



Community Charges (General Reduction) Act 1991 (repealed)

1991 CHAPTER 9

2 Special cases: England and Wales.

(1) In any case where—

- (a) at any time on, before or after the day on which this Act is passed a charging authority sets an amount for the 1991 financial year under section 32 of the 1988 Act (amount for personal community charges), or
- (b) at any time on or before the day on which this Act is passed a charging authority sets for the 1991 financial year any amount in substitution under section 34 (power to set substituted amounts) or section 35 (duty to set substituted amounts) of the 1988 Act and that amount is required to be set as mentioned in section 34(2), section 35(3) or section 35(5) of that Act,

the amount shall not be regarded as having been lawfully set if, in the setting of the amount, account was taken of the prospect of any reduction under section 1(1) above or of any grant under section 4 below.

(2) If the day on which a charging authority sets an amount or amounts under section 32 of the 1988 Act for its personal community charges for the 1991 financial year for the whole or any part of its area falls after the day on which this Act is passed, then, subject to subsection (5) below, the relevant day for the purposes of section 1 above is the day following that on which the amount or amounts is or are so set.

(3) In any case where,—

- (a) after the day on which this Act is passed, a charging authority, under section 34, section 35(1) or section 35(4) of the 1988 Act, sets for the 1991 financial year an amount (“the substituted amount”) in substitution for an amount previously set (“the old amount”), and
- (b) the substituted amount is set in circumstances falling within any of paragraphs (a) to (c) of subsection (4) below,

the old amount shall be taken into account without regard to any reduction under section 1(1) above and, in setting the substituted amount, no account shall be taken of

Status: Point in time view as at 28/03/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Community Charges (General Reduction) Act 1991 (repealed), Section 2. (See end of Document for details)

the prospect of any reduction under section 1(1) above or of any grant under section 4 below.

- (4) The circumstances referred to in subsection (3)(b) above are as follows—
- (a) where the substituted amount is set under section 34 of the 1988 Act and the setting of the old amount was quashed because of a failure to fulfil section 32(3) or section 33(2) of that Act;
 - (b) where the substituted amount falls to be set by virtue of subsection (1) of section 35 of the 1988 Act and the precept giving rise to the application of that section was issued in substitution for one which was quashed because of a failure to fulfil section 68(3), section 69(3) or section 69(4) of that Act;
 - (c) where the substituted amount falls to be set by virtue of subsection (4) of section 35 of the 1988 Act and the calculations giving rise to the application of that subsection were made because a previous calculation under section 95(4) of that Act had been quashed because of a failure to comply with section 95 of that Act in making the calculation.
- (5) In a case where subsection (3) above applies, the relevant day for the purposes of section 1 above shall be taken not to have been that specified in subsection (3) of that section or, as the case may be, that determined under subsection (2) above but shall instead be the day following that on which the substituted amount is set.
- (6) Expressions used in this section and in the 1988 Act have the same meaning in this section as in that Act.

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