authority, section 88(2) of the 1999 Act.

N

6.—(1) N (percentage increase above guideline) equals

$$\frac{(C - M) \times 100}{D}$$

(2) For C, M and D, see paragraphs 2(2), 5 and 2(3) respectively.

Police authorities

7.—(1) In relation to any police authority, and in relation to the Greater London Authority, the amounts referred to as K and L in paragraphs 4(2) and 4(3) respectively shall be increased as follows:

K shall be increased by the grant allocated to the authority, or in the case of the Greater London Authority, by the grant allocated to the Receiver for the Metropolitan Police District, under the Principal Formula as set out in the Table in paragraph 3 of the police grant report (The Police Grant Report (England and Wales) 2000/2001) approved by a resolution of the House of Commons pursuant to section 46 of the Police Act 1996(**e**) on 3rd February 2000; and

L shall be increased by the aggregate of

(a) the amount estimated by the Secretary of State and shown in relation to the authority in column 5 of Table A in this Schedule (increase for changes in the funding of police authorities in England); and

(b)(i) for authorities other than the Greater London Authority, the grant allocated to the authority under the Principal Formula as set out in the Table in paragraph 3 of the police grant report (The Police Grant Report (England and Wales) 1999/2000) approved by a resolution of the House of Commons pursuant to section 46 of the Police Act 1996 on 4th February 1999; or

(ii) for the Greater London Authority, £928,312,000, which is the Secretary of State's estimate of the grant which would have been allocated to the Authority under the Principal Formula in respect of the financial year beginning on 1st April 1999, had that authority and the functional bodies, been in existence during that financial year.

(**a**) 1988 c. 41; section 78A was inserted by paragraph 10 of Schedule 10 to the Local Government Finance Act 1992.

(**b**) Section 89(4) of the 1999 Act is adapted in relation to the financial year beginning with 1st April 2000 by the Greater London Authority Act 1999 (Commencement No. 3 and Transitional Finance Provisions) Order 1999 (S.I. 1999/3434 (C. 96)).

(**c**) Section 89(6A) of the 1999 Act is inserted by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2000 (S.I. 2000/213).

(**d**) Section 44(3)(c) is inserted by the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2000 (S.I. 2000/213).

(**e**) 1996 c. 16.

(2) In relation to Essex, Hertfordshire and Surrey County Councils the amount referred to as L in paragraph 4(3) shall be further increased by the amount estimated by the Secretary of State and shown in relation to the authority in column 5 of Table A in this Schedule (increase for changes in the boundary of the Metropolitan Police District).

Rounding

8. For the purposes of this Schedule the following rounding conventions will apply:

(a) the following amounts shall be rounded to the nearest thousand pounds—

E (paragraph 1),

G (paragraph 3(2)),

K (paragraph 4(2)),

L (paragraph 4(3)),

grant allocated under the Principal Formula (paragraph 7),

each of the sums aggregated in the calculation of the amount of P (paragraph 5(3)) and hence the amount of P,

in the case of the Greater London Authority each of the sums aggregated in the calculation of P1 and P2 referred to in paragraph 5(3)(a) and hence the amount of P,

R (paragraph 2(2)(a));

(b) T (paragraph 5(4)) shall be rounded to the nearest whole unit;

(c) amounts of C and M (paragraphs 2(2) and 5(1), shall be rounded to the nearest penny. Items P and T used in the calculation of C shall be rounded in accordance with sub-paragraphs (a) and (b) above. R (which in the case of major precepting authorities other than the Greater London Authority is defined in section 44 of the 1992 Act) and which is used in the calculation of C, shall be rounded to the nearest thousand pounds;

(d) where the amount to be rounded is exactly one half of the relevant unit designated in sub-paragraphs (a), (b) and (c) above for rounding purposes, the rounding shall be upwards to the next unit.

TABLE A

MAJOR PRECEPTING AUTHORITIES

Prescribed proportion of council tax yield, guideline council tax and budget requirement in 1999–2000 and adjustment to SSA in 1999–2000

Column 1	*Column 2*	*Column 3*	*Column 4*	*Column 5*
Greater London Authority	0.155	£107.95	£2,104,822,000	Nil
Receiver of the Metropolitan Police District	0.155	£17.96	£17,601,000	Nil
COUNTY COUNCILS				
Bedfordshire	0.105	£665.80	£273,913,000	Nil
Buckinghamshire	0.073	£578.90	£321,381,000	Nil
Cambridgeshire	0.085	£544.11	£333,064,000	Nil
Cheshire	0.097	£696.15	£480,213,000	Nil
Cornwall	0.151	£565.42	£343,640,000	Nil
Cumbria	0.134	£662.23	£361,266,000	Nil
Derbyshire	0.129	£666.30	£499,641,000	Nil
Devon	0.110	£594.62	£464,848,000	Nil
Dorset	0.093	£630.98	£252,499,000	Nil
Durham	0.155	£662.39	£373,659,000	Nil
East Sussex	0.122	£601.45	£338,240,000	Nil
Essex	0.116	£583.50	£909,632,000	£34,000
Gloucestershire	0.096	£561.33	£366,689,000	Nil
Hampshire	0.082	£584.49	£771,027,000	Nil
Hertfordshire	0.094	£553.26	£731,269,000	£68,000
Kent	0.120	£577.64	£966,887,000	Nil
Lancashire	0.140	£703.66	£855,268,000	Nil
Leicestershire	0.088	£621.87	£391,688,000	Nil
Lincolnshire	0.128	£582.98	£430,333,000	Nil
Norfolk	0.131	£582.83	£519,038,000	Nil
North Yorkshire	0.092	£562.01	£376,531,000	Nil
Northamptonshire	0.113	£564.26	£429,719,000	Nil
Northumberland	0.135	£683.65	£237,385,000	Nil
Nottinghamshire	0.133	£712.04	£531,652,000	Nil

Column 1	*Column 2*	*Column 3*	*Column 4*	*Column 5*
Oxfordshire	0.082	£563.67	£371,522,000	Nil
Shropshire	0.107	£580.33	£186,456,000	Nil
Somerset	0.115	£580.99	£318,589,000	Nil
Staffordshire	0.107	£557.18	£530,893,000	Nil
Suffolk	0.119	£567.62	£438,289,000	Nil
Surrey	0.062	£564.60	£650,102,000	£128,000
Warwickshire	0.108	£622.80	£332,068,000	Nil
West Sussex	0.091	£570.60	£478,883,000	Nil
Wiltshire	0.082	£586.20	£270,146,000	Nil
Worcestershire	0.098	£537.05	£332,248,000	Nil
POLICE AUTHORITIES				
Avon and Somerset	0.128	£57.33	£172,296,000	£415,000
Bedfordshire	0.122	£58.36	£63,111,000	£175,000
Cambridgeshire	0.098	£50.40	£74,968,000	£159,000
Cheshire	0.117	£56.27	£111,361,000	£268,000
Cleveland	0.155	£50.93	£81,925,000	£177,000
Cumbria	0.134	£75.61	£64,305,000	£157,000
Derbyshire	0.139	£59.88	£105,226,000	£260,000
Devon and Cornwall	0.135	£50.47	£174,873,000	£412,000
Dorset	0.106	£73.79	£76,746,000	£162,000
Durham	0.155	£50.78	£81,509,000	£178,000
Essex	0.125	£65.06	£177,123,000	£7,264,000
Gloucestershire	0.096	£60.34	£64,581,000	£156,000
Greater Manchester Police	0.155	£58.79	£382,227,000	£663,000
Hampshire	0.105	£52.39	£196,197,000	£528,000
Hertfordshire	0.094	£61.89	£116,347,000	£14,614,000
Humberside	0.155	£54.82	£114,569,000	£259,000
Kent	0.122	£50.59	£183,786,000	£508,000
Lancashire	0.154	£55.81	£181,049,000	£419,000
Leicestershire	0.126	£63.96	£106,603,000	£273,000
Lincolnshire	0.128	£82.90	£70,022,000	£135,000
Merseyside Police	0.155	£74.98	£246,573,000	£429,000
Norfolk	0.131	£56.04	£85,161,000	£181,000
North Yorkshire	0.098	£50.64	£77,843,000	£184,000
Northamptonshire	0.113	£72.41	£69,968,000	£173,000
Northumbria Police	0.155	£50.79	£213,360,000	£361,000
Nottinghamshire	0.155	£56.75	£128,693,000	£277,000
South Yorkshire Police	0.155	£56.71	£173,699,000	£369,000
Staffordshire	0.127	£75.68	£121,577,000	£310,000
Suffolk	0.119	£54.74	£69,810,000	£167,000
Surrey	0.062	£66.42	£114,366,000	£21,561,000
Sussex	0.116	£53.22	£168,374,000	£389,000
Thames Valley	0.083	£53.04	£227,166,000	£585,000
Warwickshire	0.108	£64.89	£55,000,000	£144,000
West Mercia	0.111	£56.05	£115,742,000	£281,000
West Midlands Police	0.155	£51.24	£381,838,000	£887,000
West Yorkshire Police	0.155	£54.76	£289,690,000	£619,000
Wiltshire	0.088	£65.59	£68,421,000	£163,000
FIRE AUTHORITIES				
Greater Manchester Fire	0.155	£28.52	£86,756,000	Nil
Merseyside Fire	0.155	£37.83	£60,467,000	Nil
South Yorkshire Fire	0.155	£27.69	£39,766,000	Nil
Tyne and Wear Fire	0.155	£30.61	£41,009,000	Nil
West Midlands Fire	0.155	£26.77	£84,648,000	Nil
West Yorkshire Fire	0.155	£24.38	£65,405,000	Nil

TABLE B

Local authority contribution factor to council tax benefit costs

Column 1	*Column 2*
Amount of N	Z
Not exceeding 0.5	0.125
Exceeding 0.5 and not exceeding 1	0.25
Exceeding 1 and not exceeding 1.5	0.375
Exceeding 1.5 and not exceeding 2	0.5
Exceeding 2 and not exceeding 2.5	0.625
Exceeding 2.5 and not exceeding 3	0.75
Exceeding 3 and not exceeding 3.5	0.875
Exceeding 3.5	1

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 31 of the Local Government Act 1999, a major precepting authority whose budget requirement is excessive must pay a sum to each billing authority to which the precepting authority may issue a precept. These Regulations contain provisions for the calculation and timing of those payments.

The Collection Fund (General) (England) Directions 2000 which are referred to may be obtained from the Department of the Environment, Transport and the Regions, Eland House, Bressenden Place, London SW1E 5DU.

ISBN 0-11-085972-3

9 780110 859729

£2.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E328 2/00 482185 19585