

THE NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2000

Background

These regulations relate to provisions in the Local Government Finance Act 1992 concerning –

The calculation by county councils and county borough councils of their budget requirements (section 32).

The calculation by such councils of the "basic amount" of their council tax (section 33).

The calculation of their budget requirements by major precepting authorities which, in Wales, are only police authorities

(section 43).

Each of the above sections contains an enabling power whereby the Assembly may make regulations amending certain elements of those sections with regard to the method of calculation in each case.

In the case of subordinate legislation which makes textual amendment to primary legislation, the practice is to obtain the views of Parliamentary Counsel on the wording of the textual alterations. Parliamentary Counsel has confirmed that he has no points to raise in relation to the present regulations.

Standing Order 11.5

The legal advisers to the Committee had initially had concerns with regard to the following –

1. Section 33(4) merely allows regulations under section 32(9) to make alterations to section 33 which are consequential upon alterations made to

section 32. The present regulations do not, however, contain any alterations to section 32(9). Thus, in order for the present regulations to be within the power of section 33(4) it is necessary to establish that the amendments now made to section 33 are directly related to earlier amendments made to section 32.

2. Since section 33(3D) of the 1992 Act, as inserted by SI 1999/296, relates solely to subsection (3C) the present regulations should provide for the omission of subsection (3D) as well as subsection (3C).

The above points have now been satisfactorily resolved, however.

In relation to point 1 a link has been established as follows between the present regulations and earlier amendments to section 32 –

Section 32(2)(e) was added by SI 1994/246.

SI 1994/246 amended the calculation of item P in section 33(3), in consequence.

SI 1999/296 inserted subsections (3C) and (3D) into section 33 to provide for a different method of calculation for item P in Wales.

The present regulations remove this different method of calculation.

In relation to point 2, the regulations now before the Committee have been revised to provide for the omission of subsection (3D) in addition to subsection (3C).

Thus no points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention.

General Observations

Some other small drafting points, together with points on the Explanatory Note, had been identified by the legal advisers to the Committee, but these have all now been taken into account in the final draft.

Thus the only point now to be recorded is that the footnotes will need to be allocated to their appropriate pages in the printed version.

M German OBE AM

Chair, Legislation Committee

15th February 2000

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