



Local Government and Planning (Scotland) Act 1982

1982 CHAPTER 43

PART I

VALUATION AND RATING ETC

1 Proposals for reductions in local authorities' rates

In section 5 of the Local Government (Scotland) Act 1966 (which among other things provides that an element of rate support grant payable to a local authority may be reduced where the Secretary of State is satisfied that the total estimated expenses of the authority are excessive and unreasonable)—

- (a) in subsection (1)—
 - (i) for the word "If", where it occurs for the first time, there shall be substituted the words " Subject to subsections (1A)(b) and (3) below, if "; and
 - (ii) the words " ; and if the report is approved by a resolution of the Commons House of Parliament the Secretary of State may reduce the element of the grant accordingly " shall cease to have effect;
- (b) at the end of subsection (1A) there shall be added the words " ; and different such categories may be left out of account according to whether the proposed reduction under this section is of a rate or of the amount of an element of rate support grant. "; and
- (c) after subsection (2) there shall be inserted the following subsections—
 - “(3) Where the Secretary of State is satisfied as is mentioned in paragraph (c) of subsection (1), as read with subsection (1A), above, he may in his report under the said subsection (1), instead of or in addition to proposing a reduction in the amount of an element of rate support grant, propose a reduction in the rate determined by the local authority; and the provisions of the said subsection (1) shall apply to the amount of, reasons for and representations with respect to, the

Status: This is the original version (as it was originally enacted).

proposed reduction in rate as they apply to a proposed reduction in the amount of such element.

- (4) If a report under subsection (1) above is approved by the Commons House of Parliament and contains a proposal—
- (a) to reduce an element of rate support grant, the Secretary of State may reduce that element by an amount not exceeding the amount of the reduction proposed ;
 - (b) that there should be a reduction in the rate determined by the authority to which the report relates, the authority shall forthwith determine under this paragraph a new rate less, by the proposed reduction in the rate or by such smaller amount as the Secretary of State may agree, than the rate determined by them under section 108 of the Local Government (Scotland) Act 1973:

Provided that where, for any reason whatsoever, by the twenty-eighth day after the approval under this section of a report an authority have not made a determination required, in relation to that report, by paragraph (b) above the authority shall be deemed to have determined on that day a rate under the paragraph such that the reduction proposed under subsection (3) above by the Secretary of State is effected.

- (5) If an authority determine a rate under paragraph (b) of subsection (4) above, or are deemed by virtue of the proviso to that subsection to have determined such a rate, that rate and not the rate determined under the said section 108 shall be their regional, general or district rate, as the case may be, for the financial year and shall be levied (and the rights and liabilities of ratepayers shall be construed) accordingly.
- (6) The Secretary of State may by order under this subsection repeal or amend any enactment (including this Act) in so far as that enactment relates to the determination, levy or payment of a regional, general or district rate and such determination, levy or payment is affected by a determination (or deemed determination) under paragraph (b) of subsection (4) above.
- (7) An order made under subsection (6) above shall have no effect until approved by resolution of each House of Parliament.
- (8) A reference in this Act (except this section) and in any other enactment (except subsection (1) of the said section 108) whether passed before or after the passing of this Act, to such rates as are determined under the said section 108 shall be construed as including a reference to such rates as are determined, or are deemed to have been determined, under paragraph (b) of subsection (4) above.
- (9) Section 19 of the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (which among other things empowers the Secretary of State to make certain estimates where a local authority fail to supply him timeously with information) shall apply for the purposes of such of the Secretary of State's functions under this section as do not relate to rate support grants as it applies for the purposes of those which do.”