an exemption from the prohibition imposed by Section 1 (1) of the Local Authorities Loans Act, 1945, on borrowing by Local Authorities, without the approval of the Treasury, otherwise than from the Public Works Loan Commissioners.

These amending Regulations provide for the revision of the above Regulation, so that

(1) there are substituted references to Sections 258 (2) and 260 (1) of the Local Government (Scotland) Act, 1947, for the references in the original Regulation to Section 67 (4) of the Local Government (Scotland) Act, 1889, and Section 49 of the Burgh Police (Scotland) Act, 1903. These latter provisions have been repealed by, but their effect reproduced in, the Local Government (Scotland) Act, 1947.

(2) the scope of the exemption is extended to cover temporary borrowing by River Boards, in exercise of the powers conferred on those Boards by Section 11 (1) of the River Boards Act, 1948.

LOCAL GOVERNMENT, ENGLAND

The Local Government (Grants and Payments) (Alterations of Boundaries, etc.) Regulations, 1951

1951 No. 514

Made - - - -	22*nd March*, 1951
Laid before Parliament	27*th March*, 1951
Coming into Operation	31*st March*, 1951

L.G.P.731.

The Minister of Local Government and Planning in exercise of his powers under sections 15 and 110 of the Local Government Act, 1948(a), hereby makes the following regulations:—

PART I

Citation and Interpretation

1. These regulations may be cited as the Local Government (Grants and Payments) (Alterations of Boundaries, etc.) Regulations, 1951, and shall come into operation on the thirty-first day of March, 1951.

2.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Local Government Act, 1948;

"alteration" means an alteration or combination of authorities or alteration of boundaries (including the formation or abolition of a county district or rural parish or a group of rural parishes under a common parish council but excluding the creation of a new county or county borough) which takes effect on or after the 1st April, 1951;

(a) 11 & 12 Geo. 6. c. 26.

(b) 52 & 53 Vict. c. 63.

"date of" and "year of" in relation to an alteration mean, respectively, the date on which and the year in which the alteration takes effect,

and other expressions used in these regulations have the same meanings as in the Act.

3.—(1) For the purposes of these regulations—

(*a*) where by virtue of an alteration a new district is constituted any area comprised therein shall be deemed to have been transferred thereto from any district in which it was comprised immediately before the alteration;

(*b*) where by virtue of an alteration a district is abolished any area comprised therein immediately before the alteration shall be deemed to have been transferred therefrom to any district in which it is comprised immediately after the alteration.

(2) In this regulation "district" means a county, county borough, borough, urban or rural district, rural parish or a group of rural parishes under a common parish council.

PART II

Modification of estimates and calculations for purposes of Exchequer Equalisation grants, etc.

4.—(1) Where an area is affected by an alteration in any year estimates or calculations required to be made for the purposes of Part I or Part V of the Act with respect to that area and year and with respect to any matter mentioned in the next succeeding paragraph shall be made in the manner provided by paragraphs (3) and (4) of this regulation.

(2) The matters referred to in the last foregoing paragraph are:—

(*a*) rateable value,

(*b*) the population of, and the number of children under fifteen years of age in, a county or county borough,

(*c*) the road mileage of a county,

(*d*) the amount to be paid under section 9 of the Act by the council of a county to the council of a county district.

(3) The estimates and calculations aforesaid shall be made as follows:—

Estimates or calculations of the relevant matter shall first be made in accordance with the Act with respect to the area as constituted on the 1st April and on each date, or each other date, as the case may be, of alteration, (each of which dates is hereinafter referred to as a "constitution date"), but upon the assumption, with respect to each date of alteration, where requisite, that it had been the 1st April, and there shall then be added together such proportion of the result of each of those estimates as the number of days in the period from the constitution date appropriate to that estimate to the next succeeding constitution date, or, if there is no such date, to the 1st April next occurring, bears to the number of days in the year of alteration:

Provided that where the only constitution date, other than the 1st April, is the 1st October the said proportion shall be one half.

(4) With respect to any estimate or calculation of rateable value, where an amendment of a valuation list required to be made in consequence of an alteration and by virtue of the provisions of paragraph (*c*) of subsection (1) of section 22 of the Rating and Valuation Act, 1925(**a**), is made after the date of alteration account shall be taken thereof as if it had been made in that list as in force on that date.

(**a**) 15 & 16 Geo. 5. c. 90.

PART III

Adjustment of Exchequer Transitional grants

5. Where by virtue of an alteration an area is transferred from a county or county borough the amount of any Exchequer Transitional grant which would otherwise have been payable for the year of alteration to the council of that county or county borough shall be reduced—

(*a*) if the area is transferred on the 1st April, by such proportion as the sum which would have been the rateable value for the transferred area for that year if it had not been transferred bears to the sum which would have been the rateable value for the county or county borough for that year but for the alteration;

(*b*) if the area is transferred on the 1st October, by one half of the amount of the reduction which would have fallen to be made in accordance with the last preceding paragraph upon the assumption that the alteration had taken place on the 1st April; and

(*c*) if the area is transferred on any other date, by such proportion of the amount of the reduction which would have fallen to be made as aforesaid as the number of days in the year during which the transfer has effect bears to the number of days in the whole of that year.

6. Where by virtue of an alteration an area is transferred to a county or county borough the amount by which any Exchequer Transitional grant is reduced in respect of that transfer in accordance with the last preceding regulation shall be paid to the council of the county or county borough as an, or as an addition to any, Exchequer Transitional grant payable to that council for the year of alteration.

7. Where an Exchequer Transitional grant has become payable to a council for the year 1951-52 or the amount of any such grant to a council for that year has been adjusted in accordance with either of the last two preceding regulations, the amount of such grant payable to that council for the year 1952-53 shall, where the area was transferred on the 1st April, be one half of the amount of the grant which was payable for the year 1951-52 and, where the area was transferred on any date other than the 1st April be one half of the amount of the grant which would have been payable for the year 1951-52 had the area been transferred on the 1st April.

PART IV

Further modification of section 9 of the Act
(payments by county councils to county district councils)

8.—(1) Where a county district is affected by an alteration in any year—

(*a*) any estimate already made in relation to that district and for that year under section 9 of the Act shall cease to have effect for the purposes of that section; and

(*b*) a new estimate for the purposes of the said section shall be made as soon as may be in accordance with these regulations.

(2) The amount of any difference between the new estimate aforesaid and the aggregate of any sums paid by the county council on the basis of the estimate which has ceased to have effect as aforesaid shall be paid to or by the council of the county district by or to the county council, as the case may require, in the year in question, or, if the councils so agree, in the year next ensuing, and any payment under this regulation may, if the councils so agree, be effected in whole or in part by or in pursuance of an appropriate adjustment in any amount due under a precept.

(3) Nothing done in pursuance of this regulation shall affect any estimate then already made for the purposes of section 9 of the Act of the aggregate of the Exchequer Equalisation grants which will become payable to the councils of counties in England and Wales outside London or of the aggregate of the population of all those counties.

PART V

Adjustment of temporary grants to county district and parish councils etc. under section 105 of the Act

9.—(1) Where by virtue of an alteration an area is transferred from a county district, a rural parish or a group of rural parishes, the amount of any grant which would otherwise have been payable under section 105 of the Act by the council of the county for the year of alteration to the council, parish meeting or representative body of that district or parish or group of rural parishes shall be reduced in the manner prescribed by regulation 5 of these regulations for the reduction of Exchequer Transitional grants, and the provisions of that regulation shall apply accordingly with any necessary modifications.

(2) Where in consequence of the transfer of any area a sum is deducted under the last preceding paragraph from a grant payable to the council of a county district that sum shall, where the area is transferred from the county of which it formed part, cease to be payable, and, in any other case, be paid by the council of the said county to the council of the district to which the area is transferred.

(3) Where in consequence of the transfer of any area a sum is deducted under paragraph (1) of this regulation from a grant payable by the council of a county to the council, parish meeting or representative body of a rural parish or group of rural parishes that sum shall—

(*a*) where the area is transferred from the county of which it formed part, cease to be payable; and

(*b*) in any other case—

(i) where the area is transferred to a borough or to an urban or rural district, be paid by the council of the county to the council of that borough or district;

(ii) where the area is transferred to a parish or group of parishes within the rural district of which the area formed part, be so paid to the council of that district:

Provided that a county council may, if they consider it expedient so to do, in lieu of paying such sum as aforesaid, or any part thereof, to the council of a rural district pay such sum or part thereof to the council, parish meeting or representative body of the rural parish or the group of rural parishes to which the area is transferred.

(4) Any sum paid in accordance with paragraph (2) or paragraph (3) of this regulation shall be deemed to be a, or to form part of any, grant payable under section 105 of the Act to the council or other body concerned for the year of alteration.

(5) Where a grant first becomes payable or is adjusted for any year by virtue of this regulation the amount of such grant or adjusted grant shall be deemed to be the amount duly payable for that year under section 105 of the Act without reference to these regulations, and paragraph (*b*) of subsection (4) of the said section 105 shall apply accordingly:

Provided that where the transfer of area concerned took place on any date other than the 1st April the amount of the grant or the adjusted grant payable by virtue of this regulation for the year of alteration shall, for the purposes of this paragraph, be taken to be the amount which would have been so payable had the said transfer taken place on the 1st April.

(6) Any dispute as to whether any, and if so what, grant is to be paid under section 105 of the Act in accordance with this regulation shall be determined by the Minister.

PART VI

Miscellaneous

10. Where under these regulations an assumption is required to be made that an alteration had taken place in relation to any area on the 1st April in any year the further assumption shall be made that any other alterations affecting that area as from dates in that year before the date of the first mentioned alteration had already taken place on the 1st April in that year in the order of their respective dates.

11. The purposes of these regulations shall be purposes for which the Minister may require additional information to be submitted to him in accordance with Part II of the Local Government (Grants and Payments) Regulations, 1949(**a**).

12. Anything authorised or required to be done to or by an authority in connection with the determination or payment of any sum payable under Part I or Part V of the Act may or, in the case of an authority which is dissolved, shall, be done to or by any authority to whose area any part of the area of the dissolved authority is transferred.

13. These regulations shall not apply in the case of any alteration in so far as it affects the boundary of the county of London or of any area within that county.

Given under the official seal of the Minister of Local Government and Planning this twenty-second day of March, nineteen hundred and fifty-one.

(L.S.)

Hugh Dalton,
Minister of Local Government and Planning.

EXPLANATORY NOTE

(*This Note is not part of the Regulations but is intended to indicate their general purport.*)

The Regulations provide for the adjustment of the grants and payments (Exchequer grants, payments by county councils to district and parish councils etc.) due to local authorities under Parts I and V of the Local Government Act, 1948, in cases where the constitution of the authorities concerned, or the boundaries of their areas, have been altered. They do not, however, apply to London, or in the case of the constitution of a new county or county borough.

(a) S.I. 1949 (No. 2401) I, p. 2453.