WELSH STATUTORY INSTRUMENTS

# 2010 No. 317 (W.41)

# LOCAL GOVERNMENT, WALES

FINANCE

# The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2010

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| *Made - - - -* | *11 February 2010* |
| *Laid before the National Assembly for Wales - -* | *15 February 2010* |
| *Coming into force - -* | *28 February 2010* |

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 32(9), 33(4), 43(7), 44(4) and 113(2) of the Local Government Finance Act 1992(**1**) and now vested in them(**2**).

**Title, commencement, application and interpretation**

**1.**—(1) The title of these Regulations is The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2010 and they come into force on 28 February 2010.

(2) These Regulations apply in relation to authorities in Wales.

(3) These Regulations apply in relation to the financial year beginning on 1 April 2010.

(4) In these Regulations "the 1992 Act" ("*Deddf 1992*") means the Local Government Finance Act 1992.

**Calculation of budget requirement (billing authorities)**

**2.** Section 32 of the 1992 Act has effect as if—

(a) in subsection (3)(a)(**3**) the words "or relevant special grant" were omitted; and

(**1**) 1992 c. 14; section 32(9) was amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994 (c. 19).

(**2**) These functions were transferred, in relation to Wales, to the National Assembly for Wales under article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and subsequently to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) Section 32(3)(a) was amended by paragraph 4 of Schedule 12 to the Local Government (Wales) Act 1994, the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246) and the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I.1995/234). It was also modified in relation to the financial year 2009–2010 by regulation 2(a) of the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2009 (S.I. 2009/267 (W.30)).

(b) after subsection (12) the following subsection were inserted(**4**)—

"(12A) In this section and section 33 below—

(a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.1) 2010-2011 (Final Settlement-Councils) approved by resolution of the National Assembly for Wales pursuant to section 84H(2)(**5**) of, and paragraph 11B(1)(**6**) of Schedule 8 to, the Local Government Finance Act 1988 on 12 January 2010; and

(b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report.".

**Calculation of basic amount of council tax (billing authorities)**

**3.** Section 33(1) of the 1992 Act(**7**) has effect as if in item P the words "or relevant special grant" were omitted.

**Calculation of budget requirement (major precepting authorities)**

**4.** Section 43 of the 1992 Act has effect as if—

(a) in subsection (3)(a)(i)(**8**)—

(i) the words "relevant special grant" were omitted; and

(ii) the words "floor funding" were inserted before "or police grant;"; and

(b) after subsection (6D) the following subsections were inserted(**9**)—

"(6E) In this section and section 44 below—

(a) references to sums payable for the financial year in respect of redistributed non-domestic rates are references to sums so payable in accordance with the Local Government Finance Report (No.2) 2010-2011 (Final Settlement-Police Authorities) approved by resolution of the National Assembly for Wales pursuant to section 84H(2) of, and paragraph 11B(1) of Schedule 8 to, the Local Government Finance Act 1988 on 9 February 2010; and

(b) references to sums payable for the financial year in respect of revenue support grant are references to sums so payable in accordance with that report.

(6F) In this section and section 44 below "floor funding" means grant payable to a major precepting authority by the Secretary of State in addition to the police grant referred to in subsection (6C).".

(**4**) Section 32 was also modified by regulation 2(b) of S.I. 2009/267 (W.30) to have effect as if a new section (12A) were inserted in relation to the financial year 2009–2010.

(**5**) 1988 c. 41; section 84H was substituted (for section 84H as inserted by section 40(1) of, and Schedule 2 to, the Local Government Act 2003 (c. 26)) by article 3 of, and Schedule 1 to, the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).

(**6**) Paragraph 11B(1) was substituted (for paragraph 11B(1) as inserted by section 40(1) of, and Schedule 2 to, the Local Government Act 2003) by article 3 of, and Schedule 1 to, S.I. 2007/1388.

(**7**) Section 33(1) was amended by S.I. 1994/246 and S.I. 1995/234. It was also modified in relation to the financial year 2009–2010 by regulation 3 of S.I. 2009/267 (W.30).

(**8**) Section 43(3)(a) was amended by S.I. 1994/246 and S.I. 1995/234. It was also modified in relation to the financial year 2009–2010 by regulation 4(a) of S.I. 2009/267 (W.30).

(**9**) Section 43 was modified by regulation 4(b) of S.I. 2009/267 (W.30) to have effect as if new subsections 43(6E) and (6F) were inserted in relation to the financial year 2009–2010.