



# Local Government Finance Act 1992

## 1992 CHAPTER 14

### PART I

#### COUNCIL TAX: ENGLAND AND WALES

### CHAPTER IV

#### PRECEPTS

##### **Modifications etc. (not altering text)**

- C4** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by [S.I. 1993/22, art. 4\(2\)](#)  
Pt. I Ch. IV amended (28.11.1994) by [S.I. 1994/2825, reg. 49](#)  
Pt. I Ch. IV (ss. 39-52) excluded (1.8.1996) by [S.I. 1996/1748, reg. 6\(2\)](#)  
Pt. I Ch. IV (ss. 39-52) restricted (12.7.1995) by [S.I. 1995/1771, art. 4\(3\)\(b\)\(i\)](#)  
Pt. I Ch. IV (ss. 39-52) restricted (12.7.1995) by [S.I. 1995/1772, art. 4\(3\)\(b\)\(i\)](#)  
Pt. I Ch. IV (ss. 39-52) restricted (12.7.1995) by [S.I. 1995/1773, art. 4\(3\)\(b\)\(i\)](#)  
Pt. I Ch. IV (ss. 39-52) restricted (12.7.1995) by [S.I. 1995/1774, art. 4\(3\)\(b\)\(i\)](#)

#### *Preliminary*

### **39 Precepting and precepted authorities.**

- (1) Each of the following is a major precepting authority for the purposes of this Part, namely—
- (a) a county council [<sup>F1</sup>in England];
  - [<sup>F2</sup>(aa) the Greater London Authority;]
  - [<sup>F3</sup>(b) a police authority established under [<sup>F4</sup>section 3 of the Police Act 1996];]
  - (d) a metropolitan county fire and civil defence authority;

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- [<sup>F5</sup>(da) a fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]
- [<sup>F6</sup>(e) the London Fire and Civil Defence Authority; and]
- [<sup>F7</sup>(f) the Receiver for the Metropolitan Police District.]
- (2) Each of the following is a local precepting authority for the purposes of this Part, namely—
- the sub-treasurer of the Inner Temple;
  - the under-treasurer of the Middle Temple;
  - a parish or community council;
  - the chairman of a parish meeting; and
  - charter trustees.
- (3) A precept may only be issued to an appropriate billing authority.
- (4) If the whole or part of a billing authority's area falls within a precepting authority's area, it is an appropriate billing authority in relation to the precepting authority to the extent of the area which so falls.
- [<sup>F8</sup>(5) In respect of the financial year beginning on 1st April 2000, and subsequent financial years, for the purposes of Chapter IV of this Part,
- the Receiver for the Metropolitan Police District's area shall be the area of the Inner London boroughs;
  - the Receiver shall only issue precepts to the councils of the Inner London boroughs.]

#### Textual Amendments

- F1** Words in s. 39(1)(a) inserted (3.4.1995 subject to art. 6(2) to (5) of the commencing S.I.) by 1994 c. 19, s. 35(6) (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1995/852, art. 6(1)
- F2** S. 39(1)(aa) inserted (12.1.2000 subject to transitional provisions in Sch. 1 Table 1 of the commencing S.I.) by 1999 c. 29, s. 82(2) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2
- F3** S. 39(1)(b) substituted (1.11.1994 for certain purposes as specified in S.I. 1994/2025, art. 7(3)(4)) for sub paragraphs (b)(c) by 1994 c. 29, s. 27(1); S.I. 1994/2025, art. 7(2)
- F4** Words in s. 39(1)(b) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), Sch. 7 Pt. I para. 1(2)(zf)
- F5** S. 39(1)(da) substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, Sch. 1 para. 81; S.I. 2004/2304, art. 2(2); S.I. 2004/2917, art. 2
- F6** S. 39(1)(e) repealed (12.1.2000 in so far as it relates to the exercise of certain functions) by 1999 c. 29, ss. 82(3), 423, Sch. 34 Pt. I (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2, Sch. 2 Table 1
- F7** S. 39(1)(f) repealed (1.1.2001) by 1999 c. 29, ss. 82(3), 423, Sch. 34 Pt. I (with Sch. 12 para. 9(1)); S.I. 2000/3379, art. 2 (with art. 3)
- F8** S. 39(5) added (12.1.2000) by S.I. 1999/3435, art. 5

#### Modifications etc. (not altering text)

- C5** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, art. 4(2)

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### *Issue of precepts*

#### **40 Issue of precepts by major precepting authorities.**

- (1) For each financial year a major precepting authority shall issue a precept or precepts in accordance with this section.
- (2) A precept issued to a billing authority under this section must state—
  - (a) the amount which, in relation to the year and each category of dwellings in the billing authority's area, has been calculated (or last calculated) by the precepting authority in accordance with sections 43 to 47 below; and
  - (b) the amount which has been calculated (or last calculated) by the precepting authority in accordance with section 48 below as the amount payable by the billing authority for the year.
- (3) Dwellings fall within different categories for the purposes of subsection (2) above according as different calculations have been made in relation to them in accordance with sections 43 to 47 below.
- (4) A major precepting authority shall assume for the purposes of subsection (2) above that each of the valuation bands is shown in the billing authority's valuation list as applicable to one or more dwellings situated in its area or (as the case may be) each part of its area as respects which different calculations have been so made.
- (5) A precept under this section must be issued before 1st March in the financial year preceding that for which it is issued, but is not invalid merely because it is issued on or after that date.
- (6) No such precept may be issued to a billing authority before the earlier of the following—
  - (a) the earliest date on which, for the financial year for which the precept is issued, each of the periods prescribed for the purposes of item T in section 33(1) above, item T in section 44(1) below and item TP in section 45(3) below has expired;
  - (b) the earliest date on which, for that year, each billing authority has notified its calculations for the purposes of those items to the precepting authority.
- (7) No such precept may be issued unless the precepting authority has made in relation to the year the calculations required by this Chapter.
- (8) A purported issue of such a precept, if done in contravention of subsection (6) or (7) above, shall be treated as not having occurred.
- [<sup>F9</sup>(9) Where the precepting authority is the Greater London Authority, this section shall have effect with the following modifications—
  - (a) in subsection (2)(a), for the reference to sections 43 to 47 below there shall be substituted a reference to the appropriate Greater London provisions;
  - (b) in subsection (3), for the reference to sections 43 to 47 below there shall be substituted a reference to the appropriate Greater London provisions;
  - (c) in subsection (6), for the reference to item T in section 44(1) below there shall be substituted a reference to item T in section 88(2) of the Greater London Authority Act 1999; and
  - (d) also in subsection (6), for the reference to item TP in section 45(3) below there shall be substituted a reference to item TP2 in section 89(4) of that Act.

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- (10) In this section, “the appropriate Greater London provisions” means—
- (a) sections 85 to 90 of the Greater London Authority Act 1999 and section 47 below; or
  - (b) in the case of calculations by way of substitute, sections 85, 86 and 88 to 90 of, and Schedule 7 to, that Act and section 47 below.]

#### Textual Amendments

- F9** S. 40(9)(10) added (12.1.2000 subject to transitional provisions in the Schedule, Table 1, of the commencing S.I.) by 1999 c. 29, s. 83 (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2

#### Modifications etc. (not altering text)

- C6** S. 40 restricted (1.11.1994 for certain specified purposes subject to S.I. 1994/2025, art. 7(4)) by 1994 c. 19, s. 28(1)(a); S.I. 1994/2025, art. 7(1)(2)(c) (subject to art. 7(3)(4))  
S. 40 restricted (22.8.1996) by 1996 c. 16, ss. 19(a), 104(1)
- C7** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, art. 4(2)

## 41 Issue of precepts by local precepting authorities.

- (1) For each financial year a local precepting authority may issue a precept in accordance with this section.
- (2) A precept issued to a billing authority under this section must state, as the amount payable by that authority for the year, the amount which has been calculated (or last calculated) by the precepting authority under section 50 below as its budget requirement for the year.
- (3) The Secretary of State may by regulations make provision that a billing authority making calculations in accordance with section 32 above (originally or by way of substitute) may anticipate a precept under this section; and the regulations may include provision as to—
  - (a) the amounts which may be anticipated by billing authorities in pursuance of the regulations;
  - (b) the sums (if any) to be paid by such authorities in respect of amounts anticipated by them; and
  - (c) the sums (if any) to be paid by such authorities in respect of amounts not anticipated by them.
- (4) A precept under this section must be issued before 1st March in the financial year preceding that for which it is issued, but is not invalid merely because it is issued on or after that date.

#### Modifications etc. (not altering text)

- C8** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, art. 4(2)
- C9** S. 41 modified (E.) (1.2.1993) by S.I. 1993/22, art. 3(2)
- C10** S. 41 applied (with modifications) (15.2.1995) by S.I. 1995/161, art. 3(1)
- C11** S. 41 modified (4.6.1996) by S.I. 1996/263, reg. 13(2)  
S. 41 modified (W.) (2.5.2002) by The Bridgend (Cynffig, Cornelly and Pyle Communities) (Electoral Changes) Order 2002 (S.I. 2002/1129), art. 5(2)
- C12** S. 41(4) modified (E.) (1.2.1993) by S.I. 1993/22, art. 3(3)(b)

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- C13** S. 41(4) applied (with modifications) (15.2.1995) by S.I. 1995/161, **art. 3(2)(b)**
- C14** S. 41(4) modified (4.6.1996) by S.I. 1996/263, reg. 13(3)(b)
- S. 41(4) modified (E.) (20.2.1998) by S.I. 1998/119, **art. 5(2)**
- S. 41(4) modified (W.) (2.5.2002) by **The Bridgend (Cynffig, Cornelly and Pyle Communities) (Electoral Changes) Order 2002 (S.I. 2002/1129), art. 5(3)(b)**

## 42 Substituted precepts.

### (1) Where—

- (a) a precepting authority has issued a precept or precepts for a financial year (originally or by way of substitute); and
- (b) at any later time it makes substitute calculations under section 49 [<sup>F10</sup>, 52J or 52U] or (as the case may be) section 51 below [<sup>F11</sup> or section 95 of the Greater London Authority Act 1999],

it shall as soon as reasonably practicable after that time issue a precept or precepts in substitution so as to give effect to those calculations.

- (2) Any precept issued in substitution under subsection (1) above must be issued in accordance with section 40 or (as the case may be) section 41 above, but subsection (5) of section 40 and subsection (4) of section 41 shall be ignored for this purpose.
- (3) Where a precepting authority issues a precept in substitution (a new precept) anything paid to it by reference to the precept for which it is substituted (the old precept) shall be treated as paid by reference to the new precept.
- (4) If the amount stated in the old precept exceeds that of the new precept, the following shall apply as regards anything paid if it would not have been paid had the amount of the old precept been the same as that of the new precept—
  - (a) it shall be repaid if the billing authority by whom it was paid so requires;
  - (b) in any other case it shall (as the precepting authority determines) either be repaid or be credited against any subsequent liability of the billing authority in respect of any precept of the precepting authority.
- (5) Any reference in subsection (4) above to the amount stated in a precept shall be construed, in relation to a precept issued by a major precepting authority, as a reference to the amount stated in the precept in accordance with section 40(2)(b) above.

### Textual Amendments

- F10** Words in s. 42(1)(b) substituted (27.7.1999) by 1999 c. 27, s. 30, **Sch. 1 Pt. II para. 4**
- F11** Words in s. 42(1)(b) inserted (3.7.2000) by 1999 c. 29, s. 84 (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**

### Modifications etc. (not altering text)

- C15** Pt. 1 Chs. 3, 4 (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, **art. 4(2)**
- C16** S. 42(2) modified (E.) (20.2.1998) by S.I. 1998/119, **reg. 5(3)**

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### *Calculations by major precepting authorities*

#### **43 Calculation of budget requirement.**

- (1) In relation to each financial year a major precepting authority shall make the calculations required by this section.
- (2) The authority must calculate the aggregate of—
  - (a) the expenditure the authority estimates it will incur in the year in performing its functions and will charge to a revenue account for the year, other than expenditure which it estimates will be so incurred in pursuance of regulations under section 99(3) of the 1988 Act;
  - (b) such allowance as the authority estimates will be appropriate for contingencies in relation to expenditure to be charged to a revenue account for the year;
  - (c) the financial reserves which the authority estimates it will be appropriate to raise in the year for meeting its estimated future expenditure; and
  - (d) such financial reserves as are sufficient to meet so much of the amount estimated by the authority to be a revenue account deficit for any earlier financial year as has not already been provided for.
- (3) The authority must calculate the aggregate of—
  - (a) the sums which it estimates will be payable to it for the year and in respect of which amounts will be credited to a revenue account for the year, other than sums which it estimates will be so payable
  - [<sup>F12</sup>(i) in respect of redistributed non-domestic rates, revenue support grant, additional grant, relevant special grant or police grant;
  - (ii) in respect of any precept issued by it; or
  - (iii) in pursuance of regulations under section 99(3) of the 1988 Act; and]
  - (b) the amount of the financial reserves which the authority estimates that it will use in order to provide for the items mentioned in paragraphs (a) and (b) of subsection (2) above.
- (4) If the aggregate calculated under subsection (2) above exceeds that calculated under subsection (3) above, the authority must calculate the amount equal to the difference; and the amount so calculated shall be its budget requirement for the year.
- (5) In estimating under subsection (2)(a) above an authority which is a county council shall take into account the amount of any levy issued to it for the year but (except as provided by regulations under section 74 of the 1988 Act) shall not anticipate a levy not issued.

<sup>F13</sup>(5A) .....

- (6) For the purposes of subsection (2)(c) above an authority's estimated future expenditure is—
  - (a) that which the authority estimates it will incur in the financial year following the year in question, will charge to a revenue account for the year and will have to defray in the year before the following sums are sufficiently available, namely, sums—
    - (i) which will be payable to it for the year; and
    - (ii) in respect of which amounts will be credited to a revenue account for the year; and

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(b) that which the authority estimates it will incur in the financial year referred to in paragraph (a) above or any subsequent financial year in performing its functions and which will be charged to a revenue account for that or any other year.

[<sup>F14</sup>(6A) [<sup>F15</sup>Subject to subsections (6B) and (6C) below, in]this section and section 44 below, “police grant” and “relevant special grant” have the meanings given by section 32(12) above.]

[<sup>F16</sup>(6B) Subsection (6A) above does not apply in relation to a major precepting authority in Wales.

[ In relation to a major precepting authority in Wales in this section and section 44 below  
<sup>F17</sup>(6C) “police grant” means the total amount of grant payable to that authority in accordance with the relevant police grant report.]

[ In subsection (6C) above “the relevant police grant report” means for a financial year  
<sup>F18</sup>(6D) commencing on or after 1st April 2000 the police grant report for that year approved by a resolution of the House of Commons pursuant to section 46 of the Police Act 1996 <sup>M1</sup>.]]

(7) The Secretary of State may by regulations do one or both of the following—  
(a) alter the constituents of any calculation to be made under subsection (2) or (3) above (whether by adding, deleting or amending items);  
(b) alter the rules governing the making of any calculation under subsection (2) or (3) above (whether by deleting or amending subsections (5)<sup>F19</sup> . . . and (6) above, or either of them, or by adding other provisions, or by a combination of those methods).

(8) <sup>F20</sup> . . . . .

#### Textual Amendments

- F12** S. 43(3)(a)(i)(ii)(iii) substituted for words in s. 43(3)(a) (3.2.1995) by [S.I. 1995/234, reg. 4\(1\)](#)
- F13** S. 43(5A) repealed (1.8.2001) by [2001 c. 16, s. 137, Sch. 7 Pt. 5\(1\)](#); [S.I. 2001/2223, art. 3\(1\)\(i\)](#)
- F14** S. 43(6A) substituted (3.2.1995) by [S.I. 1995/234, art. 4\(2\)](#)
- F15** Words in s. 43(6A) substituted (16.2.1999) by [S.I. 1999/296, reg. 3\(2\)](#)
- F16** S. 43(6B)-(6D) inserted (16.2.1999) by [S.I. 1999/296, reg. 3\(3\)](#)
- F17** S. 43(6C) substituted (W.) (29.2.2000) by [S.I. 2000/717, reg. 3\(2\)](#)
- F18** S. 43(6D) substituted (W.) (29.2.2000) by [S.I. 2000/717, reg. 3\(3\)](#)
- F19** Words in s. 43(7)(b) repealed (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 174, 178, Sch. 17 Pt. 2](#); [S.I. 2005/ 1521, {art. 3}](#)
- F20** S. 43(8) repealed (27.11.2003 for W. and 1.4.2004 for E.) by [Local Government Act 2003 \(c. 26\), ss. 127\(2\), 128, Sch. 8 Pt. 1](#); [S. I. 2003/3034, art. 2\(1\)\(4\), Sch. 1 Pt. 1](#); [S.I. 2003/2938, art. 7](#)

#### Modifications etc. (not altering text)

- C17** S. 43 excluded (12.1.2000 subject to the transitional provisions set out in Schedule 1 Table 1, of the commencing S.I.) by [1999 c. 29, s. 85\(1\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3434, art. 2](#)
- C18** S. 43 modified (W.) (28.2.2007 with application as mentioned in reg. 1(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(Wales\) Regulations 2007 \(S.I. 2007/571\), reg. 4](#)
- C19** S. 43 modified (E.) (6.2.2007 with application as mentioned in reg. 1(2)(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2007 \(S.I. 2007/227\), reg. 5](#)



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- C20** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, **art. 4(2)**  
 S. 43 modified (12.1.2000 (temp.) from 1.4.2000 until 31.3.2001) by S.I. 1999/3435, **art. 3**, Table 2  
 S. 43 modified (E.) (7.2.2003) by The Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2003 (S.I. 2003/195), **reg. 4**  
 S. 43 modified (7.2.2004) by The Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2004 (S.I. 2002/243), **reg. 4**  
 S. 43 modified (E.) (5.2.2005) by The Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2005 (No. 190) (S.I. 2005/190), {reg. 4}
- C21** Ss. 40, 43 restricted (1.11.1994 for the purposes of any financial year beginning on or after 1.4.1995) by 1994 c. 29, s. 28(1)(b); S.I. 1994/2025, **art. 7(2)(c)**(subject to arts. 7(3)(4))
- C22** S. 43 restricted (22.8.1996) by 1996 c. 16, ss 19(1)(b), 104(1)
- C23** Power to modify s. 43 conferred (25.6.1997) by 1997 c. 50, ss. 62(4)(b); S.I. 1997/1377, **art. 2(2)(e)**
- C24** S. 43 modified (E.) (8.2.2006 with effect as mentioned in reg. 1(3)) by The Local Authorities (Alteration of Requisite Calculations) (England) Regulations (S.I. 2006/247), {reg. 4}  
 S. 43 modified (W.) (15.2.2006 with effect as mentioned in reg. 1(3)) by The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations (S.I. 2006/344), {reg. 4}
- C25** S. 43 modified (E.) (12.2.2008) (with application in accordance with reg. 1(3) of the amending S.I.) by Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2008 (S.I. 2008/227), regs. 1(1)(b), 5
- C26** S. 43 modified (W.) (27.2.2008) (with application in accordance with reg. 1(3) of the amending S.I.) by The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2008 (S.I. 2008/476), regs. 1(1), 4
- C27** S. 43(2) modified (E.) (6.2.1999) by S.I. 1999/228, regs. 4, 6, **Sch.**  
 S. 43(2) modified (5.2.2000) by S.I. 2000/213, **reg. 4**  
 S. 43(2)(a) modified (2.2.2001 with effect as mentioned in reg. 1(3)) by S.I. 2001/216, **reg. 4**
- C28** S. 43(2)(a) amended (30.11.1995) by S.I. 1995/2889, **reg. 11(2)**
- C29** S. 43(3)(a)(i) amended (E.) (1.2.2002 with application as mentioned in reg. 1(2)) by The Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2002 (S.I. 2002/155), **reg. 4(a)**  
 S. 43(3)(a)(i) modified (W.) (25.2.2004) by The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2004 (S.I. 2004/451), **reg. 2**
- C30** S. 43(a)(iii) amended (30.11.1995) by S.I. 1995/2889, **reg. 11(2)**
- C31** S. 43(6A) amended (E.) (1.2.2002 with application as mentioned in reg. 1(2)) by The Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2002 (S.I. 2002/155), **reg. 4(b)**

#### Marginal Citations

**M1** 1996. c.16.

#### 44 Calculation of basic amount of tax.

- (1) In relation to each financial year a major precepting authority shall calculate the basic amount of its council tax by applying the formula—

$$\frac{R - P}{T}$$

where—



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R is the amount calculated (or last calculated) by the authority under section 43(4) above as its budget requirement for the year;

P is the aggregate of the sums which the authority estimates will be payable to it for the year in respect of redistributed non-domestic rates, revenue support grant [<sup>F21</sup>, additional grant [<sup>F22</sup>, relevant special grant or police grant;]]

T is the aggregate of the amounts which are calculated by the billing authorities to which the authority issues precepts (“the billing authorities concerned”) as their council tax bases for the year for their areas, or (as the case may require) for the parts of their areas falling within the authority’s area, and are notified by them to the authority within the prescribed period.

- (2) Where the aggregate calculated (or last calculated) by the authority for the year under subsection (2) of section 43 above does not exceed that so calculated under subsection (3) of that section, the amount for item R in subsection (1) above shall be nil.
- (3) The aggregate of the sums mentioned in item P in subsection (1) above shall be—
  - (a) increased by the aggregate amount of any sums which the authority estimates will be paid to it in the year by billing authorities in accordance with regulations under section 99(3) of the 1988 Act; and
  - (b) reduced by the aggregate amount of any sums which the authority estimates will be paid by it in the year to billing authorities in accordance with such regulations.
- (4) Regulations under section 43(7) above may make such consequential alterations of the constituents of any calculation required by item P in subsection (1) above or subsection (3) above (whether by adding, deleting or amending items) as appear to the Secretary of State to be necessary or expedient.
- (5) The Secretary of State shall make regulations containing rules for making for any year the calculations required by item T in subsection (1) above; and the billing authorities concerned shall make the calculations for any year in accordance with the rules for the time being effective (as regards the year) under the regulations.
- (6) Regulations prescribing a period for the purposes of item T in subsection (1) above may provide that, in any case where a billing authority fails to notify its calculation to the precepting authority within that period, that item shall be determined in the prescribed manner by such authority or authorities as may be prescribed.
- (7) Any negative amount given by a calculation under subsection (1) above shall be assumed to be nil for the purposes of this Chapter.

#### Textual Amendments

**F21** Words in s. 44(1) substituted (8.2.1994) by [S.I. 1994/246, reg. 4\(1\)](#)

**F22** Words in s. 44(1) substituted (3.2.1995) by [S.I. 1995/234, reg. 5](#)

#### Modifications etc. (not altering text)

**C32** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by [S.I. 1993/22, art. 4\(2\)](#)

**C33** S. 44 excluded (12.1.2000 subject to transitional provisions in Schedule 1, Table 1 of the commencing S.I.) by [1999 c. 29, s. 88](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3434, art. 2](#)

*Status: Point in time view as at 27/02/2008.*

*Changes to legislation: Local Government Finance Act 1992, Chapter IV is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- C34** S. 44(1) modified (W.) (28.2.2007 with application as mentioned in reg. 1(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(Wales\) Regulations 2007 \(S.I. 2007/571\)](#), **reg. 5**
- C35** S. 44(1) modified (E.) (6.2.2007 with application as mentioned in reg. 1(2)(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2007 \(S.I. 2007/227\)](#), **reg. 6**
- C36** S. 44(1) modified (12.1.2000 temp. from 1.4.2000 until 31.3.2001) by [S.I. 1999/3435, art. 3](#), Table 2  
S. 44(1) modified (E.) (7.2.2003) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2003 \(S.I. 2003/195\)](#), **reg. 5**  
S. 44(1) modified (7.2.2004) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) 2004 \(S.I. 2004/243\)](#), **reg. 5**  
S. 44(1) modified (25.2.2004) by [The Local Authorities \(Alteration of Requisite Calculations\) \(Wales\) Regulations 2004 \(S.I. 2004/451\)](#), **reg. 3**  
S. 44(1) modified (E.) (5.2.2005) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2005 \(No. 190\) \(S.I. 2005/190\)](#), {reg. 5}  
S. 44(1) modified (W.) (15.2.2006) by [The Local Authorities \(Alteration of Requisite Calculations\) \(Wales\) Regulations \(S.I. 2006/344\)](#), {reg. 5}  
S. 44(1) modified (E.) (8.2.2006 with effect as mentioned in reg. 1(3)) by [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations \(S.I. 2006/247\)](#), {reg. 5}
- C37** S. 44(1) amended (E.) (1.2.2002 with application as mentioned in reg. 1(2)) [The Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2002 \(S.I. 2002/155\)](#), **reg. 5**
- C38** S. 44(1) modified (E.) (12.2.2008) (with application in accordance with reg. 1(3) of the amending S.I.) by [Local Authorities \(Alteration of Requisite Calculations\) \(England\) Regulations 2008 \(S.I. 2008/227\)](#), regs. 1(1)(b), **6**
- C39** S. 44(1) modified (W.) (27.2.2008) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Local Authorities \(Alteration of Requisite Calculations\) \(Wales\) Regulations 2008 \(S.I. 2008/476\)](#), regs. 1(1), **5**
- C40** S. 44(3) modified (E.) (6.2.1999) by [S.I. 1999/228](#), **reg. 5**  
S. 44(3) modified (5.2.2000) by [S.I. 2000/213](#), **reg. 5**  
S. 44(3) modified (2.2.2001 with effect as mentioned in reg. 1(3) of the amending S.I.) by [S.I. 2001/216](#), **reg. 5**
- C41** S. 44(3)(a) amended (30.11.1995) by 1995 [S.I. 1995/2889](#), **reg. 11(2)**

#### **45 Additional calculations where special items relate to part only of area.**

- (1) This section applies where for any financial year an item mentioned in section 46(1) below relates to a part only of a major precepting authority's area; and in this section "special item" means any such item which so relates and "the relevant part", in relation to such an item, means the part concerned.
- (2) The authority shall calculate the basic amount of its council tax for dwellings in a part of its area to which no special item relates by applying the formula—

$$B - \frac{A}{T}$$

where—

*Status: Point in time view as at 27/02/2008.*

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B is the amount calculated (or last calculated) by the authority under section 44(1) above as the basic amount of its council tax;

A is the aggregate amount of all special items;

T is the amount determined for item T in section 44(1) above.

- (3) The authority shall calculate the basic amount of its council tax for dwellings in a part of its area to which one or more special items relate by adding to the amount given by the formula in subsection (2) above the aggregate of the amounts which, in relation to each of those special items, are given by the formula—

$$\frac{S}{TP}$$

where—

S is (in each case) the amount of the special item;

TP is (in each case) the aggregate of the amounts which are calculated by the billing authorities to which the authority has power to issue precepts as respects the special item (“the billing authorities concerned”) as their council tax bases for the year for their areas, or (as the case may require) for the parts of their areas falling within the relevant part, and are notified by them to the authority within the prescribed period.

- (4) The Secretary of State shall make regulations containing rules for making for any year the calculations required by item TP in subsection (3) above; and the billing authorities concerned shall make the calculations for any year in accordance with the rules for the time being effective (as regards the year) under the regulations.
- (5) Regulations prescribing a period for the purposes of item TP in subsection (3) above may provide that, in any case where a billing authority fails to notify its calculation to the precepting authority within that period, that item shall be determined in the prescribed manner by such authority or authorities as may be prescribed.
- (6) Any negative amount given by a calculation under subsection (2) or (3) above shall be assumed to be nil for the purposes of this Chapter.

**Modifications etc. (not altering text)**

**C42** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by [S.I. 1993/22](#), [art. 4\(2\)](#)

**C43** S. 45 excluded (12.1.2000 subject to transitional provisions Schedule 1, Table 1 of the commencing [S.I. 1999 c. 29](#), [s. 89](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3434](#), [art. 2](#)

**46 Special items for purposes of section 45.**

- (1) The items referred to in section 45(1) above are any expenses of the major precepting authority which are its special expenses and were taken into account by it in making the calculation in relation to the year under section 43(2) above.

Status: Point in time view as at 27/02/2008.

Changes to legislation: Local Government Finance Act 1992, Chapter IV is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) For the purposes of subsection (1) above—

- F23(a) .....
- (b) provided a resolution of a county council to the following effect is in force, the expenses of meeting a levy issued to or anticipated by it are its special expenses or (if the resolution relates to some only of those expenses) those to which the resolution relates are its special expenses;

F24(c) .....

F25(d) .....

(3) For the purposes of section 45(1) above—

- F26(a) .....
- (b) expenses which are special by virtue of a resolution under subsection (2)(b) above relate to the part of the council’s area in which the levying body carries out functions;

F27(c) .....

F28(d) .....

F29(4) .....

**Textual Amendments**

- F23 S. 46(2)(a) repealed (1.4.1995) by 1994 c. 29, s. 93, Sch. 9 Pt. I; S.I. 1994/3262, art. 4(1), Sch.
- F24 S. 46(2)(c) omitted (7.1.1997) by virtue of S.I. 1996/3071, art. 2 Sch. para. 4(a)
- F25 S. 46(2)(d) repealed (12.1.2000) by 1999 c. 29, ss. 91, 423, Sch. 34 Pt. I (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2, Sch. 2 Table 1
- F26 S. 46(3)(a) repealed (1.4.1995) by 1994 c. 29, s. 93, Sch. 9 Pt. I; S.I. 1994/3262, art. 4(1), Sch.
- F27 S. 46(3)(c) omitted (7.1.1997) by virtue of S.I. 1996/3071, art. 2 Sch. para. 4(b)
- F28 S. 46(3)(d) repealed (12.1.2000) by 1999 c. 29, ss. 91, 423, Sch. 34 Pt. I (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2, Sch. 2 Table 1
- F29 S. 46(4) repealed (12.1.2000) by 1999 c. 29, ss. 91, 423, Sch. 34 Pt. I (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2, Sch. 2 Table 1

**Modifications etc. (not altering text)**

- C44 Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, art. 4(2)

**47 Calculation of tax for different valuation bands.**

(1) The amount to be stated under section 40(2)(a) above for any financial year in respect of any category of dwellings listed in a particular valuation band shall be calculated by applying the formula—

$$A \times \frac{N}{D}$$

where—

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A is the amount calculated (or last calculated) by the major precepting authority for that year under section 44(1) above or, where section 45 above applies, the amount calculated (or last calculated) by it for that year under subsection (2) or (3) of that section in relation to that category of dwellings;

N is the number which, in the proportion set out in section 5(1) above, is applicable to dwellings listed in that valuation band;

D is the number which, in that proportion, is applicable to dwellings listed in valuation band D.

[<sup>F30</sup>(1A) Where the precepting authority is the Greater London Authority, subsection (1) above shall have effect with the substitution of the following definition for the definition of A—

“A is the amount calculated (or last calculated) by the Greater London Authority for that year under section 88(2) of the Greater London Authority Act 1999 or, where section 89 of that Act applies, the amount calculated (or last calculated) by it for that year under subsection (3) of that section in relation to that category of dwellings; ”.]

(2) Dwellings fall within different categories for the purposes of this section according as different calculations have been made in relation to them under section 45 above.

[<sup>F31</sup>(3) Where the precepting authority is the Greater London Authority, subsection (2) above shall have effect with the substitution for the reference to section 45 above of a reference to section 89 of the Greater London Authority Act 1999]

#### Textual Amendments

**F30** S. 47(1A) inserted (12.1.2000 subject to transitional provisions in Schedule 1 Table 1, of the commencing S.I.) by 1999 c. 29, s. 92(2) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2

**F31** S. 47(3) inserted (12.1.2000 subject to transitional provisions in Schedule 1 Table 1 of the commencing S.I.) by 1999 c. 29, s. 92(3) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2

#### Modifications etc. (not altering text)

**C45** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, art. 4(2)

## 48 Calculation of amount payable by each billing authority.

(1) This section makes provision for calculating the amount required by section 40(2)(b) above to be stated in a precept as the amount payable by a billing authority for any financial year [<sup>F32</sup>; and—

(a) subsection (1A) below applies in relation to a precept issued by the Greater London Authority; and

(b) subsections (2) to (6) below apply in relation to a precept issued otherwise than by the Greater London Authority.]

[<sup>F33</sup>(1A) Where an amount calculated (or last calculated) for the year under section 88(2) or 89(3) of the Greater London Authority Act 1999 applies to dwellings in the billing authority's area, the amount payable by that authority shall be calculated by applying the formula—

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$$C \times T$$

where—

C is the amount so calculated; and

T is the amount which, in relation to the billing authority, is determined for item T in section 33(1) above.]

- (2) Where an amount calculated (or last calculated) for the year under section 44(1) or 45(2) or (3) above applies to dwellings in the whole of the billing authority's area, the amount payable by that authority shall be calculated by applying the formula—

$$C \times T$$

where—

C is the amount so calculated;

T is the amount which, in relation to the billing authority, is determined for item T in section 33(1) above.

- (3) Where an amount calculated (or last calculated) for the year under section 44(1) or 45(2) or (3) above applies to dwellings in a part of the billing authority's area, the amount payable by that authority shall be calculated by applying the formula—

$$CP \times TP$$

where—

CP is the amount so calculated;

TP is the amount which is calculated by the billing authority as its council tax base for the year for the part of its area concerned and is notified by it to the major precepting authority within the prescribed period.

- (4) Where different amounts calculated (or last calculated) for the year under section 45(2) or (3) above apply to dwellings in different parts of the billing authority's area, the amount payable by that authority shall be the aggregate of the amounts which, in relation to each of the amounts so calculated, are given by the formula—

$$CP \times TP$$

where—

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CP is (in each case) the amount so calculated;

TP is (in each case) the amount which is calculated by the billing authority as its council tax base for the year for the part of its area concerned and is notified by it to the major precepting authority within the prescribed period.

- (5) The Secretary of State shall make regulations containing rules for making for any year the calculations required by item TP in subsection (3) or (4) above; and the billing authority shall make the calculations for any year in accordance with the rules for the time being effective (as regards the year) under the regulations.
- (6) Regulations prescribing a period for the purposes of item TP in subsection (3) or (4) above may provide that, in any case where the billing authority fails to notify its calculation to the precepting authority within that period, that item shall be determined in the prescribed manner by such authority or authorities as may be prescribed.

#### Textual Amendments

**F32** Words in s. 48(1) added (12.1.2000 subject to transitional provisions in Schedule 1, Table 1, of the commencing S.I.) by 1999 c. 29, s. 93(2) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2

**F33** S. 48(1A) inserted (12.1.2000) by 1999 c. 29, s. 93(3) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 2

#### Modifications etc. (not altering text)

**C46** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, art. 4(2)

## 49 Substitute calculations.

[<sup>F34</sup>(1) A major precepting authority which has made calculations in relation to a financial year in accordance with—

- (a) sections 43 to 48 above (originally or by way of substitute),
- (b) sections 85 to 90 of the Greater London Authority Act 1999 and sections 47 and 48 above, or
- (c) sections 85, 86 and 88 to 90 of, and Schedule 7 to, that Act and sections 47 and 48 above (by way of substitute),

may make calculations in substitution in relation to the year in accordance with the relevant provisions.

(1A) For the purposes of subsection (1) above, the relevant provisions are—

- (a) in a case falling within paragraph (a), the provisions specified in that paragraph; and
- (b) in a case falling within paragraph (b) or (c), the provisions specified in paragraph (c).]

(2) None of the substitute calculations shall have any effect if—

- (a) [<sup>F35</sup>in the case of a major precepting authority other than the Greater London Authority,]the amount calculated under section 43(4) above, or any amount calculated under section 44(1) or 45(2) or (3) above as the basic amount of council tax applicable to any dwelling, would exceed that so calculated in the previous calculations; or

[<sup>F36</sup>(aa) in a case where the major precepting authority is the Greater London Authority—



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- (i) the amount of any component budget requirement calculated under subsections (4) to (7) of section 85 of the Greater London Authority Act 1999,
  - (ii) the amount calculated under subsection (8) of that section, or
  - (iii) any amount calculated under section 88(2) or 89(3) of that Act as the basic amount of council tax applicable to any dwelling,
- would exceed that so calculated in the previous calculations; or]
- (b) the authority fails to comply with subsection (3) [<sup>F37</sup>or (3A)] below in making the substitute calculations.
- (3) In making substitute calculations under section 44(1) or 45(3) above, the authority must use any amount determined in the previous calculations for item P or T in section 44(1) above or item TP in section 45(3) above.
- [<sup>F38</sup>(3A) In making substitute calculations under section 88(2) or 89(3) of the Greater London Authority Act 1999, the authority must use any amount determined in the previous calculations for item P1 or T in section 88(2) of that Act or for item P2 or item TP2 in section 89(4) of that Act.]
- (4) For the purposes of subsection (3) above, the authority may treat any amount determined in the previous calculations for item P in section 44(1) above as increased by the amount of any sum which—
- (a) it estimates will be payable to it for the year in respect of additional grant; and
  - (b) was not taken into account by it in making those calculations.
- [<sup>F39</sup>(4A) For the purposes of subsection (3A) above, the authority may treat any amount determined in the previous calculations—
- (a) for item P1 in section 88(2) of the Greater London Authority Act 1999, or
  - (b) for item P2 in section 89(4) of that Act,
- as increased by the relevant portion of any new additional grant.
- (4B) For the purposes of subsection (4A) above, “the relevant portion of any new additional grant” means the amount of any additional grant payable to the authority for the year which was not taken into account by the authority in making the previous calculations, but—
- (a) in the case of item P1, reduced, as may be prescribed, by such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part; and
  - (b) in the case of item P2, restricted, as may be prescribed, to such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part;
- and “special item” has the same meaning in this subsection as in sections 88 and 89 of the Greater London Authority Act 1999 (see section 89(2) of that Act).
- (4C) In subsection (4B) above, “prescribed” means specified in, or determined in accordance with, either—
- (a) the report under section 85 of the <sup>M2</sup>Local Government Finance Act 1988 relating to the amount of additional grant in question, or
  - (b) regulations made by the Secretary of State under section 88(3)(b) of the Greater London Authority Act 1999 (in relation to item P1) or under section 89(5)(b) of that Act (in relation to item P2),

*Status: Point in time view as at 27/02/2008.*

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as the Secretary of State may determine for the purposes of paragraph (a) or (b) of that subsection and any particular financial year or years.]

(5) Subsections (2) and (3) above shall not apply if the previous calculations have been quashed because of a failure to comply with sections 43 to 48 above in making the calculations.

[<sup>F40</sup>(6) Subsections (2) and (3A) above shall not apply if the previous calculations have been quashed because of a failure to comply with the appropriate Greater London provisions in making the calculations.

(7) For the purposes of subsection (6) above, “the appropriate Greater London provisions” means—

- (a) in the case of calculations required to be made in accordance with sections 85 to 90 of the Greater London Authority Act 1999 and sections 47 and 48 above, those provisions; and
- (b) in the case of calculations required to be made in accordance with sections 85, 86 and 88 to 90 of, and Schedule 7 to, that Act and sections 47 and 48 above, those provisions.

(8) Where the major precepting authority is the Greater London Authority, any substitute calculations under this section shall be made in accordance with Schedule 7 to the Greater London Authority Act 1999.]

#### Textual Amendments

- F34** S. 49(1) substituted (3.7.2000 subject to transitional provisions in Schedule 1, Table 2 of the commencing S.I.) by 1999 c. 29, s. 94(2) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 4
- F35** Words in s. 49(2)(a) inserted (3.7.2000) by 1999 c. 29, s. 94(3)(a) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 4
- F36** S. 49(2)(aa) inserted (3.7.2000) by 1999 c. 29, s. 94(3)(b) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 4
- F37** Words in s. 49(2)(b) inserted (3.7.2000) by 1999 c. 29, s. 94(3)(c) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 4
- F38** S. 49(3A) inserted (3.7.2000) by 1999 c. 29, s. 94(4) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 4
- F39** S. 49(4A)-(4C) inserted (3.7.2000 subject to transitional provisions in Schedule 1, Table 2 of the commencing S.I.) by 1999 c. 29, s. 94(5) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 4
- F40** S. 49(6)(7)(8) inserted (3.7.2000) by 1999 c. 29, s. 94(6) (with Sch. 12 para. 9(1)); S.I. 1999/3434, art. 4

#### Modifications etc. (not altering text)

- C47** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, art. 4(2)

#### Marginal Citations

- M2** 1988 c. 41.

### *Calculations by local precepting authorities*

#### **50 Calculation of budget requirement.**

(1) In relation to each financial year a local precepting authority shall make the calculations required by this section.

*Status: Point in time view as at 27/02/2008.*

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- (2) The authority must calculate the aggregate of—
- (a) the expenditure the authority estimates it will incur in the year in performing its functions and will charge to a revenue account for the year;
  - (b) such allowance as the authority estimates will be appropriate for contingencies in relation to expenditure to be charged to a revenue account for the year;
  - (c) the financial reserves which the authority estimates it will be appropriate to raise in the year for meeting its estimated future expenditure; and
  - (d) such financial reserves as are sufficient to meet so much of the amount estimated by the authority to be a revenue account deficit for any earlier financial year as has not already been provided for.
- (3) The authority must calculate the aggregate of—
- (a) the sums which it estimates will be payable to it for the year and in respect of which amounts will be credited to a revenue account for the year, other than sums which it estimates will be so payable in respect of any precept issued by it; and
  - (b) the amount of the financial reserves which the authority estimates that it will use in order to provide for the items mentioned in paragraphs (a) and (b) of subsection (2) above.
- (4) If the aggregate calculated under subsection (2) above exceeds that calculated under subsection (3) above, the authority must calculate the amount equal to the difference; and the amount so calculated shall be its budget requirement for the year.
- (5) For the purposes of subsection (2)(c) above an authority's estimated future expenditure is—
- (a) that which the authority estimates it will incur in the financial year following the year in question, will charge to a revenue account for the year and will have to defray in the year before the following sums are sufficiently available, namely, sums—
    - (i) which will be payable to it for the year; and
    - (ii) in respect of which amounts will be credited to a revenue account for the year; and
  - (b) that which the authority estimates it will incur in the financial year referred to in paragraph (a) above or any subsequent financial year in performing its functions and which will be charged to a revenue account for that or any other year.
- (6) <sup>F41</sup> .....

#### Textual Amendments

**F41** S. 50(6) repealed (27.11.2003 for W. and 1.4.2004 for E.) by [Local Government Act 2003 \(c. 26\)](#), s. 127(2), 128, [Sch. 8 Pt. 1](#); S.I. 2003/3034, [art. 2\(1\)\(4\)](#), [Sch. 1 Pt. 1](#); S.I. 2003/2938, [art. 7](#)

#### Modifications etc. (not altering text)

**C48** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, [art. 4\(2\)](#)

*Status: Point in time view as at 27/02/2008.*

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## 51 Substitute calculations.

- (1) A local precepting authority which has made calculations in accordance with section 50 above in relation to a financial year (originally or by way of substitute) may make calculations in substitution in relation to the year in accordance with that section.
- (2) None of the substitute calculations shall have any effect if the amount calculated under section 50(4) above would exceed that so calculated in the previous calculations.
- (3) Subsection (2) above shall not apply if the previous calculation under subsection (4) of section 50 above has been quashed because of a failure to comply with that section in making the calculation.

### Modifications etc. (not altering text)

**C49** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by [S.I. 1993/22, art. 4\(2\)](#)

## *Supplemental*

## 52 Information for purposes of Chapter IV.

If the Secretary of State so requires by regulations, a billing authority shall supply prescribed information within a prescribed period to any precepting authority which has power to issue a precept to the billing authority.

### Modifications etc. (not altering text)

**C50** Pt. I Chs. III-IV (ss. 30-52) modified (E.) (1.2.1993) by [S.I. 1993/22, art. 4\(2\)](#)

**Status:**

Point in time view as at 27/02/2008.

**Changes to legislation:**

Local Government Finance Act 1992, Chapter IV is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.