STATUTORY INSTRUMENTS

1967 No. 363

LOCAL GOVERNMENT, ENGLAND AND WALES

The Rate Support Grant Regulations 1967

Made - - -	8*th March* 1967
Laid before Parliament	16*th March* 1967
Coming into Operation	1*st April* 1967

The Minister of Housing and Local Government, in exercise of his powers under sections 5 and 6(4) of, and paragraph 2 of Part III of Schedule 1 to, the Local Government Act 1966(a), and of all other powers enabling him in that behalf, and having in relation to the following regulation 13 consulted 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:—

Citation, commencement and interpretation

1. These regulations may be cited as the Rate Support Grant Regulations 1967 and shall come into operation on 1st April 1967.

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

(2) In these regulations—

" the Act " means the Local Government Act 1966;

" the Act of 1958 " means the Local Government Act 1958(c);

" the Act of 1963 " means the London Government Act 1963(d);

" the Minister " means the Minister of Housing and Local Government;

" year " means a period of twelve months beginning with the first day of April.

(3) Subject to the last preceding paragraph, the expressions used in the Schedule to these regulations shall, unless the contrary intention appears, have the same respective meanings as for the purposes of the Education Acts 1944 to 1967.

Road-mileage

3.—(1) For the purposes of Parts I and II of Schedule 1 to the Act (which provide for the amounts payable to any local authority in respect of the needs element and the resources element respectively) the road-mileage for an area for any year shall be as calculated by the Minister of Transport except in relation to Wales and Monmouthshire and by the Secretary of State in relation to Wales and Monmouthshire, as at 1st April in the year.

(a) 1966 c. 42.
(b) 52 & 53 Vict. c. 63.
(c) 6 & 7 Eliz. 2. c. 55.
(d) 1963 c. 33.

(2) The roads to be taken into account for the purpose of calculating road-mileages are any highway maintainable at the public expense, comprising a made-up carriageway as defined in the Highways Act 1959(a).

Population and area

4.—(1) Subject to paragraphs 7 and 8 of the Schedule to these regulations, for the purposes of Parts I and II of Schedule 1 to the Act, the population of an area and the number of persons of any description in an area for any year shall be as estimated by the Registrar General as at 30th June in the year.

(2) For the purposes of paragraph 6 of Part I of Schedule 1 to the Act (which provides in relation to the needs element for a supplementary payment if the estimated population per acre of the area of the authority exceeds a prescribed number) the acreage of the area of a local authority shall, subject to changes in those areas, be taken according to the last published census for the time being.

(3) For the purposes of the two preceding paragraphs of this regulation, any area forming part of an administrative county but lying within the extent of a county borough shall, unless the Minister otherwise directs, be treated as forming part of the county borough and not of the county.

(4) For the purposes of paragraph 9 of Part I of Schedule 1 to the Act (which provides in relation to the needs element for a supplementary payment if the population of the area of an authority has declined over a prescribed period) the population of the area of a local authority at the end of the period shall be compared with the population at the commencement of the period of that area which comprises the area of that authority at the end of that period.

Education units

5.—(1) For the purposes of paragraph 5 of Part I of Schedule 1 to the Act (which provides in relation to the needs element for a supplementary payment in respect of an excess of education units per thousand of the population), the number of education units for any area for any year shall be as calculated by the Secretary of State for Education and Science.

(2) The Schedule to these regulations shall apply in respect of the calculation of the numbers of education units.

(3) In the application of the said paragraph 5 to the council of an inner London borough or the Common Council of the City of London, the number of education units per thousand persons in the population shall be calculated by reference to the Inner London Education Area and not by reference to the area of the individual council.

Submission of information

6. Each local authority shall—

(*a*) submit to the Minister, on or before such date as he may specify, such information as he may from time to time require in connection with rate support grants; and

(*b*) give the district auditor such access to their accounts and records as he may deem necessary for the examination of any information submitted by them under this regulation.

7.—(1) In respect of Part II of Schedule 1 to the Act (the resources element) the Minister may make such adjustment of the information submitted under the last preceding regulation, as may be necessary—

(a) 7 & 8 Eliz. 2. c. 25.

(*a*) to secure that proper allowance is made for any alteration made by the authority in the year in their method of, or practice in, accounting for income or expenditure, or in their practice in making transfers between the county fund or the general rate fund, as the case may be, and subsidiary accounts or funds or the funds of trading undertakings;

(*b*) to compensate for the inclusion in or omission from the authority's accounts of items of income or expenditure in any case in which those accounts do not properly represent the authority's transactions for a period of twelve months;

(*c*) to correct any other abnormal treatment of income and expenditure in the authority's accounts for the year.

(2) Before making any adjustment in pursuance of this regulation the Minister shall give notice of his intention to the authority and shall afford them an opportunity to submit representations thereon.

Estimates and conclusive calculations

8.—(1) Before the beginning of each year the Minister 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 that 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 Minister 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, a fraction of a pound in the initial result being ignored or reckoned as a pound accordingly as it is or is not less than ten shillings.

Excess payments

9. Where it appears to the Minister from any estimate or calculation made under the last preceding 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 any element of rate support grant for the year, the Minister may recover the said sum by deduction from the amount payable in respect of that element for that or any subsequent year or by payment by the authority to the Minister after a demand therefor or partly by such a deduction and partly by such a payment, as the Minister thinks fit.

Subsidiary funds and accounts

10.—(1) For the purposes of Part II of Schedule 1 to the Act, where a fund or account subsidiary to the county fund or the general rate fund (hereinafter referred to as " the subsidiary fund ") is established in pursuance of a public general or local Act, a provisional order or an order made or confirmed in accordance with the Statutory Orders (Special Procedure) Act 1945(a), payments as between the county fund or the general rate fund and the subsidiary fund shall be treated as expenditure or income of the local authority but other payments from or to the subsidiary fund shall not be so treated.

(a) 9 & 10 Geo. 6. c.18.

(2) Where the subsidiary fund is not established as aforesaid payments as between the county fund or the general rate fund and the subsidiary fund shall not be treated as expenditure or income of the local authority but other payments from or to the subsidiary fund shall be so treated.

Resources element—payments to be disregarded

11.—(1) Any payment of transitional assistance made by or to a local authority, whether before or after the coming into operation of these regulations, under an order under section 23(1) of the Act of 1958 (which provides for orders to give effect to proposals made by the Local Government Commission) or under section 70 of the Act of 1963 (which provides for transitional assistance by the Greater London Council to certain counties) shall be disregarded in ascertaining the expenditure of the authority for the purposes of Part II of Schedule 1 to the Act.

(2) References (however expressed) in any order referred to in the preceding paragraph of this regulation and made before the coming into operation of these regulations and the references in section 70(3) of the Act of 1963 to the disregard of payments in ascertaining the expenditure of any authority for the purposes of section 5 of the Act of 1958 (which relates to rate-deficiency grants), shall be construed as including references to the disregard of such payments in ascertaining the expenditure of the authority for the purposes of Part II of Schedule 1 to the Act.

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

12.—(1) Section 6 of, and Part III of Schedule 1 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 section 6 shall be apportioned between the poor rate and the general rate in the relevant proportions:

Provided that any apportionment under this paragraph may be made 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, in respect of any year, the proportions which, for that 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.

Distribution of the domestic element

13.—(1) The amount of the domestic element payable to a local authority for any year shall be the proportion of the aggregate amount of that element which the domestic rateable value for that year of the area of the authority bears to the domestic rateable value of England and Wales:

Provided that 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 for any period for which no rate in the nature of a general rate is levied in the Temple in question.

(2) For the purposes of this regulation the domestic rateable value for any year of the area of a local authority shall be the sum of—

(*a*) the amount, divided by two, of the aggregate of the rateable values as at 1st April and 31st March in the year of dwellinghouses in the area, as certified by the valuation officer; and

(*b*) a proportion of the amount, divided by two, of the aggregate rateable values as at 1st April and 31st March in the year of mixed hereditaments in the area; the proportion being that which the amount in the pound of the reduction in rates for the year made by the authority under section 6(1)(*b*) bears to that made under section 6(1)(*a*) of the Act.

(3) For the purposes of this regulation, the domestic rateable value for any year of England and Wales shall be the sum of the domestic rateable values ascertained under the preceding paragraph of this regulation of all local authorities in England and Wales entitled to receive the domestic element for that year.

(4) In this regulation the expression " mixed hereditament " has the meaning assigned to it by section 6(5) of the Act.

SCHEDULE

Education Units

1. For the purpose of calculating the numbers of education units for an area for any year, 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*) Primary and nursery school pupil	1·00
(*b*) Secondary and special school pupil—	
under 16 years of age	1·75
16 years of age and over	3·47
(*c*) Further education establishment student	3·00
(*d*) University or other student award	3·55
(*e*) 1,000 main mid-day meals for day pupils provided in any year in maintained schools	1·01
(*f*) Training centre child under 16 years of age	1·75

2. For the purpose of estimating for an area the number of pupils and children under heads (*a*), (*b*) and (*f*) of the foregoing table, regard shall be had to the pupils on the registers of schools maintained or assisted by the local education authority for the area; to pupils at other schools, the fees for whose education are paid by that authority; to children receiving education otherwise than at school under arrangements made under section 56 of the Education Act 1944(**a**); and to children in attendance at centres provided by or under arrangements made by the local health authority for the area under section 28 of the National Health Service Act 1946(**b**) for the occupation or training of persons who are or have been suffering from mental disorder:

Provided that the number of pupils at schools recognised as direct grant grammar schools by the Secretary of State for the purposes of any regulations made by him for the payment of grant to such schools, the fees for whose education are paid by the local education authority for the area, shall be taken at 60 per centum of the full number.

(**a**) 7 & 8 Geo. 6. c. 31. (**b**) 9 & 10 Geo. 6. c. 81.

3. For the purpose of estimating for an area the number of further education establishment students under head (*c*) of the foregoing table, regard shall be had to the students on the rolls of further education establishments maintained or assisted by the local education authority for the area:

Provided that—

(*a*) no regard shall be had—

(i) to students taking advanced courses the cost of which constitutes expenditure of the kind specified in paragraph 13(4)(*c*) of Part I of Schedule 1 to the Act; or

(ii) to students taking courses of professional teacher training including such courses at Art Training Centres, or courses of further training, the costs of which constitute expenditure of the kind specified in paragraph 13(4)(*a*) or (*b*) of Part I of Schedule 1 to the Act; or

(iii) to students who attend only in the evening and do not undertake studies of the kind specified below or do not follow courses leading to any of the qualifications specified below:—

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)
National Certificate endorsements giving exemption from Parts 2 or 3 of the examination of a professional institution
The Certificate in Office Studies
Certificate of Secondary Education;

(*b*) day students attending other than full-time and students attending only in the evening shall be taken at 20 per centum and 10 per centum of the full numbers respectively.

4. For the purpose of estimating for an area the number of university and other student awards under head (*d*) of the foregoing table, regard shall be had to awards made under sections 1 and 2 of the Education Act 1962(**a**) to students attending universities and establishments of further education:

Provided that—

(*a*) the awards carry grants at the rate for first degree and comparable courses, or at a lower maximum rate which is nevertheless designed to cover the full cost of fees and maintenance subject to a parental contribution or deduction, if any; and

(*b*) the cost to the local education authority does not constitute expenditure specified in paragraph 13(4)(*b*) and (*e*) of Part I of Schedule 1 to the Act or in regulations made under paragraph 13(5)(*a*) of that Schedule.

(**a**) 10 & 11 Eliz. 2. c. 12.

5. The number of main mid-day meals at maintained schools to be taken into account for an area under head (*e*) of the foregoing table, shall also include such meals served to—

(*a*) teachers of the schools concerned;

(*b*) other persons employed by the local education authority or by the governors or managers, who undertake duties concerned with the organisation, inspection, preparation or service of the meals or with the supervision of pupils during the mid-day break; and

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

6. For the purposes of paragraphs 2 and 3 of this Schedule—

(*a*) children or further education establishment students belonging to the area of one local education authority who are pupils on the register of a school or are enrolled at an establishment of further education maintained or assisted by the local education authority for another area shall be treated as if the school or further education establishment were maintained or assisted by the authority for the first-mentioned area and not by the authority for the other area; and

(*b*) children belonging to the area of one local health authority who are in attendance at occupation or training centres provided by the local health authority for another area shall be treated as if the centre were provided by the authority for the first-mentioned area and not by the authority for the other area.

7. The number of pupils, students and items to be taken into account under heads (*a*) to (*d*) of the foregoing table for an area for any year shall be estimated by the Secretary of State as at the following times within the year—

(*a*) January, for heads (*a*) and (*b*);

(*b*) November, for head (*c*);

(*c*) December, for head (*d*).

8. The number of children to be taken into account under head (*f*) of the foregoing table for an area for any year shall be as estimated by the Minister of Health as at 31st December in the year.

Given under the official seal of the Minister of Housing and Local Government on 8th March 1967.

(L.S.) *Anthony Greenwood,*

Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note does not form part of the Regulations.)

These regulations provide for the carrying into effect of sections 1 to 4 of, and Schedule 1 to, the Local Government Act 1966 (which provide for payment by the Minister of Housing and Local Government to councils of counties, county boroughs and county districts, the Greater London Council, councils of London boroughs, the Common Council of the City of London and the Council of the Isles of Scilly, for the year 1967–68 and subsequent years, of rate support grants comprising three elements, the needs element, the resources element and the domestic element). They also adapt to the special rating circumstances of the City of London the provisions of section 6 of, and Part III of Schedule 1 to, the Act (which provide for the reduction of rates of dwellings by reference to the domestic element).

In particular, the regulations—

(*a*) determine the manner and time as at which road mileages, population, the numbers of persons of any description and the numbers of education units for any area for any year are to be ascertained for the purposes of calculating the amounts payable to individual local authorities in respect of the needs element and the resources element;

(*b*) provide for submission by local authorities to the Minister of information required by him in connection with rate support grants;

(*c*) provide for estimates and conclusive calculation of the amounts of the constituent elements of rate support grant and for the recovery by the Minister of excess payments made by him in respect of those elements;

(*d*) deal with the manner in which certain payments are to be treated for the purpose of ascertaining local authorities' expenditure in connection with entitlement to, and calculation of the amount of, the resources element;

(*e*) provide for the manner in which the aggregate amount of the domestic element for any year is to be distributed among the local authorities entitled thereto.