

PART XI

PROVISIONS APPLICABLE ONLY TO PART OF EAST SUSSEX

Brighton

A. Enclosed places

61. In this Head of this Part—

Definitions
for Head A
of Part XI.

“enclosed places” means the enclosures and gardens in the borough of Brighton forming part of the squares and places named in column (1) of Schedule 1 to this Act and shall also include any gardens or enclosed grounds which may after the commencement of this Act be the subject of an order of the Secretary of State made under section 63 (Extension to other places and houses) of this Act;

“enclosure committee” means, in relation to each enclosed place, the committee appointed for that place in accordance with section 65 (Committee for managing enclosed places) of this Act;

“the mayor” means the mayor of Brighton;

“privileged houses” means the houses and parts of houses described in column (2) of Schedule 1 to this Act and shall also include any houses which may after the commencement of this Act be the subject of an order of the Secretary of State made under the said section 63;

“owner” and “occupier” when used in relation to any request or consent required by this Head of this Part to be made or given by any owners or occupiers of privileged houses, or in relation to the right of voting at any election of any committee of any enclosed place, shall have the following meanings:—

“owner” shall mean any person for the time being receiving, whether on his own account or as agent or

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—cont.

trustee for any other person or as mortgagee or other incumbrancer in possession, the rack-rent of any privileged house or any part thereof, or who would be entitled so to receive the rack-rent if such house or part thereof were let at a rack-rent;

“ occupier ” shall mean any person in the actual occupation of any such house, or any part thereof occupied as a separate tenement, who has been assessed to the general rate in respect of such house or part thereof for not less than one year immediately preceding the day of the making or giving by him of any such request or consent or the tendering of his vote at any such election, and has also before that day paid all rates due from him under this Head of this Part, except rates which have so become due within the six months immediately preceding that day.

Enclosed places to continue vested in Brighton Borough Council.

62. The enclosed places shall (subject to all rights of the owners and occupiers of the privileged houses in relation to such places respectively to use the same respectively as pleasure grounds or gardens) continue vested in the Brighton Borough Council as trustees for the purposes and subject to the provisions of this Head of this Part; and the Brighton Borough Council shall, subject to the provisions of this Head of this Part, continue to be entitled to the benefit of the covenants originally entered into with the owner of each enclosed place by the first purchasers of the several sites of privileged houses entitled to the user thereof.

Extension to other places and houses.

63.—(1) This section applies to any garden or enclosed ground which has been set apart (otherwise than by the revocable permission of the owner thereof) in any public square, crescent, circus, street or other public place for the use or enjoyment of the inhabitants of the houses abutting upon or in the immediate vicinity of the same, subject to any condition or reservation for keeping such garden or enclosed ground as a garden or pleasure ground or unbuilt upon.

(2) (a) The Brighton Borough Council, if requested by not less than three-fourths in number of the owners and occupiers of houses abutting upon or in the immediate vicinity of any garden or enclosed ground to which this section applies, may order that such garden or enclosed ground shall, together with the benefit of the covenants originally entered into with the owner of the garden or enclosed ground by the first purchasers of the several sites of privileged houses entitled to the user thereof, vest in them as trustees for the purposes and subject to the provisions of this Head of this Part.

(b) An order made under paragraph (a) above shall take effect immediately after the publication of notice of the order in the London Gazette, and thereupon the provisions of this Head of this Part shall (subject to subsection (3) below) extend to the garden or enclosed ground and the privileged houses to which the order applies.

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—cont.

(c) The production of a copy of the London Gazette containing any such notice as aforesaid shall be conclusive evidence of the due making of an order under this section and that the provisions of this Head of this Part are in force in relation to the garden or ground and the houses specified in the order.

(3) Notwithstanding anything in section 65 (Committee for managing enclosed places) of this Act, the day for the first election of the enclosure committee for a garden or enclosed ground in respect of which an order has been made under this section shall be a day specified in the order.

64. Each of the enclosed places shall be kept free from all buildings and as a pleasure ground or garden for the use and enjoyment of the owners and occupiers of the privileged houses and their respective families, visitors and friends (subject to the provisions of this Act as to the maintenance, management and improvement of the same), and may from time to time be used and enjoyed respectively as a pleasure ground or garden by the owners and occupiers of the privileged houses and by any of their respective families, visitors and friends and by no other persons subject to the provisions of this Head of this Part:

Provided that—

- (i) nothing in this section shall prevent the provision of gardeners' sheds or other similar structures which may be required for the purpose of facilitating the management of any enclosed place; and
- (ii) no visitors or friends of any such owner or occupier shall be entitled to use any enclosed place unless accompanied by such owner or occupier or by some member of his family resident in his house.

65.—(1) For the purpose of providing for the maintenance, management and improvement of the enclosed places and of the grass, trees, shrubs, plants, flowers, rails, fences, seats and other things therein and the walks thereon and the enclosure railings, walls or fences thereof, there shall for each enclosed place be a committee who shall, to the exclusion of any other person or authority, be charged with the duty of such maintenance, management and improvement, and such committee shall be known as the enclosure committee for the enclosed place in respect of which they have been constituted.

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—cont.

(2) Each enclosure committee shall (subject to subsection (3) below) consist of six persons of whom one shall be the mayor or some member of the Brighton Borough Council nominated in writing by the mayor and the remainder shall be owners or occupiers of the privileged houses to be elected annually at the times in the manner and subject to the conditions prescribed by the regulations contained in Schedule 2 to this Act.

(3) An enclosure committee may from time to time within 10 months after the last election of members by resolution increase or decrease the number of members of the committee as they may think fit, but such resolution shall only take effect at the annual election of members next after the passing of the resolution, and the number of the members constituting the committee shall not at any time be more than eight nor less than five of whom the mayor, or such nominees of the mayor as aforesaid, shall always be one.

(4) An enclosure committee shall for the purposes aforesaid have all such rights, powers and authorities and be entitled to do all such acts, matters and things and to cause to be executed all such works and to employ and remunerate all such superintendents, gardeners and workmen as they may think necessary.

(5) Each enclosure committee shall hold meetings at such time and place as they may from time to time think necessary.

(6) At every meeting of an enclosure committee the chairman of the meeting shall be the mayor or such nominee of the mayor as aforesaid, if present, and if he be absent some other member to be chosen by the committee.

(7) At any meeting of an enclosure committee all powers vested in the committee under this Act may be exercised by any three or more members present at the meeting and no business shall be transacted unless three members be present; and all questions shall be decided by a majority of those present and voting and in case of equality of votes the chairman of the meeting shall have a second or casting vote.

Power to
make rates to
defray
expenses.

66.—(1) An enclosure committee may, for the purpose of defraying any expenses incurred by them in the execution of this Head of this Part, once or more often in every year make, assess and collect a rate or rates upon and from the occupier of every privileged house or any part of a privileged house occupied as a separate tenement according to the rateable value of such house or part thereof respectively according to the valuation list for the time being in force:

Provided that such rate or rates shall not in any one year exceed 25 pence in the pound on the rateable value of such house or part thereof respectively.

(2) If any rate authorised by this section shall be in arrear for one month after a notice in writing demanding payment thereof has been served on the occupier of a privileged house or any part of a privileged house occupied as a separate tenement, the rate may be recovered by and in the name of the Brighton Borough Council on behalf of the enclosure committee in the county court as a simple contract debt, and in any proceedings it shall not be necessary to prove the appointment of the enclosure committee or any member thereof.

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—cont.

(3) Any three or more occupiers of separate privileged houses or separate parts of a privileged house may appeal against any such rate within 14 days after the demand for the rate to a magistrates' court on the ground of irregularity in making the rate or of the amount thereof being larger than is necessary, but no such appeal shall be heard unless ten clear days' notice in writing be given to the Brighton Borough Council on behalf of the enclosure committee stating the objection to the rate; and the court shall have power in case of irregularity in making the said rate to quash the rate, or, if in their judgment the amount thereof is larger than necessary, to vary the rate accordingly and to make such order as to costs as they may think just.

(4) The provisions of section 18 of the General Rate Act 1967 shall extend and apply with respect to any rate to be made by the enclosure committee under this section as though such rate were a general rate under that Act and the committee were the rating authority, and the provisions of subsections (1) and (2) of section 109 of the said Act of 1967 shall apply to any notice demanding payment of a rate under this section.

(5) An enclosure committee may, for the purpose of making, assessing and collecting any rate or rates which they are by this section authorised to make, appoint a fit person to assist them in making and assessing such rate or rates and to collect the same and may pay him such remuneration as they may think fit.

67. An enclosure committee may in the name of the Brighton Borough Council on behalf of the committee—

Power to
bring action
and take
proceedings.

- (a) bring any action of ejectment or trespass or other action for recovering or defending the possession of the enclosed place for the purposes of this Act, or for obtaining the payment of damages or any mandamus or injunction in respect of or against any actual or contemplated injury or damage to such enclosed place or any part or parts thereof, or the fences, walks, lawns and property in or about the same; and
- (b) take proceedings for the recovery of the fines prescribed by the byelaws relating to such enclosed place from persons committing offences against the byelaws.

PART XI
—cont.

Brighton
Borough
Council not
liable in
respect of
legal
proceedings
instituted
under
section 67.

68.—(1) Nothing in this Head of this Part shall render the Brighton Borough Council liable in respect of any legal proceedings instituted by an enclosure committee in the name of the borough council under section 67 (Power to bring action and take proceedings) of this Act.

(2) All damages, costs, charges and expenses which may become payable by the Brighton Borough Council in respect of any legal proceedings instituted by an enclosure committee under the said section 67 shall be paid by that committee, and the committee shall be entitled to indemnify themselves for such payment out of moneys applicable or which may be raised by them for defraying the expenses incurred in the exercise of their functions.

Proceedings
of enclosure
committee not
to be
invalidated
for want of
form.

69. Proceedings instituted by an enclosure committee under this Act shall not be invalidated or be illegal in consequence of there being any vacancy in the number of the committee at the time of such proceedings, and all proceedings of such committee or of any person acting on their behalf shall, notwithstanding the subsequent discovery that there was some defect in the appointment or election of any of the members of the committee, or that they or any of them were disqualified, be as valid as if every member of the committee had been duly appointed or elected and was qualified to be a member of the committee.

Appropriation
of enclosed
places.

70.—(1) Notwithstanding anything in this Head of this Part, the Brighton Borough Council may with the consent of any enclosure committee testified by resolution and with the consent of two-thirds of the owners of the privileged houses in relation to the enclosed place concerned, take over and maintain as a public park or pleasure ground the whole or any part of such enclosed place, and as from the date of the last of such consents the provisions of this Head of this Part shall cease to apply to the enclosed place or part of an enclosed place so taken over by the Brighton Borough Council.

(2) A copy of any such resolution certified by the chairman of the meeting at which the same was passed to be true, shall be conclusive evidence of the meeting having been duly convened and held and of the resolution having been duly passed.

(3) This section shall not apply to Royal Crescent.

SCHEDULES

Section 61.

SCHEDULE 1

LIST OF ENCLOSED PLACES AND PRIVILEGED HOUSES

(1) Name of the squares and places of which the enclosed places form part	(2) Description of the privileged houses
Hanover Crescent	Houses Nos. 1 to 24 inclusive and the two houses known respectively as North Lodge and South Lodge in Hanover Crescent.
Royal Crescent	Houses Nos. 1 to 14 inclusive in Royal Crescent.
Marine Square	Houses Nos. 4 to 12 inclusive on the west side of Marine Square. Houses Nos. 12A to 19 inclusive on the north side of Marine Square. Houses Nos. 20 to 28 inclusive on the east side of Marine Square. Houses Nos. 124 to 128 inclusive on Marine Parade.

Section 65 (2).

SCHEDULE 2

REGULATIONS AS TO ELECTION OF MEMBERS OF ENCLOSURE COMMITTEES

1. A meeting for the election of members of each enclosure committee shall be held on such day in the month in which such meetings were held prior to the commencement of this Act at such convenient place in the district and at such time as may from time to time be appointed by the mayor.

2. The mayor shall cause a notice of every such intended meeting and of the time and place of holding it and of the number of members to be elected to be sent by letter to each of the owners and occupiers of the privileged houses or any part thereof known to the mayor addressed to their last known residence three clear days at least before the day of election.

3. The mayor shall be entitled to be present and when present shall preside at every such meeting and shall be the returning officer and in the case of his absence the persons present at such meeting shall appoint one of themselves to preside at such meeting and such chairman shall then be the returning officer.

4. The members of an enclosure committee elected at any such meeting as aforesaid shall continue in office for one year from the date of their election or until a new committee is appointed.

5. Every member of an enclosure committee going out of office as aforesaid or otherwise ceasing to be a member of the committee may be re-elected.

SCH. 2
—cont.

6. Every person who is the owner or occupier of any privileged house or any part thereof shall be qualified to attend and be an elector at any meeting for the election of members to serve on the enclosure committee for the enclosed place in respect of which the privileged house is privileged, and shall have one vote for each member then to be elected; and the electors present at the meeting shall proceed to elect persons being electors to be members of the committee together with the mayor.

7. Where two or more persons shall be joint owners or joint occupiers of any privileged house or any part thereof each of those persons shall be entitled to one vote for each member to be elected.

8. Any person who is owner and also bona fide occupier of the same privileged house shall be entitled to vote both in respect of such ownership and of such occupation.

9. At any such meeting as aforesaid any elector may if he consents thereto be nominated by any other elector as a member of the committee.

10. If at the expiration of one-quarter of an hour after the time fixed for the holding of any such meeting no more candidates be nominated than there are vacancies to be filled, the returning officer shall forthwith declare the candidates who may be nominated to be elected; but if at the expiration of one-quarter of an hour more candidates be nominated than there are vacancies to be filled the returning officer shall proceed to take the votes of all electors present.

11. Every such election shall be determined by the majority of the votes of the electors present and voting at such election and in case of an equality of votes the returning officer shall have a casting vote.

12. Any member of the committee who after his election ceases to be qualified to be an elector or becomes bankrupt or submits his affairs to liquidation by arrangement or compounds with his creditors shall be disqualified to be and shall cease to be a member of the committee.

13. If any member of the committee die or resign or be disqualified or cease to be a member of the committee from any other cause than that of going out of office the remaining members of the committee if they think fit may as soon as may be after the happening of such vacancy elect another elector to serve on the committee in his place and every member so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

14. If from any cause whatever any election under this Schedule does not take place on the day appointed for such election then such election shall stand adjourned until the fourteenth day following and the mayor shall give notice thereof within three clear days after the day on which such election should have taken place in manner hereinbefore prescribed with respect to the giving of notices of elections.

15. If the mayor fails to give notice of any adjourned election any two owners or occupiers of privileged houses or any part thereof may give such notice instead of the mayor.

Sch. 2
—cont.

16. If from any cause whatever on the occurrence of any election the number of candidates nominated be less than the number to be elected the persons so nominated shall be deemed to be elected and the remaining places shall be filled up by an equal number of the retiring members or failing them of electors and the persons to fill up such vacancies shall be settled at the first meeting of the committee after such election by the members then present.

17. In this Schedule “owner” and “occupier” have the same respective meanings as in section 61 (Definitions for Head A of Part XI) of this Act.

16.1.91

S T A T U T O R Y I N S T R U M E N T S

1991 No.

RATING AND VALUATION

The Brighton Enclosures (Special Levies) Regulations 1991

Made February 1991

Coming into force February 1991

The Secretary of State, in exercise of the powers conferred on him by sections 75, 118 and 143(1) and (2) of the Local Government Finance Act 1988(a) and of all other powers enabling him in that behalf, after taking such steps by means of a notice in newspapers as he thinks reasonably practicable to bring the contents of the Regulations to the notice of persons likely to be affected, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Brighton Enclosures (Special Levies) Regulations 1991, and shall come into force on the day after the day on which they are made.

(a) 1988 c.41. Sections 75 and 118 are amended by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraphs 55 and 67.

Interpretation

2. In these Regulations -
- "the 1981 Act" means the East Sussex Act 1981(a);
 - "the 1988 Act" means the Local Government Finance Act 1988;
 - "the Council" means Brighton Borough Council;
 - "enclosed places", "enclosure committee" and "privileged houses" have the meanings which they respectively bear in the 1981 Act; and
 - "year" means financial year.

Power to issue special levies

3. An enclosure committee shall have power, for any year, to issue in accordance with these Regulations a special levy to the Council for the purpose of defraying any expenses incurred by that committee in providing for the matters mentioned in section 65 (managing enclosed places) of the 1981 Act.

Amounts of special levies

4.- (1) The amount of the special levy issued under these Regulations for the year beginning in 1991 by an enclosure committee shall not exceed the amount mentioned in column 2 of the Table in relation to the enclosed place mentioned in column 1 in respect of which that committee are appointed.

TABLE

<u>Column 1</u>	<u>Column 2</u>
Hanover Crescent	£3789
Marine Square	£9691
Royal Crescent	£5576

(2) The amount of a special levy in respect of an enclosed place for any year (a "relevant year") beginning in or after 1992 shall not exceed an amount equal to $\frac{A \cdot X \cdot B}{C}$,

where -

(a) 1981 c. xxv. Sections 61 and 66 are amended by S.I. 1989/776, Schedule 3, paragraphs 29 and 30.

A is the amount which the special levy issued for the enclosed place concerned for the year preceding the relevant year may not exceed;

B is the retail prices index for September of the year preceding the relevant year; and

C is the retail prices index for September of the year which precedes that preceding the relevant year,

but where the base month for the retail prices index for September of the financial year which precedes that preceding the relevant year differs from that for the index for September of the year which precedes the relevant year, C is the figure calculated by the Secretary of State pursuant to paragraph 5(5) of Schedule 7 to the 1988 Act.

Time for issue of levies

5. An enclosure committee shall use their best endeavours to secure that any special levy which they propose to issue with respect to a year is issued before 15th February in the preceding year; but their power to issue a special levy with respect to a year shall not be extinguished by reason of a failure to issue it before that date.

Treatment of levies

6. - (1) Where a special levy is issued under these Regulations by an enclosure committee and is taken into account by the Council in making its calculations under section 95(2) of the 1988 Act(a), the Council shall treat

(a) Section 95 is amended by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 63.

its expenses needed to meet the levy as special expenses relating to such part of its area as consists of the privileged houses in relation to the enclosed place in respect of which that committee are appointed.

(2) If at the time the Council makes its calculations in respect of a year under section 95 of the 1988 Act a special levy in respect of that year has not been issued to it by an enclosure committee, the Council may, in estimating under subsection (2)(a) of that section, take into account its estimate of the amount of the special levy which it considers that committee will issue to it.

(3) An amount estimated by the Council under paragraph (2) shall be treated as special expenses relating to that part of its area which consists of the privileged houses in relation to the enclosed place in respect of which the committee concerned are appointed.

Payments

7. - (1) Subject to paragraph (5), the amount for which a special levy under these Regulations is issued is payable in ten monthly instalments on the first day of May, and of each of the succeeding nine months, in that year.

(2) The instalments shall be of equal amount, save that if the amount of the levy (expressed in pence) divided by the number of instalments gives a number which is not a multiple of ten pence, the amount of all instalments but the first shall be rounded to the nearest penny, and the amount of the first instalment shall be adjusted accordingly.

(3) If any sum due under this regulation remains unpaid after the period of 30 days beginning on the day on which it fell due, interest shall be payable on it with respect to every day after that on which it fell due, and on which it remains unpaid.

(4) The annual rate of such interest payable with respect

to any day shall be a rate 2 per cent. above the base annual rate for the day quoted by members of the Committee of London and Scottish Bankers or, where there is for the time being more than one such rate, the higher or highest of them.

(5) If, by virtue of the failure of an enclosure committee to issue a special levy for a year before 15th February in the preceding year in accordance with regulation 5, insufficient time is available to enable the Council to arrange for the first instalment to be paid on 1st May in the year -

(a) the first instalment shall be payable on the first day of a later month, being the first such day on which, in the Council's opinion, it is reasonably practicable to arrange for that instalment to be paid, and

(b) the number of instalments remaining shall be equal to the number of months in the year after the later month mentioned in sub-paragraph (a), and each such instalment shall be payable on the first day of each later month in that year.

Special levies issued in substitution

8. -(1) Where an enclosure committee have issued a special levy (originally or by way of substitute), they may in respect of the year concerned issue a further special levy in substitution.

(2) A special levy issued in substitution must be issued in accordance with regulations 3 and 4.

(3) No special levy may be issued in substitution if its amount would be greater than the amount of the levy for which it is substituted, unless that levy ("the old levy") has been quashed because of a failure to comply with regulation 3 or 4.

(4) Where an enclosure committee issue a levy in substitution ("the new levy"), anything paid to it by

reference to the old levy shall be treated as paid by reference to the new levy.

(5) If the amount of the old levy exceeds that of the new levy, the following shall apply as regards anything paid if it would not have been paid had the amount of the old levy been the same as that of the new levy:

(a) it shall be repaid if the Council so requires, or

(b) in any other case it shall, as the enclosure committee determine, either be repaid or credited against any subsequent liability of the Council in respect of any special levy of that committee;

and the amount of any remaining instalments payable under regulation 7 shall be adjusted accordingly.

(7) If the amount of the new levy exceeds that of the old levy, the amount of the difference between any amount paid by reference to the old levy and the amount of the new levy shall be payable in accordance with regulation 7 as if the amount of the difference were the amount of an original levy issued when the new levy was issued.

(8) Regulation 7(3) and (4) (interest on late payments) applies to payments under a substitute levy as it applies to payments under an original levy.

Abolition of the power to rate

9.-(1) With effect from 1st April 1991 the 1981 Act is amended in accordance with this regulation for the purposes of the abolition of the power of enclosure committees to make rates as regards any time on or after that date, and for supplementary and consequential purposes (including the amendment of the qualifications of those entitled to be electors).

(2) Section 66 of the 1981 Act is repealed.

(3) Without prejudice to section 16 of the Interpretation Act 1978(a), the repeal effected by paragraph (2) shall not have effect in relation to the continued operation of the section so repealed for the purposes of, or for purposes connected with -

(a) any rate made under that section in respect of any period ending before 1st April 1991; and

(b) any liability for a rate in respect of any such period.

(3) In section 61 of the 1981 Act, for the definition of "occupier" there shall be substituted the following:

"'occupier' shall mean any person who has, on each day of the year preceding the day on which such request is made, such consent is given or (as the case may be) such election held, been liable to a personal, collective, or standard community charge of the Brighton Borough Council in respect of residence in, or (as the case may be) having a leasehold or freehold interest in, a privileged house or part thereof."

1991

One of Her Majesty's
Principal Secretaries
of State

STATUTORY INSTRUMENTS

sfu
Solicitor General
Department of the
Environment

1993 No. 678

RATING AND VALUATION

The Brighton Enclosures (Special Levies)
(Amendment) Regulations 1993

Made - - - - 8th March 1993
Coming into force 9th March 1993

The Secretary of State, in exercise of the powers conferred on him by sections 75 and 143(1) and (2) of the Local Government Finance Act 1988(a), and of all other powers enabling him in that behalf, after taking such steps by means of a notice in newspapers as he thinks reasonably practicable to bring the contents of the Regulations to the notice of persons likely to be affected, hereby makes the following Regulations:

Citation, commencement and interpretation

1.-(1) These Regulations may be cited as the Brighton Enclosures (Special Levies) (Amendment) Regulations 1993 and shall come into force on the day after the day on which they are made.

(2) In these Regulations "the principal Regulations" means the Brighton Enclosures (Special Levies) Regulations

(a) 1988 c.41; section 75 was amended by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 55 and the Local Government Finance Act 1992 (c.14), Schedule 13, paragraph 73; section 143(2) was amended by the Local Government and Housing Act 1989, Schedule 5, paragraph 72. The Secretary of State is the appropriate Minister for the purposes of section 75: see section 118(5) of the 1988 Act, as amended by the Local Government and Housing Act 1989, Schedule 5, paragraph 67.

[DET 4941]

1991(a).

Interpretation of the principal Regulations

2. Regulation 2 of the principal Regulations is amended by inserting after the definition of "the 1988 Act" the following definition-

"the 1992 Act" means the Local Government Finance Act 1992;"

Treatment of levies

3. Regulation 6 of the principal Regulations is amended -

(a) in paragraph (1) -

(i) by substituting for the words "under section 95(2) of the 1988 Act" the words "in accordance with section 32(2) of the 1992 Act";

(ii) by inserting after the words "shall treat" the words "for the purposes of sections 34 and 35 of that Act";

(b) in paragraph (2) -

(i) by substituting for the words "under section 95 of the 1988 Act" the words "in accordance with section 32 of the 1992 Act";

(ii) by substituting for the words "under subsection (2)(a) of that section" the words "in accordance with subsection (2)(a) of that section";

(a) S.I. 1991/216.

- (c) in paragraph (3) by inserting after the words "shall be treated" the words "for the purposes of sections 34 and 35 of the 1992 Act".

Payment of special levies

4. Regulation 7 of the principal Regulations is amended by substituting for paragraph (4) the following -

"(4) The annual rate of such interest payable with respect to any day shall be at a rate equivalent to 2 per cent. above the highest base rate quoted from time to time by any of the reference banks.

(4A) For the purposes of paragraph (4) -

(a) the reference banks are the seven largest institutions -

(i) authorised by the Bank of England under the Banking Act 1987; and

(ii) incorporated in and carrying on a deposit-taking business within the United Kingdom;

which quote a base rate in sterling;

(b) the size of an institution is to be determined by reference to its total consolidated gross assets denominated in sterling, as shown in its audited end-year accounts last published before the period for which interest is payable begins.

(4B) In paragraph (4A) -

"consolidated gross assets" of an institution is a reference to the gross assets of that institution

together with any subsidiary (within the meaning of section 736 of the Companies Act 1985); and

"a deposit taking business" has the meaning given in section 6 of the Banking Act 1987 but subject to any order under section 7 of that Act."(a).

Transitional provision

5. Nothing in these Regulations shall affect the operation of the principal Regulations in relation to special levies issued or anticipated in accordance with those Regulations in respect of a financial year beginning before 1st April 1993.



Department of the
Environment

One of Her Majesty's Principal
Secretaries of State

8th March 1993

(a) Banking Act 1987 (c.22). Companies Act 1985 (c.6). Section 736 of the Companies Act 1985 was substituted by section 144(1) of the Companies Act 1989 (c.40).

CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF ENACTMENTS

The Grimsby Pastures Act 1849 (c.xvi)(a)

1. In sections III and VI, for the words "and paying a personal community charge of the Corporation" there are substituted the words "and liable, as a resident, to pay an amount of council tax to the Corporation".

2. In section VIII for the words "or shall not have paid a personal community charge of the Corporation" there are substituted the words "or shall not have paid to the Corporation an amount of council tax for which he is liable as a resident".

The Pier and Harbour Orders Confirmation (No. 2) Act 1894 (c.cxi)

3. In the Schedule (b), in the Polperro Order—

(a) in article 4, for the words "and subject to a personal community charge of Caradon District Council" there are substituted the words "and liable, as a resident, to pay an amount of council tax to Caradon District Council"; and

(b) in article 5—

(i) for the words "chargepayers", in the first, third, fourth and fifth place where it occurs, there are substituted the words "council tax payers";

(ii) for the words "An extract from the community charges register certified by the community charges registration officer" there are substituted the words "The register of local government electors (within the meaning of the Representation of the People Act 1983)"; (c)

(iii) for the words "chargepayers" means persons who are subject to a personal community charge of Caradon District Council" there are substituted the words "council tax payers" means persons who are liable, as residents, to pay an amount of council tax to Caradon District Council".

The East Sussex Act 1981 (c.xxv)

4. In section 61(d), for the definition of "occupier" there is substituted the following definition—

"occupier" shall mean any person who, in respect of each day in the period of 12 months immediately preceding the day on which such request is made, such consent is given or (as the case may be) such election held, was liable (whether solely or with others) to pay council tax to the Brighton Borough Council in respect of a privileged house or part thereof or, where any part of the period falls before 1st April 1993, was liable to pay a personal, collective, or standard community charge of that Council in respect of residence in, or (as the case may be) having a leasehold or freehold interest in, a privileged house or part thereof."

The Local Government Act 1985 (c.51)

5. In section 77(e)—

(a) in subsection (2), for the words "charging authority" there are substituted the words "billing authority";

(b) in subsection (4), for the words "the charging authorities" there are substituted the words "the billing authorities";

(c) in subsection (5), for the words "and references in this section to a charging authority shall be construed as references to an authority which is a charging authority for the purposes of the Local Government Finance Act 1988 by virtue of section 144(1)(a), (b) or (c) of that Act" there are substituted the words "and references in this section to a billing authority shall be construed as references to an authority, other than the Council of the Isles of Scilly, which is a billing authority for the purposes of Part I of the Local Government Finance Act 1992."

(a) As continued and amended by section 51 of, and Schedule 5 to, the Humberside Act 1982 (c.iii) and S.I. 1991/1730.

(b) Amended by S.I. 1991/1730.

(c) 1983 c.2.

(d) Section 61 was amended by paragraph 29 of Schedule 3 to S.I. 1990/776 and by regulation 9(4) of S.I. 1993/216.

(e) Section 77 was amended by S.I. 1991/268.