

2011 No. 2896 (C. 103)

COUNCIL TAX, ENGLAND AND WALES

LOCAL GOVERNMENT, ENGLAND

RATING AND VALUATION, ENGLAND

The Localism Act 2011 (Commencement No. 1 and Transitional Provisions) Order 2011

Made - - - - *2nd December 2011*

The Secretary of State, in exercise of the powers conferred by section 240(2) and (7) of the Localism Act 2011^(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Localism Act 2011 (Commencement No.1 and Transitional Provisions) Order 2011.

(2) In this Order “the Act” means the Localism Act 2011.

Provisions coming into force the day after the day this Order is made

2. The following provisions of the Act come into force the day after the day this Order is made—

- (a) section 8(2);
- (b) section 15;
- (c) section 19;
- (d) section 20 for the purposes of enabling the Secretary of State to make an order under section 15;
- (e) section 21 and Schedule 2, to the extent that the provisions inserted into the Local Government Act 2000^(b) by that section and Schedule enable the Secretary of State to make regulations or orders;
- (f) section 69(8);
- (g) sections 72 to 79;
- (h) paragraph 70 of Schedule 3 and section 22 so far as relating to that paragraph;
- (i) Schedules 5 to 7.

^(a) 2011 c. 20.

^(b) 2000 c. 22.

Transitional provisions: council tax

3.—(1) In relation to the financial year beginning on 1st April 2012, the reference in section 52ZC(3)(b) of the Local Government Finance Act 1992(a) to an authority’s relevant basic amount of council for the financial year immediately preceding the year under consideration is a reference to the amount calculated for the authority and that financial year in accordance with section 52ZX of that Act(b) as modified by paragraph (2) below.

(2) The modifications to section 52ZX of the Local Government Finance Act 1992 mentioned in paragraph (1) are—

- (a) in subsection (1), for “section 31B(1) above if section 31A above” substitute “section 33(1) of the Local Government Finance Act 1992 if section 32 of that Act”,
- (b) in subsection (2), for “section 42B(1) above” substitute “section 44(1) of the Local Government Finance Act 1992”;
- (c) in subsection (3), for “section 42B(1) above if section 42A above” substitute “section 44(1) of the Local Government Finance Act 1992 if section 43 of that Act”;
- (d) in subsection (5)—
 - (i) in the definition of item R, for “section 49A(4) above” substitute “section 50(4) of the Local Government Finance Act 1992”, and
 - (ii) for the definition of item T substitute—

“T is the amount of the authority’s council tax base for the year as calculated in accordance with regulation 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992(c)”;
- (e) in subsection (6) for “section 49A above” substitute “section 50 of the Local Government Finance Act 1992”; and
- (f) omit subsections (7) and (8).

(3) Until the commencement of section 3 of the Police Reform and Social Responsibility Act 2011(d), references to the Mayor’s Office for Policing and Crime in subsection (4D) of section 86 of the Greater London Authority Act 1999(e) are to be read as references to the Metropolitan Police Authority.

Signed by authority of the Secretary of State for Communities and Local Government

Greg Clark
Minister of State

2nd December 2011

Department for Communities and Local Government

(a) 1992 c.14. Section 52ZC is inserted into the Local Government Finance Act 1992 by Schedule 5 to the Localism Act 2011.
(b) Section 52ZX is inserted into the Local Government Finance Act 1992 by Schedule 5 to the Localism Act 2011.
(c) S.I. 1992/612; relevant amending instruments are S.I. 2003/3012 and 2003/3181.
(d) 2001 c.13.
(e) 1999 c.29. Section 86(4d) if the Greater London Authority Act 1999 is inserted by section 76(13) of the Localism Act 2011.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, the day after the day it is made, the provisions of the Localism Act 2011 listed below for the limited purposes of enabling the Secretary of State to make certain subordinate legislation.

The provisions are section 8(2) (general power of competence: eligible parish councils), sections 15, 19 and 20 (power to transfer local public functions to permitted authorities), section 21, 22 and Schedules 2 and 3 in part (new arrangements with respect to governance of English local authorities).

The Order also brings into force, the day after the day it is made, section 69(8) (non-domestic rates, discretionary relief) in relation to England only, sections 72 to 79 and Schedules 5 to 7 (referendums relating to council tax increases).

Article 3 makes transitional provision in relation to council tax to ensure the calculations an authority must make under the new provisions of the Local Government Finance Act 1992 inserted by Schedule 5 to the Localism Act 2011 work appropriately for the financial year beginning on 1st April 2011. It also makes transitional provision to ensure that section 86(4D) of the Greater London Authority Act 1999, inserted by section 76 of the Localism Act 2011 works appropriately until section 3 of the Police Reform and Social Responsibility Act 2011 is commenced.

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STATUTORY INSTRUMENTS

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