

2012 No. 213

LOCAL GOVERNMENT, ENGLAND

FINANCE

The Transport Levying Bodies (Amendment) Regulations 2012

<i>Made</i>	- - - -	<i>30th January 2012</i>
<i>Laid before Parliament</i>		<i>2nd February 2012</i>
<i>Coming into force</i>	- -	<i>24th February 2012</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 74 and 143(1) and (2) of the Local Government Finance Act 1988(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Transport Levying Bodies (Amendment) Regulations 2012 and come into force on 24th February 2012.

Preliminary

2. The Transport Levying Bodies Regulations 1992(b) are amended in accordance with the following provisions of these Regulations.

Interpretation

3. In regulation 2 for the definition of “council concerned” there is substituted—

““council concerned”—

- (a) in relation to an integrated transport authority established under section 28(1) of the Local Government Act 1985(c), means a constituent council of that authority pursuant to section 28(4) of that Act;
- (b) in relation to an integrated transport authority established under section 78 of the Local Transport Act 2008, means a constituent council of that authority pursuant to section 79(3) of that Act;

(a) 1988 c. 41; section 74 was amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 72(1); by S.I. 1994/2825; by the Greater London Authority Act 1999 (c. 29), section 105; by the Courts Act 2003 (c. 39), Schedule 8, paragraph 305(a); by the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 68; by the Local Government and Public Involvement in Health Act 2007 (c. 28), Schedule 1, Part 1, paragraph 16(2) and Schedule 7, Part 4; and by the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 6, paragraphs 74, 75 and Schedule 7, Part 4.

(b) S.I. 1992/2789. By virtue of section 77(2), (4) and (9) of the Local Transport Act 2008 (c. 26) references in the regulations to a metropolitan county passenger transport authority are to be read as references to an integrated transport authority.

(c) 1985 c. 51; section 28 was amended by the Local Transport Act 2008, Schedule 4, paragraph 53.

- (c) in relation to the Greater Manchester Combined Authority, means a constituent council of that authority pursuant to article 2 of the Greater Manchester Combined Authority Order 2011(a); and
- (d) in relation to any other levying body, means a council as respects which the levying body would, apart from section 117 of the 1988 Act(b), have had a relevant precepting power.”

Application

4. For paragraph (a) of regulation 3 there is substituted—

“(a) the integrated transport authorities established by section 28(1) of the Local Government Act 1985;

(aa) the Greater Manchester Combined Authority established by the Greater Manchester Combined Authority Order 2011;”.

Power to issue levies

5.—(1) Regulation 4 is amended as follows.

(2) In paragraph (1) after “to which these Regulations apply” there is inserted “by virtue of paragraph (b), (c) or (d) of regulation 3”.

(3) After paragraph (1) there is inserted—

“(1A) An integrated transport authority and the Greater Manchester Combined Authority each have power to issue to a council concerned, and in accordance with these Regulations, a levy in respect of each chargeable financial year to enable it to meet relevant expenditure.

(1B) In paragraph (1A) “relevant expenditure” means—

(a) in relation to an integrated transport authority, all those liabilities falling to be discharged by it for which provision is not otherwise made;

(b) in relation to the Greater Manchester Combined Authority, all those liabilities falling to be discharged by it which are reasonably attributable to the exercise of—

(i) its functions arising by virtue of Part 3 of the Greater Manchester Combined Authority Order 2011; or

(ii) any other of its functions relating to transport,

for which provision is not otherwise made.”

Apportionment of levies

6.—(1) Regulation 7 is amended as follows.

(2) In regulation 7(4)(a) for “a metropolitan passenger transport authority” there is substituted “an integrated transport authority or the Greater Manchester Combined Authority”.

(3) In regulation 7(5) for “a metropolitan passenger transport authority” there is substituted “an integrated transport authority or the Greater Manchester Combined Authority”.

Signed by authority of the Secretary of State for Transport

Norman Baker
Parliamentary Under Secretary of State
Department for Transport

30th January 2012

(a) S.I. 2011/908.

(b) Section 117 of the Local Government Finance Act 1988 was amended by S.I. 1993/616; by the Police Reform and Social Responsibility Act 2011, Schedule 16, paragraph 191; by the Courts Act 2003 (c. 39), Schedule 8, paragraph 305(b); and by the Fire and Rescue Services Act 2004, Schedule 1, paragraph 68.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Transport Levying Regulations 1992 (“the Principal Regulations”) so as to apply them expressly to integrated transport authorities and to the Greater Manchester Combined Authority.

Regulation 3 amends the definition of “council concerned” in regulation 2 of the Principal Regulations and *regulation 4* replaces the reference in paragraph (a) of regulation 3 of the Principal Regulations to metropolitan county passenger authorities with references to integrated transport authorities and to the Greater Manchester Combined Authority.

Regulations 5 and 6 make consequential amendments to regulations 4 and 7 of the Principal Regulations.

No impact assessment has been prepared for this order because it will not have any effect on business.

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