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*Changes to legislation: Local Government Finance Act 1988, Section 143 is up to date with all changes known to be in force on or before 25 June 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)*

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# Local Government Finance Act 1988

## 1988 CHAPTER 41

### PART XI

#### MISCELLANEOUS AND GENERAL

##### *General*

#### 143 Orders and regulations. **E+W**

- (1) The power to make an order or regulations under this Act may be exercised differently in relation to different areas or in relation to other different cases or descriptions of case.
  - (2) An order or regulations under this Act may include such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State [<sup>F1</sup>the Minister of Agriculture, Fisheries and Food] or the Treasury (as the case may be) to be necessary or expedient.
  - (3) Subject to subsections [<sup>F2</sup>(3A)] to [<sup>F3</sup>(9E)] below, the power to make an order or regulations under this Act shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- <sup>F4</sup>[(3A) The power to make an order under section 43(6B)(c)(ii) above shall be exercisable by statutory instrument, and no such order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament]
- <sup>F5</sup>(3B) The power to make an order under section 45(4A) shall be exercisable by statutory instrument, and no such order shall be made—
- (a) in the case of an order relating to England, unless a draft of the order has been laid before and approved by resolution of each House of Parliament;
  - (b) in the case of an order relating to Wales, unless a draft of the order has been laid before and approved by resolution of the National Assembly for Wales.]

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[<sup>F6</sup>(3C) The power to make an order under section 54A is exercisable by statutory instrument, and no such order is to be made unless a draft of the order has been laid before and approved by resolution of the National Assembly for Wales.]

(4) The power to make regulations under section . . . <sup>F7</sup>[<sup>F8</sup>57A] above shall be exercisable by statutory instrument, and no such regulations shall be made unless a draft of them has been laid before and approved by resolution of each House of Parliament.

[<sup>F9</sup>(4ZA) The power to make regulations under section 66A shall be exercisable by statutory instrument, and no such regulations shall be made unless—

- (a) in the case of regulations relating to England, a draft of the regulations has been laid before and approved by resolution of each House of Parliament;
- (b) in the case of regulations relating to Wales, a draft of the regulations has been laid before and approved by resolution of the National Assembly for Wales.]

[<sup>F10</sup>(4A) As regards any power of the National Assembly for Wales to make an order or regulations under this Act, subsection (3) above shall have effect without the words from “subject to annulment” to the end.]

[<sup>F11</sup>(4B) The power to make regulations under section 74 above, so far as they are made in relation to a combined authority by virtue of subsection (8) of that section, shall be exercisable by statutory instrument, and no such regulations shall be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament.]

(5) As regards the power to make regulations under section 75 [<sup>F12</sup>, 91(3C)] or 118 above [<sup>F13</sup>other than regulations relating to an internal drainage board], subsection (3) above shall have effect without the words from “subject” to the end.

(6) As regards the power to make an order under <sup>F14</sup>. . . section 150 below, subsection (3) above shall have effect without the words from “subject” to the end.

<sup>F15</sup>(7) . . . . .

(8) The power to make an order under paragraph 3 of Schedule 6 below shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

(9) The power to make an order under paragraph 5 of Schedule 7 below shall be exercisable as there mentioned.

[<sup>F16</sup>(9A) The power to make an order under paragraph 5 of Schedule 7A below shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

[ The power of the Secretary of State to make an order under paragraph 5G of Schedule <sup>F17</sup>(9AA) 9 shall be exercisable by statutory instrument, and no such order shall be made by him unless a draft of it has been laid before and approved by resolution of each House of Parliament.]

<sup>F15</sup>(9B) . . . . .]

[<sup>F18</sup>(9C) Any power to make regulations conferred by Schedule 7B (local retention of non-domestic rates) is exercisable by statutory instrument.

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- (9D) A statutory instrument containing regulations under any of the following provisions of that Schedule (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament—
- (a) paragraph 9 (regulations about payments by billing authorities to major precepting authorities);
  - (b) paragraph 11 (regulations about payments by billing authorities to major precepting authorities out of deductions from central share payments);
  - (c) paragraph 22 (regulations about calculation of levy payments);
  - (d) paragraph 25 (regulations about calculation of safety net payments);
  - (e) paragraph 30 (regulations about distribution of remaining balance);
  - (f) paragraph 39 or 40 (regulations about designated areas or classes of hereditament), if the regulations contain provision within paragraph 41 (payments to relevant authorities).
- (9E) Any other statutory instrument containing regulations under that Schedule is subject to annulment in pursuance of a resolution of either House of Parliament.]
- (10) Before he makes regulations under section 75 or 118 above [<sup>F19</sup>other than regulations relating to an internal drainage board], the Secretary of State shall, by means of a notice in a newspaper or newspapers, take such steps as he thinks reasonably practicable to bring the contents of the proposed regulations to the notice of persons likely to be affected.
- (11) An order under paragraph 3 of Schedule 6 below shall, if apart from the provisions of this subsection it would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and only.

#### Textual Amendments

- F1** Words inserted by [Local Government and Housing Act 1989](#) ©. 42, SIF 81:1), s. 139, **Sch. 5 para. 72(2)**
- F2** Words in s. 143(3) substituted (19.11.1997) by [1997 c. 29](#), s. 1, **Sch. 1 para. 6(a)**; S.I. 1997/2752, **art. 2(1)** (with **art. 2(2)**)
- F3** Word in s. 143(3) substituted (E.W.) (with effect in accordance with s. 1(6) of the amending Act) by [Local Government Finance Act 2012](#) (c. 17), **s. 1(3)(a)**
- F4** S. 143(3A) inserted (19.11.1997) by [1997 c. 29](#), s. 1, **Sch. 1 para. 6(b)**; S.I. 1997/2752, **art. 2(1)** (with **art. 2(2)**)
- F5** S. 143(3B) inserted (E.W.) (19.7.2007 with effect in accordance with s. 3(3)(4) of the amending Act) by [Rating \(Empty Properties\) Act 2007](#) (c. 9), **ss. 1(3), 3(2)**
- F6** S. 143(3C) inserted (25.6.2013) by [Growth and Infrastructure Act 2013](#) (c. 27), **ss. 30(4), 35(3)**
- F7** Words repealed by [Local Government and Housing Act 1989](#) ©. 42, SIF 81:1), ss. 139, 194(4), **Sch. 5 para. 72(4), Sch. 12 Pt. II** Note 4
- F8** Word in s. 143(4) substituted (25.11.2004 for E.) by [Local Government Act 2003](#) (c. 26), s. 128(3)(e), **Sch. 7 para. 24(3)**; S.I. 2004/3132, **art. 3(1)(e)** (with **art. 4**)
- F9** S. 143(4ZA) inserted (E.W.) (19.7.2007 with effect in accordance with s. 3(3)-(5) of the amending Act) by [Rating \(Empty Properties\) Act 2007](#) (c. 9), s. 3(2), **Sch. 1 para. 4(2)**

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- F10** S. 143(4A) inserted (27.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(4)(f), [Sch. 7 para. 24\(4\)](#); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F11** S. 143(4B) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), [Sch. 5 para. 11](#)
- F12** Words in s. 143(5) inserted (12.1.2000) by 1999 c. 29, [s. 106\(5\)](#) (with Sch. 12 para. 9(1)); S.I. 1999/3434, [art. 2](#)
- F13** Words inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(5\)](#)
- F14** Words in s. 143(6) ceased to have effect (25. 9. 1991) by [Local Government Finance and Valuation Act 1991 ©. 51](#), [ss. 1\(2\)\(b\)\(3\)](#), 7(5) and expressed to be repealed (6.3.1992) by 1992 c. 14, s. 117, Sch. 13 para. 80(2), [Sch. 14](#) (with s. 118(1)(2)(4))
- F15** S. 143(7)(9B) repealed (6.3.1992) by 1992 c. 14, s. 117, Sch. 10 para. 80(3), [Sch. 14](#) (with s. 118(1)(2)(4))
- F16** S. 143(9A)(9B) inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(6\)](#)
- F17** S. 143(9AA) inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(1)(b), [Sch. 7 para. 24\(5\)](#)
- F18** S. 143(9C)-(9E) inserted (E.W.) (with effect in accordance with s. 1(6) of the amending Act) by [Local Government Finance Act 2012 \(c. 17\)](#), [s. 1\(3\)\(b\)](#)
- F19** Words inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(7\)](#)

## 143 Orders and regulations. **S**

- (1) The power to make an order or regulations under this Act may be exercised differently in relation to different areas or in relation to other different cases or descriptions of case.
  - (2) An order or regulations under this Act may include such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State [<sup>F20</sup>the Minister of Agriculture, Fisheries and Food] or the Treasury (as the case may be) to be necessary or expedient.
  - (3) Subject to subsections (4) to [<sup>F21</sup>9AA)] below, the power to make an order or regulations under this Act shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
  - (4) The power to make regulations under section . . . <sup>F22</sup> 58 above shall be exercisable by statutory instrument, and no such regulations shall be made unless a draft of them has been laid before and approved by resolution of each House of Parliament.
- [<sup>F10</sup>(4A) As regards any power of the National Assembly for Wales to make an order or regulations under this Act, subsection (3) above shall have effect without the words from “subject to annulment” to the end.]
- (5) As regards the power to make regulations under section 75 or 118 above [<sup>F23</sup>other than regulations relating to an internal drainage board], subsection (3) above shall have effect without the words from “subject” to the end.
  - (6) As regards the power to make an order under <sup>F24</sup>. . . section 150 below, subsection (3) above shall have effect without the words from “subject” to the end.
  - <sup>F25</sup>(7) . . . . .

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- (8) The power to make an order under paragraph 3 of Schedule 6 below shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (9) The power to make an order under paragraph 5 of Schedule 7 below shall be exercisable as there mentioned.
- [<sup>F26</sup>(9A) The power to make an order under paragraph 5 of Schedule 7A below shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- [ The power of the Secretary of State to make an order under paragraph 5G of Schedule <sup>F17</sup>(9AA) 9 shall be exercisable by statutory instrument, and no such order shall be made by him unless a draft of it has been laid before and approved by resolution of each House of Parliament.]
- <sup>F25</sup>(9B) . . . . . ]
- (10) Before he makes regulations under section 75 or 118 above [<sup>F27</sup>other than regulations relating to an internal drainage board], the Secretary of State shall, by means of a notice in a newspaper or newspapers, take such steps as he thinks reasonably practicable to bring the contents of the proposed regulations to the notice of persons likely to be affected.
- (11) An order under paragraph 3 of Schedule 6 below shall, if apart from the provisions of this subsection it would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F10** S. 143(4A) inserted (27.11.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(4)(f), [Sch. 7 para. 24\(4\)](#); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F17** S. 143(9AA) inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(1)(b), [Sch. 7 para. 24\(5\)](#)
- F20** Words inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(2\)](#)
- F21** Word in s. 143(3) substituted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), s. 128(1)(b), [Sch. 7 para. 24\(2\)](#)
- F22** Words repealed by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), ss. 139, 194(4), Sch. 5 para. 72(4), [Sch. 12 Pt. II](#) Note 4
- F23** Words inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(5\)](#)
- F24** Words in s. 143(6) ceased to have effect (25. 9. 1991) by [Local Government Finance and Valuation Act 1991 ©. 51](#)), [ss. 1\(2\)\(b\)\(3\)](#), 7(5) and expressed to be repealed (6.3.1992) by 1992 c. 14, s. 117, Sch. 13 para. 80(2), [Sch. 14](#) (with s. 118(1)(2)(4))
- F25** S. 143(7)(9B) repealed (6.3.1992) by 1992 c. 14, s. 117, Sch. 10 para. 80(3), [Sch. 14](#) (with s. 118(1)(2)(4))
- F26** S. 143(9A)(9B) inserted by [Local Government and Housing Act 1989 ©. 42](#), SIF 81:1), s. 139, [Sch. 5 para. 72\(6\)](#)

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**F27** Words inserted by [Local Government and Housing Act 1989](#) ©. 42, SIF 81:1), s. 139, **Sch. 5 para. 72(7)**

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