STATUTORY INSTRUMENTS

1974 No. 1987

LOCAL GOVERNMENT, ENGLAND AND WALES

The Rate Support Grant (No. 2) Regulations 1974

Made - - - -	*29th November* 1974
Laid before Parliament	*5th December* 1974
Coming into Operation	*1st April* 1975

The Secretary of State for the Environment, in exercise of the powers conferred upon him by section 10(3) of and paragraphs 2, 6, 9 and 11 of Schedule 2 to the Local Government Act 1974**(a)** and by section 48(4) of the General Rate Act 1967**(b)**, and of all other powers enabling him in that behalf, having consulted with such associations of local authorities as appeared to him to be concerned and with the local authority with whom consultation appeared to him to be desirable, hereby makes the following regulations:—

Title and commencement

1. These regulations may be cited as the Rate Support Grant (No. 2) Regulations 1974 and shall come into operation on 1st April 1975.

Interpretation

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

"the Act" means the Local Government Act 1974;

"new authority" means a local authority within the meaning of section 10(1) of the Local Government Act 1974;

"the Order" means the Rate Support Grant (No. 2) Order 1974;

"the Secretary of State" means the Secretary of State for the Environment;

"year" means a period of twelve months beginning with 1st April;

and in the Schedule to these regulations, expressions used in the Education Acts 1944 to 1973 have the same meanings as in those Acts.

(2) In these regulations any references to an enactment or instrument shall be construed as referring to that enactment or instrument as amended by any other enactment or instrument.

(a) 1974 c. 7. (b) 1967 c. 9.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Regulations to apply to year 1975–6

3. These regulations shall have effect for the purposes of rate support grants for the year 1975–6; and any references in these regulations to a year not otherwise identified are references to that year.

Submission of information

4.—(1) Each local authority shall submit to the Secretary of State, by such date as he may specify, such information as he may from time to time require in connection with the total estimated expenditure to be incurred by them during the year, for the purposes of paragraph 10(3) of Part III of Schedule 2 to the Act (which relates to the calculation of the uniform rate for purposes of the resources element).

(2) Where the Secretary of State is not satisfied that the information submitted to him by a local authority under paragraph (1) above accurately reflects the amount by reference to which the authority have calculated the general rate for that year, he may, after giving notice of his intention to the authority and affording them an opportunity to submit representations, make such adjustment of the information submitted to him under paragraph (1) above as he considers appropriate.

Estimates and conclusive calculations

5.—(1) The Secretary of State shall, upon the best information available to him, estimate and notify to each local authority the amounts of the constituent elements of rate support grant which will become payable to the authority for the year; and he may make and notify to the authority such further estimates of the said amounts, taking into account information not previously available, as he may think fit.

(2) As soon as practicable after he has received what appears to him to be sufficient information for the purpose, the Secretary of State shall make a conclusive calculation of the said amounts and notify the result thereof to each local authority.

(3) The amount of any element of rate support grant payable to a local authority shall be calculated to the nearest pound.

(4) Where it appears to the Secretary of State from any estimate or calculation made under this regulation that a sum in excess of the amount of the estimate or calculation has already been paid to a local authority in respect of rate support grants for the year, he may recover that sum by deduction from any amounts due to that authority in respect of rate support grants, whether for the year or for any subsequent year, or by payment to him by the authority after a demand therefor or partly by such a deduction and partly by such a payment, as he thinks fit.

Population, area, etc.

6.—(1) For the purposes of Schedule 2 to the Act and of Schedule 1 to the Order, the population of the area of a local authority shall be the number estimated by the Registrar General and certified by him to the Secretary of

(a) 1889 c. 63.

State for rate support grant purposes; and except for the purposes of paragraph 1(*d*) of the said Schedule 1 (which relates to decline in population) the Registrar General shall estimate the population of such an area by reference to the population on 30th June 1974.

(2) Subject to paragraph (3) below, for the purposes of paragraph 1(*b*) and (*c*) of Schedule 1 to the Order, the number of acres comprised in the area of a local authority shall be the number certified by the Ordnance Survey.

(3) The number of acres comprised in the Isles of Scilly shall, for the purposes of the said paragraph 1(*b*) and (*c*), be taken to be 46,120 acres.

(4) For the purposes of paragraph 1(*e*) of Schedule 1 to the Order, the number of men 65 years of age or over and women 60 years of age or over in the area of a local authority who were living alone at the date of the 1971 census shall be the number estimated by the Secretary of State on the basis of the census returns.

(5) Subject to paragraph (6) below, for the purposes of paragraph 1(*f*) of Schedule 1 to the Order, the number of persons living in parishes or wards in the area of a local authority with a density which exceeded 50 persons per hectare at the date of the 1971 census shall be the number estimated by the Secretary of State on the basis of the census returns.

(6) The reference in the said paragraph 1(*f*) to parts of parishes or wards is a reference to those parishes or wards as existing immediately before 1st April 1974 which on that date were divided between the areas of two or more new authorities; and in relation to the parts of those parishes or wards as so divided the number required for purposes of the said paragraph 1(*f*) shall be the number estimated by the Registrar General on the basis of the census returns and certified by him to the Secretary of State for rate support grant purposes.

Education units

7.—(1) For the purposes of paragraph 1(*a*) of Schedule 1 to the Order, the number of education units for the area of a local authority shall be the number calculated under the provisions of the Schedule to these regulations.

(2) In relation to an inner London borough or the City of London, the calculation required by paragraph (1) above shall be made by reference to the Inner London Education Area and not by reference to the area of the individual local authority; and the resulting number of education units in excess of 200 per 1,000 of the population of that area shall be apportioned on the basis of their respective populations between the inner London boroughs and the City of London.

Rateable values

8.—(1) Subject to the provisions of this regulation, for the purposes of paragraph 9(2) of Part III of Schedule 2 to the Act (which provides for the determination of effective rateable value of hereditaments in the area of a local authority, in order to arrive at rateable value per head of population of the area, in connection with entitlement to resources element), effective rateable value shall be the rateable value ascribed to the hereditament in the valuation list as at 1st April 1974.

(2) The reference in the preceding paragraph to a hereditament includes a reference to a notional hereditament which a body is treated as occupying by virtue of any enactment.

(3) If any local government area is altered under Part IV of the Local Government Act 1972 during the year 1974–5, the alteration shall be treated, for purposes of paragraph (1) above, as if it had become effective on 1st April 1974.

(4) For the purposes of paragraph 11(1)(*b*) of Part III of Schedule 2 to the Act (which provides for the recalculation of the resources element payable to a local authority following a reduction in the rateable value of hereditaments in their area if that reduction exceeds a specified percentage) the specified percentage shall be 2½ per cent.

Distribution of the domestic element

9.—(1) The amount of the domestic element payable to a local authority for the year shall be determined by multiplying the amount of the domestic element fixed by article 3(1) of the Order by $\frac{a}{A}$, where—

a is the domestic rateable value of the area of the local authority for the year multiplied by the amount of the reduction prescribed in relation to that area by article 3(5) of the Order and

A is the aggregate of the amounts calculated as for a in respect of each local authority in England and Wales entitled to receive domestic element in the year.

(2) For the purposes of this regulation the domestic rateable value of the area of a local authority shall be the amount, divided by two, of the aggregate of the rateable values as at 1st April 1975 and at 31st March 1976 of dwelling-houses in the area as certified by the valuation officer.

(3) No payment in respect of the domestic element shall be made to the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple if no rate in the nature of a general rate is levied in the Temple in question during the year.

Apportionment of rate reductions in the City of London by reference to the domestic element

10.—(1) Section 48 of the General Rate Act 1967 and paragraph 5 of Schedule 2 to the Act (which provide for the reduction of rates on dwellings by reference to the domestic element) shall, in their application to the City of London, have effect subject to the provisions of this regulation.

(2) Reductions of rates under the said provisions shall be apportioned between the poor rate and the general rate in the relevant proportions (taken to the nearest whole penny).

(3) Payments in respect of the domestic element shall be treated as being, in the relevant proportions, the proceeds of the poor rate and the general rate.

(4) In this regulation "the relevant proportions" means the proportions which, for the year, the number of pence in the pound of the poor rate and the general rate bear respectively to the aggregate of the number of pence in the pound of both of the said rates.

Regulation 7(1)

SCHEDULE

EDUCATION UNITS

1. For the purpose of calculating the numbers of education units for an area, each of the persons and items referred to in column (1) of the following table shall constitute the number of education units specified in relation thereto in column (2).

(1)	(2)
(*a*) Pupil in a primary school or nursery school	1.00
(*b*) Pupil in a secondary school or special school:—	
under 16 years of age on 31st December 1974	1.68
16 years of age or over on 31st December 1974	2.61
(*c*) Pupil in a direct grant grammar school:—	
under 16 years of age on 31st December 1974	1.176
16 years of age or over on 31st December 1974	1.827
(*d*) Student in an establishment of further education:—	
full-time	2.90
part-time	0.58
evening only	0.29
(*e*) 1,000 meals provided during the year ending on 31st March 1975	0.90

2. Head (*a*) above applies to every child who—

(i) at the beginning of the spring term 1975 was registered as a pupil at a primary school or a nursery school maintained or assisted by the local education authority for the area;

(ii) on 1st September 1974 was under 11 years of age and at the beginning of the spring term 1975 was registered as a pupil at a school within the area of the authority which was then deemed to be a primary or a secondary school by virtue of an order made under section 1(2) of the Education Act 1964**(a)**;

(iii) on 31st December 1974 was under 12 years of age and at the beginning of the spring term 1975 was registered as a pupil at an independent school at which education was provided for him in pursuance of arrangements made by the authority under section 6(1) of the Education (Miscellaneous Provisions) Act 1953**(b)**;

(iv) on 31st December 1974 was under 12 years of age and during January 1975 received education within the area of the authority in pursuance of arrangements made under section 56 of the Education Act 1944**(c)**.

3. Head (*b*) above applies to any child or young person who—

(i) was at the beginning of the spring term 1975 registered as a pupil at a secondary school or special school maintained or assisted by the local education authority for the area;

(ii) on 1st September 1974 was 11 years of age or over and at the beginning of the spring term 1975 was registered as a pupil at a school within the area of the authority which was then deemed to be a primary or a secondary school by virtue of an order made under section 1(2) of the Education Act 1964;

(a) 1964 c. 82. **(b)** 1953 c. 33. **(c)** 1944 c. 31.

(iii) on 31st December 1974 was 12 years of age or over and at the beginning of the spring term 1975 was registered as a pupil at an independent school at which education was provided for him in pursuance of arrangements made by the authority under section 6(1) of the Education (Miscellaneous Provisions) Act 1953;

(iv) on 31st December 1974 was 12 years of age or over and during January 1975 received education within the area of the authority in pursuance of arrangements made under section 56 of the Education Act 1944.

4. Head (*c*) above applies to any child or young person who at the beginning of the spring term 1975 was registered as a pupil at a school recognised as a grammar school for the purposes of regulation 4 of the Direct Grant Schools Regulations 1959**(a)** and filled a place at the school which the proprietors of the school had placed at the disposal of the authority in pursuance of regulation 16 of those regulations.

5. Head (*d*) above applies to any person who on 1st November 1974 was attending a course of further education at an establishment maintained or assisted by the local education authority for the area in pursuance of a scheme of further education made under section 42 of the Education Act 1944 except—

(i) a course for the training of teachers;

(ii) a course to which paragraph (*a*), (*b*) or (*d*) of Schedule 1 to the Further Education Regulations 1969**(b)** applies; or

(iii) a course provided in the evening only, other than a course of post-graduate study or of research or a course for any one of the qualifications specified in the annex to this schedule.

6. Head (*e*) above applies to midday meals provided in pursuance of regulation 5(1) of the Provision of Milk and Meals Regulations 1969**(c)** and includes meals provided with those meals to—

(*a*) teachers employed at the school;

(*b*) other persons employed by the local education authority, or by the governors or managers of the school, in connection with the organisation, inspection, preparation or service of the meals or the supervision of pupils during the midday break; and

(*c*) persons visiting the school in an official capacity.

ANNEX

Qualifications referred to in paragraph 5(iii) above

University degrees and diplomas (including higher degrees).

All post graduate and research studies whether or not comprising organised courses of lectures and whether or not leading to a qualification.

National Certificates and Diplomas.

College qualifications.

General Certificate of Education.

Art qualifications (including studies preceding the Diploma in Art and Design).

Nursing qualifications.

City and Guilds Certificates.

Membership of professional institutions (including College of Technologists).

Certificates of regional examining unions (except shorthand and typing courses).

(a) S.I. 1959/1832 (1959 I, p. 1034).
(b) S.I. 1969/403 (1969 I, p. 1138).
(c) S.I. 1969/483 (1969 I, p. 1382).

National Certificate endorsements giving exemption from Part 2 or 3 of the examination of a professional institution.

The Certificate in Office Studies.

Certificate of Secondary Education.

Anthony Crosland,
29th November 1974. Secretary of State for the Environment.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for carrying into effect the provisions of the Local Government Act 1974 with respect to the payment of rate support grants to local authorities for the year 1975–6. Rate support grants comprise three elements—namely, the needs element, the resources element and the domestic element. The actual amounts payable in respect of each of these elements are fixed by the Rate Support Grant (No. 2) Order 1974; but the method of making various calculations is left over to these Regulations.

In particular, the Regulations—

(*a*) determine how the population of any area is to be ascertained;

(*b*) determine how the number of education units is to be calculated;

(*c*) provide for determination of effective rateable values for purposes of arriving at rateable value per head of population in any area;

(*d*) provide for submission by local authorities to the Secretary of State of information required by him in connection with certain rate support grant calculations;

(*e*) provide for estimates and conclusive calculation of the amounts of the constituent elements of rate support grants and for the adjustment of excess payments;

(*f*) provide how the domestic element is to be distributed.

The Regulations also make special provision with regard to the City of London so that payment of the domestic element can take account of its special rating circumstances.

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