STATUTORY INSTRUMENTS

1990 No. 68

LOCAL GOVERNMENT, ENGLAND AND WALES

FINANCE

The Relevant Population (England) Regulations 1990

Made - - - -	*22nd January 1990*
Laid before the House of Commons	*23rd January 1990*
Coming into force	*24th January 1990*

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 140(4), 143(1) and (2) of, and paragraph 6 of Schedule 12A to the Local Government Finance Act 1988(**a**), and of all other powers enabling him in that behalf hereby makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Relevant Population (England) Regulations 1990 and shall come into force on 24th January 1990. They apply to England only.

Interpretation

2.—(1) In these Regulations–

"the Act" means the Local Government Finance Act 1988;

"boundary changes order" means an order under section 51(2) of the Local Government Act 1972(**b**);

"charging authority" means an English charging authority;

"register" means community charges register;

"the Distribution Report" means the Revenue Support Grant Distribution Report (England) made by the Secretary of State for the Environment on 20th December 1989 under section 80 of the Act;

"the Population Report" means the Population Report (England) made by the Secretary of State for the Environment on 20th December 1989 under paragraph 2 of Schedule 12A to the Act;

"the relevant day" means the day on which the calculation referred to in regulation 3(1) of these Regulations is made;

"the relevant part" means the part of the authority's area of which the relevant population is being calculated;

"the year" means the chargeable financial year for which a precept is to be issued under section 68(**c**) of the Act;

"the preceding year" means the financial year immediately preceding the year.

(**a**) 1988 c.41; Schedule 12A was inserted by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 74.
(**b**) 1972 c.70.
(**c**) Section 68 was amended by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 49.

(2) References in these Regulations to any provision of the Distribution Report or the Population Report ('the first reports') shall be treated as including references to any equivalent provision of any subsequent report made by the Secretary of State under section 80 or paragraph 2 of Schedule 12A to the Act and approved by the House of Commons under section 81 of or paragraph 3 of Schedule 12A to the Act; and references in these Regulations to anything done or used for the purposes of the first reports shall be construed accordingly.

Relevant population of charging authorities' areas

3.—(1) Where the relevant population of part of a charging authority's area for a chargeable financial year needs to be found for the purposes of section 69 of the Act(**a**), the authority shall calculate the relevant population of that part by applying the appropriate formula found in accordance with the Schedule to these Regulations.

(2) Where the result of a calculation pursuant to paragraph (1) includes a fraction of less than 0.5 the result shall be rounded downwards to the nearest whole number; and if it includes a fraction of 0.5 or more, rounded upwards to the nearest whole number.

Chris Patten
22nd January 1990 — Secretary of State for the Environment

SCHEDULE — Regulation 3

RULES FOR CALCULATING THE RELEVANT POPULATION OF PARTS OF CHARGING AUTHORITIES' AREAS

Basic formula

1. Subject to paragraphs 2 and 3 below, the appropriate formula is–

$$R \times \frac{P + (0.2 \times PS)}{W + (0.2 \times WS)}$$ where–

(a) R is the relevant population of the charging authority's area for the year last calculated by the Secretary of State under paragraph 4 of Schedule 12A to the Act and notified to the charging authority in accordance with sub-paragraph (4) of that paragraph;

(b) P is the number of persons, other than those referred to in sub-paragraph (c) below, shown in the charging authority's register on the relevant day as subject on that day to a personal community charge in respect of a residence in the relevant part of the authority's area;

(c) PS is the number of persons shown in the charging authority's register on the relevant day as both subject on that day to a personal community charge in respect of a residence in the relevant part of the authority's area and undertaking a full-time course of education on that day; and

(d) W and WS have the same meanings as P and PS respectively, with the modification that references in sub-paragraphs (b) and (c) above to the relevant part of an authority's area shall be construed as references to the authority's area as a whole.

Formula for authorities affected by boundary changes

2.—(1) Where it appears to the charging authority making the calculation that the number of persons subject to a personal community charge in respect of a residence in any part of the charging authority's area will, in the period between the relevant day and 2nd April in the year, be affected by a boundary changes order made by the Secretary of State on or before 8th December in the preceding year and coming into force at any time during that period the appropriate formula is–

$$R \times \frac{(P + PJ - PL) + (0.2 \times (PS + PJS - PLS))}{(W + WJ - WL) + (0.2 \times (WS + WJS - WLS))}$$ where–

(a) R, P, PS, W and WS have the same meanings as in paragraph 1 above;

(**a**) Section 69 was amended by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 50.

(b) PJ is the authority's estimate of the number of persons, other than those mentioned in sub-paragraph (1)(c) below, who were not on the relevant day shown in the authority's register as subject on that day to a personal community charge in respect of a residence in the relevant part of the authority's area but who, as a result of a boundary changes order, will on 1st April in the year be subject to a personal community charge in respect of a residence in that part;

(c) PJS is the authority's estimate of the number of persons, who were not on the relevant day shown in the authority's register as subject on that day to a personal community charge in respect of a residence in the relevant part of the authority's area but who will on 1st April in the year, as a result of a boundary changes order, be subject to a personal community charge in respect of a residence in that part, and will be undertaking a full-time course of education on that day;

(d) PL is the authority's estimate of the number of persons, other than those referred to in sub-paragraph (1)(e) below, shown in the authority's register on the relevant day as subject on that day to a personal community charge in respect of a residence in the relevant part of the authority's area, who, as a result of a boundary changes order, will on 1st April in the year not be subject to a personal community charge in respect of a residence in that part;

(e) PLS is the authority's estimate of the number of persons shown in the authority's register on the relevant day as both subject on that day to a personal community charge in respect of a residence in the relevant part of the authority's area and undertaking a full-time course of education on that day, who, as a result of a boundary changes order, will on 1st April in the year not be subject to a personal community charge in respect of a residence in that part;

(f) WJ, WJS, WL and WLS have the same meanings as PJ, PJS, PL and PLS respectively, with the modification that the references in sub-paragraphs (1)(b) to (1)(e) above to the relevant part of an authority's area shall be construed as references to the authority's area as a whole.

(2) The estimates required to be made under this paragraph shall be made using information from the registration officer for the charging authority and any information available to him from the registration officer of any other charging authority affected by the boundary changes order in question.

Special rules for areas lying partly within and partly without the Metropolitan Police District

3.—(1) This paragraph applies for the purposes of calculating the relevant population of parts of a charging authority's area where that area lies partly within and partly without the Metropolitan Police District(**a**).

(2) Except where sub-paragraph (3) below applies, where the part of the area of which the relevant population needs to be found is the entire part of the authority's area lying within or, as the case may be, without the Metropolitan Police District the relevant population of that entire part shall be calcualted by applying the appropriate formula in paragraph 1 or (where the circumstances described in paragraph 2 apply) paragraph 2 of this Schedule, where–

(a) R has the same meaning as in paragraph 1 above; and

(b) P, PS, W and WS have the same meanings as in paragraph 1 above with the modification that references in sub-paragraphs (b) and (c) of that paragraph to the relevant day shall be construed as references to 1st December in the preceding year.

(c) PJ, PJS, PL and PLS have the same meanings as in paragraphs 2(1)(b) to (e) above, and WJ, WJS, WL and WLS have the same meanings as in paragraph 2(1)(f) above with the modifications that references in those paragraphs to the relevant day shall be construed as references to 1st December in the preceding year.

(3) Where under paragraph 4(4) of Schedule 12A to the Act the Secretary of State notifies a charging authority of what he calculates as the relevant population of its area for the year and, at the same time, notifies the authority–

(a) that his calculation of the relevant population of its area has been made in accordance with paragraph 4 of the Population Report (calculation using information from the Registrar General and other sources), and

(b) of his estimates (used for the purposes of the calculations in Part I of Annex E to the Distribution Report) of the proportions which the populations of the parts of the authority's area lying respectively within and without the Metropolitan Police District bear to the population of the whole of the authority's area,

the relevant population of the entire part of the authority's area lying within or, as the case may be, without the Metropolitan Police District shall be calculated in accordance with the formula–

(**a**) *See* section 76 of the London Government Act 1963 (c.33); subsections (1) (b)–(d) were substituted by article 11 of S.I. 1974/482.

R × F where–

R has the same meaning as in paragraph 1 above; and

F is the Secretary of State's estimate notified to the authority as described in this sub-paragraph of the proportion applicable to the part of the area lying within or, as the case may be, without the Metropolitan Police District.

(4) Where the relevant population of part of an authority's area is to be calculated and that part–

(i) lies wholly within (or wholly without) the Metropolitan Police District; but

(ii) does not constitute the whole of the area of the authority within (or without) the Metropolitan Police District,

the population of that part shall be calculated by applying the appropriate formula in paragraph 1 or (where the circumstances described in paragraph 2 apply) paragraph 2 of this Schedule, where–

(a) R is the population figure (found in accordance with sub-paragraph (5) below) of the entire part of the authority's area lying within or, as the case may be, without the Metropolitan Police District;

(b) P and PS have the same meanings as in paragraph 1 above;

(c) PJ, PJS, PL and PLS have the same meanings as in paragraph 2 above;

(d) W and WS have the same meanings as in paragraph 1(d) above and WJ, WL, WJS and WLS have the same meanings as in paragraph 2(1)(f) above; with the modification that references in those paragraphs to the authority's area as a whole shall be construed as references to the entire part falling within or, as the case may be without the Metropolitan Police District.

(5) For the purposes of sub-paragraph (4)(a) above–

(a) the population figure of the part of the authority's area lying within the Metropolitan Police District is the number shown against the name of that authority in the third column of the table in the third paragraph of Part I of Annex E to the Distribution Report; and

(b) the population figure of the part of the authority's area lying without the Metropolitan Police District is the relevant population of the whole of the authority's area last calculated by the Secretary of State under paragraph 4 of Schedule 12A to the Act, less the population figure of the part of the authority's area lying within the Metropolitan Police District, found in accordance with sub-paragraph (5)(a) above.

(6) Where the part of the authority's area of which the relevant population needs to be found comprises some part of the authority's area lying within and some part of the authority's area lying without the Metropolitan Police District, the relevant population of that part is the sum of the relevant populations of the parts falling within and without the Metropolitan Police District calculated separately in accordance with sub-paragraph (4) above.

EXPLANATORY NOTE

(This note is not part of these Regulations)

Section 69 of the Local Government Finance Act 1988 ('the 1988 Act') requires precepting authorities to secure that such of their expenses as are to be met by precepts are borne by the appropriate charging authority to whose area or part of whose area the expenses relate, or by all such charging authorities (if more than one), in proportion. The proportions are to be determined by reference to the relevant populations of such areas or parts of such areas to which the expenses relate.

Paragraph 6(2) of Schedule 12A to the 1988 Act (inserted by paragraph 74 of Schedule 5 to the Local Government and Housing Act 1989) requires the Secretary of State to make regulations containing rules for calculating for chargeable years the relevant population of any part of a charging authority's area where this needs to be found for the purposes of section 69. The rules are set out in the Schedule to these Regulations, which apply to England only. The basic rule is contained in paragraph 1 of the Schedule. Paragraphs 2 and 3 contain special rules for determining the relevant population of areas affected by boundary changes and areas lying partly within and partly without the Metropolitan Police District.

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