



Local Government and Housing Act 1989

1989 CHAPTER 42

^{F1}PART IV

REVENUE ACCOUNTS AND CAPITAL FINANCE OF LOCAL AUTHORITIES

Introductory

39 Application of Part IV.

- (1) For financial years beginning on or after 1st April 1990, this Part has effect with respect to the finances of the following authorities (in this Part referred to as “local authorities”)—
- (a) a county council;
 - (b) a district council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London;
 - (e) the Council of the Isles of Scilly;
 - (f) an authority established under section 10 of the ^{M1}Local Government Act 1985 (waste disposal authorities);
 - (g) a joint authority established by Part IV of that Act (police, fire services, civil defence and transport);
 - (h) a joint or special planning board constituted for a National Park by an order under paragraph 1 or paragraph 3 of Schedule 17 to the Local Government Act 1972;
 - (i) the Broads Authority;
 - (j) a combined police authority established by an amalgamation scheme under the ^{M2}Police Act 1964; and
 - (k) any other body prescribed by regulations under subsection (3) below.
- (2) The reference in subsection (1)(d) above to the Common Council of the City of London is a reference to that Council in their capacity as a local authority, a police authority or a port health authority.

Status: Point in time view as at 08/05/1992. This version of this provision has been superseded.

Changes to legislation: Local Government and Housing Act 1989, Section 39 is up to date with all changes known to be in force on or before 09 September 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)

- (3) The Secretary of State may by regulations prescribe for the purposes of subsection (1) (k) above any body which is (or any class of bodies each of which is)—
- (a) a levying body, within the meaning of section 74 of the ^{M3}Local Government Finance Act 1988;
 - (b) a body to which section 75 of that Act applies (bodies having power to issue special levies);
 - (c) a body to which section 118 of that Act applies; or
 - (d) a precepting authority, as defined in section 144(2) of that Act.
- (4) Regulations under subsection (3) above may provide that, in relation to a body prescribed by the regulations, the following provisions of this Part shall have effect subject to such modifications as may be specified in the regulations.
- (5) For the purposes of the application of this Part, the Secretary of State may by order make provision for treating things done by or to—
- (a) a company which, in accordance with Part V of this Act, is under the control of a local authority, or
 - (b) a company which, in accordance with that Part, is for the time being subject to the influence of an authority, or
 - (c) a trust to which, by virtue of an order under section 72 below, the provisions of section 69 below are applicable, or
 - (d) a Passenger Transport Executive and any company which, in accordance with that Part, is either under the control or for the time being subject to the influence of such an Executive,
- in such cases and to such extent as may be provided in the order as if they were done by or to the local authority specified or determined in accordance with the order; and, where an order so provides in relation to a local authority, that authority together with any companies and Executive concerned are in subsection (6) below referred to as members of a local authority group.
- (6) Without prejudice to the generality of subsection (5) above, an order under that subsection—
- (a) may provide for the application of the provisions of this Part to the members of a local authority group subject to such modifications as may be specified in the order;
 - (b) may make provision as to the way in which dealings between members of a local authority group and changes in the capitalisation or capital structure of any company in a local authority group are to be brought into account for the purposes of this Part; and
 - (c) may contain such incidental, supplementary and transitional provisions as the Secretary of State considers appropriate.
- (7) The power to make an order under subsection (5) above—
- (a) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (b) may make different provision in relation to different cases or descriptions of case.
- (8) This Part has effect in place of the provisions of Part VIII of the ^{M4}Local Government, Planning and Land Act 1980.

Status: Point in time view as at 08/05/1992. This version of this provision has been superseded.

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Marginal Citations

- M1** 1985 c. 51.
- M2** 1964 c. 48.
- M3** 1988 c.41.
- M4** 1980 c. 65.

Status:

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