



# Local Government (Miscellaneous Provisions) Act 1982

## 1982 CHAPTER 30

### PART XII

#### MISCELLANEOUS

#### 44 Definition of certain local authority expenditure.

In section 137 of the <sup>M1</sup>Local Government Act 1972 (which gives local authorities power to incur expenditure for certain purposes not otherwise authorised, but limits the expenditure which it authorises)—

(a) the following subsections shall be inserted after subsection (2)—

“(2A) Without prejudice to the generality of subsection (1) above, the power of a local authority to incur expenditure under that subsection includes power to incur expenditure in giving financial assistance to persons carrying on commercial or industrial undertakings.

(2B) Financial assistance under subsection (2A) above may be given by lending or guarantee, or by making grants.” ;

(b) the following subsections shall be inserted after subsection (4)—

“(4A) For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.

(4B) The amounts mentioned in subsection (4A) above are—

(a) any grant paid to the local authority for that year under the Local Government Grants (Social Needs) Act 1969, in so far as the grant is in respect of an activity in relation to which

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- the authority have incurred expenditure in that year under this section ;
- (b) the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year ;
  - (c) so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by this section to incur expenditure ;
  - (d) any grant received by the authority for that year out of the European Regional Development Fund or the Social Fund of the European Economic Community, in so far as the grant is in respect of an activity in relation to which the authority incurred expenditure under this section ;
  - (e) the amount of any repayment in that year of a loan under this section made by the authority in any year ; and
  - (f) the amount of any expenditure—
    - (i) which is incurred by the authority in that year in circumstances specified in an order made by the Secretary of State ; or
    - (ii) which is incurred by the authority in that year and is of a description so specified ; or
    - (iii) which is defrayed by any grant or other payment to the authority which is made in or in respect of that year and is of a description so specified.” ; and
- (c) in subsection (5), for the words “subsection (4) above” there shall be substituted the words “ this section ”.

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

**C1** The text of ss. 43, 44, and 47(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M1** 1972 c. 70.

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