WELSH STATUTORY INSTRUMENTS

2010 No. 685 (W.67)

LOCAL GOVERNMENT, WALES

The Local Authorities (Capital Finance and Accounting) (Wales) (Amendment) Regulations 2010

Made - - - - 4 March 2010
Laid before the National Assembly for Wales - - 10 March 2010
Coming into force in accordance with regulation 1(2)

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon them by sections 9(3), 11(1), 21(1) and (2), 24 and 123 of the Local Government Act 2003(**1**):

Title and commencement

1.—(1) The title of these Regulations is The Local Authorities (Capital Finance and Accounting) (Wales) (Amendment) Regulations 2010.

(2) These Regulations come into force for the purposes of regulations 3(2) and (3) and 6 on 31 March 2010 and for the purposes of all other regulations on 1 April 2010.

Amendment of the Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003

2. The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003(**2**) are amended in accordance with regulations 3 to 9.

Retirement benefits

3.—(1) For regulation 4(2) substitute—

> "(2) For the purposes of paragraph (1) and regulation 24 "retirement benefits" means benefits payable pursuant to statutory requirements under an arrangement accounted for as a defined benefit pension plan or as other long-term employee benefits (as defined in accordance with proper practices).".

(**1**) 2003 c. 26. Section 24 was amended by section 238(3) of the Local Government and Public Involvement in Health Act 2007 (c. 28).
(**2**) S.I. 2003/3239 (W.319) as amended by S.I. 2004/1010 (W. 107), 2004/2918 (W.257), 2006/944 (W.93), 2006/2914, 2007/1051 (W.108), 2008/588 (W.59) and 2009/560 (W.52).

(2) In relation to accounts prepared for the financial year beginning on 1 April 2009, paragraph (1) has effect as if for the words "defined benefit pension plan or as other long-term employee benefits" is substituted "defined benefit scheme".

(3) In regulation 24(1), for the words "legislation specified in sub-paragraphs (a) to (f) of" substitute "statutory requirements mentioned in".

Use of capital receipts

4.—(1) In regulation 18(2), for the words "paragraphs (3) and (6)" substitute "paragraphs (3), (6) and (7)".

(2) In regulation 18(6), omit the word "administrative".

(3) After regulation 18(6) insert—

"(7) Where a local authority receives a capital receipt in respect of a disposal of an interest in land other than housing land, the capital receipt may be applied in defraying the costs of or incidental to the disposal, provided that such costs do not exceed 4% of the capital receipt arising from the disposal.".

Back payment following unequal pay

5. After regulation 24A(4) insert—

"(5) Subject to paragraph (6), this regulation ceases to have effect on 1 April 2013.

(6) Where paragraph (4) applies to an amount, it continues to apply until the date on which the payment is actually made, whether or not the date is on or after 1 April 2013.".

Impairment of certain investments

6.—(1) Regulation 24G is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (b) omit "or";

(b) after sub-paragraph (b) insert—

"(ba) an impairment loss is recognised in a revenue account of the local authority for the financial year beginning on 1 April 2010;"; and

(c) at the end of sub-paragraph (c) omit "," and insert—

"; or

(d) the value of an impairment loss recognised in a revenue account of the local authority for the financial year beginning on 1 April 2009 is increased in a revenue account of the authority for the financial year beginning on 1 April 2010,".

(3) After paragraph (2) insert—

"(2A) A local authority which credits an amount to a revenue account for the financial year beginning on 1 April 2009 under paragraph (1) may debit an amount of up to the value of that credit to a revenue account for the financial year beginning on 1 April 2010.".

(4) In paragraph (3)—

(a) in sub-paragraph (a), after "2008" insert "or 1 April 2009";

(b) in sub-paragraph (b)(i), after "2009" insert "or 1 April 2010"; and

(c) in sub-paragraph (b), after "2009" (where it occurs secondly) insert "or, as the case may be, 1 April 2010".