



# Local Government Finance Act 1992

## 1992 CHAPTER 14

### PART I

#### COUNCIL TAX: ENGLAND AND WALES

#### [<sup>F1</sup>CHAPTER IVA

#### LIMITATION OF COUNCIL TAX AND PRECEPTS

#### *[<sup>F1</sup> Supplemental*

#### Textual Amendments

- F1** Chapter 4A (ss. 52A-52Z) inserted (27.7.1999 with effect as mentioned in [s. 30\(2\)](#) of the amending Act.) by [1999 c. 27, s. 30\(1\)](#), [Sch. 1 para. 1](#)

#### **52W Meaning of budget requirement.**

- (1) Any reference in this Chapter to the amount calculated (or already calculated) by a major precepting authority <sup>F2</sup>... as its budget requirement for a financial year is a reference to the amount calculated by it in relation to the year under section 43(4) above.

<sup>F3</sup>(2) .....

- (3) Any reference in this Chapter to the amount calculated (or already calculated) by a billing authority as its budget requirement for a financial year is a reference to the amount calculated by it in relation to the year under section 32(4) above; but this is subject to section 52X below.

*Status: Point in time view as at 03/05/2012.*

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### Textual Amendments

- F2** Words in s. 52W(1) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 25(2), [Sch. 25 Pt. 12](#); [S.I. 2011/2896](#), art. 2(i)
- F3** S. 52W(2) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 25(3), [Sch. 25 Pt. 12](#); [S.I. 2011/2896](#), art. 2(i)

## 52X Calculations to be net of precepts.

- (1) The amount referred to in section 52W(3) above shall be taken to be the amount calculated as there mentioned less the aggregate amount for the year of any precepts which were (or could be) taken into account by the authority in making the calculation under section 32(2) above and which were (or could be)—
  - (a) issued to it by local precepting authorities, or
  - (b) anticipated by it in pursuance of regulations under section 41 above.
- (2) Subsection (3) below applies where this Chapter refers to any of the following—
  - (a) the amount which the [<sup>F4</sup>Welsh Ministers propose] should be the maximum for the amount calculated by a billing authority as its budget requirement for a financial year;
  - (b) the maximum amount which [<sup>F5</sup>they propose] a billing authority could calculate as its budget requirement for a financial year without the amount calculated being excessive;
  - (c) the amount which the amount calculated by a billing authority as its budget requirement for a financial year is not to exceed;
  - (d) an amount which [<sup>F6</sup>they propose] should be, or an amount which is to be, the notional amount calculated by a billing authority as its budget requirement for a financial year;
  - (e) the financial year as regards which [<sup>F7</sup>they expect] the amount calculated by a billing authority as its budget requirement for that year to be equal to or less than the target amount for that year.
- (3) In such a case—
  - (a) a reference to the amount calculated is to the amount calculated without taking account of any precept which could be issued to the authority by a local precepting authority;
  - (b) a reference to the amount which an authority could calculate is to the amount which it could calculate without taking account of any such precept;
  - (c) a reference to the target amount is to the target amount calculated without taking account of any such precept.
- (4) Subsection (1) above shall have effect subject to subsections (2) and (3) above.
- (5) Subsection (1) above shall not apply for the purpose of construing section 52Y(1) below.
- (6) The [<sup>F8</sup>Welsh Ministers] may by order provide that any of the provisions of subsections (1) to (3) above shall not apply for such purposes as are specified in the order.
- (7) A statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of the [<sup>F9</sup>National Assembly for Wales] .

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#### Textual Amendments

- F4** Words in s. 52X(2)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 26(2)(a)**; S.I. 2011/2896, art. 2(i)
- F5** Words in s. 52X(2)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 26(2)(b)**; S.I. 2011/2896, art. 2(i)
- F6** Words in s. 52X(2)(d) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 26(2)(c)**; S.I. 2011/2896, art. 2(i)
- F7** Words in s. 52X(2)(e) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 26(2)(d)**; S.I. 2011/2896, art. 2(i)
- F8** Words in s. 52X(6) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 26(3)**; S.I. 2011/2896, art. 2(i)
- F9** Words in s. 52X(7) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 26(4)**; S.I. 2011/2896, art. 2(i)

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

- C1** S. 52X(1) modified (E.) (8.4.2008) by [Local Government Finance \(New Parishes\) \(England\) Regulations 2008 \(S.I. 2008/626\)](#), regs. 1(1), **6**
- C2** S. 52X(1) modified (1.4.2011) by [The Pembrokeshire \(Communities\) Order 2011 \(S.I. 2011/683\)](#), arts. 1(3), **21(3)(c)**
- C3** S. 52X(1) modified (7.12.2011 for specified purposes, 3.5.2012 in so far as not already in force) by [The Swansea \(Communities\) Order 2011 \(S.I. 2011/2932\)](#), art. 1(2)(3), **22(3)(c)**
- C4** S. 52X(1)(b) modified (29.1.2009) by [Local Government \(Structural Changes\) \(Further Financial Provisions and Amendment\) Regulations 2009 \(S.I. 2009/5\)](#), regs. 1(1), **6(3)(b)** (with reg. 1(2))

### 52Y Information for purposes of Chapter IVA.

- (1) An authority shall notify the [<sup>F10</sup>Welsh Ministers] in writing of any amount calculated by it as its budget requirement for a financial year, whether originally or by way of substitute.
- (2) A billing authority shall also notify the [<sup>F11</sup>Welsh Ministers] in writing of the aggregate amount for any financial year of any precepts which were taken into account by it in making a calculation in relation to the year under section 32(2) above and which were—
  - (a) issued to it by local precepting authorities, or
  - (b) anticipated by it in pursuance of regulations under section 41 above.
- (3) A notification under subsection (1) or (2) above must be given before the end of the period of seven days beginning with the day on which the calculation was made.
- (4) The [<sup>F12</sup>Welsh Ministers] may serve on an authority a notice requiring it to supply to [<sup>F13</sup>them] such other information as is specified in the notice and required by [<sup>F13</sup>them] for the purpose of deciding whether to exercise [<sup>F14</sup>their] powers, and how to perform [<sup>F14</sup>their] functions, under this Chapter.
- (5) The authority shall supply the information required if it is in its possession or control, and shall do so in such form and manner and at such time as the [<sup>F15</sup>Welsh Ministers specify] in the notice.
- (6) An authority may be required under subsection (4) above to supply information at the same time as it gives a notification under subsection (1) or (2) above or at some other time.

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- (7) If an authority fails to comply with subsection (1) or (2) above, or with subsection (5) above, the [<sup>F16</sup>Welsh Ministers] may decide whether to exercise [<sup>F17</sup>their] powers, and how to perform [<sup>F17</sup>their] functions, under this Chapter on the basis of such assumptions and estimates as [<sup>F18</sup>they think] fit.
- (8) In deciding whether to exercise [<sup>F19</sup>their] powers, and how to perform [<sup>F19</sup>their] functions, under this Chapter the [<sup>F20</sup>Welsh Ministers] may also take into account any other information available to [<sup>F21</sup>them] , whatever its source and whether or not obtained under a provision contained in or made under this or any other Act.]

#### Textual Amendments

- F10** Words in s. 52Y(1) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(2)**; S.I. 2011/2896, art. 2(i)
- F11** Words in s. 52Y(2) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(3)**; S.I. 2011/2896, art. 2(i)
- F12** Words in s. 52Y(4) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(4) (a)**; S.I. 2011/2896, art. 2(i)
- F13** Word in s. 52Y(4) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(4) (b)**; S.I. 2011/2896, art. 2(i)
- F14** Word in s. 52Y(4) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(4) (c)**; S.I. 2011/2896, art. 2(i)
- F15** Words in s. 52Y(5) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(5)**; S.I. 2011/2896, art. 2(i)
- F16** Words in s. 52Y(7) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(6) (a)**; S.I. 2011/2896, art. 2(i)
- F17** Word in s. 52Y(7) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(6) (b)**; S.I. 2011/2896, art. 2(i)
- F18** Words in s. 52Y(7) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(6) (c)**; S.I. 2011/2896, art. 2(i)
- F19** Word in s. 52Y(8) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(7) (a)**; S.I. 2011/2896, art. 2(i)
- F20** Words in s. 52Y(8) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(7) (b)**; S.I. 2011/2896, art. 2(i)
- F21** Word in s. 52Y(8) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 27(7) (c)**; S.I. 2011/2896, art. 2(i)

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

- C5** S. 52Y(2) modified (E.) (8.4.2008) by Local Government Finance (New Parishes) (England) Regulations 2008 (S.I. 2008/626), regs. 1(1), **6**
- C6** S. 52Y(2) modified (29.1.2009) by Local Government (Structural Changes) (Further Financial Provisions and Amendment) Regulations 2009 (S.I. 2009/5), regs. 1(1), **6(3)(b)** (with reg. 1(2))
- C7** S. 52Y(2) modified (1.4.2011) by The Pembrokeshire (Communities) Order 2011 (S.I. 2011/683), arts. 1(3), **21(3)(c)**
- C8** S. 52Y(2) modified (7.12.2011 for specified purposes, 3.5.2012 in so far as not already in force) by The Swansea (Communities) Order 2011 (S.I. 2011/2932), art. 1(2)(3), **22(3)(c)**

<sup>F22</sup>**52Z** Separate administration in England and Wales.

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### Textual Amendments

**F22** S. 52Z repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 28, **Sch. 25 Pt. 12**; [S.I. 2011/2896](#), art. 2(i)

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