



Local Government Finance Act 1992

1992 CHAPTER 14

PART I

COUNCIL TAX: ENGLAND AND WALES

CHAPTER IV

PRECEPTS

Issue of precepts

42 Substituted precepts.

(1) Where—

- (a) a precepting authority has issued a precept or precepts for a financial year (originally or by way of substitute); and
- (b) at any later time it makes substitute calculations under section 49 [^{F1}, 52J or 52U] or (as the case may be) section 51 below [^{F2} or section 95 of the Greater London Authority Act 1999],

it shall as soon as reasonably practicable after that time issue a precept or precepts in substitution so as to give effect to those calculations.

- (2) Any precept issued in substitution under subsection (1) above must be issued in accordance with section 40 or (as the case may be) section 41 above, but subsection (5) of section 40 and subsection (4) of section 41 shall be ignored for this purpose.
- (3) Where a precepting authority issues a precept in substitution (a new precept) anything paid to it by reference to the precept for which it is substituted (the old precept) shall be treated as paid by reference to the new precept.
- (4) If the amount stated in the old precept exceeds that of the new precept, the following shall apply as regards anything paid if it would not have been paid had the amount of the old precept been the same as that of the new precept—

Status: Point in time view as at 18/11/2003. This version of this provision has been superseded.

Changes to legislation: Local Government Finance Act 1992, Section 42 is up to date with all changes known to be in force on or before 28 July 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)

- (a) it shall be repaid if the billing authority by whom it was paid so requires;
 - (b) in any other case it shall (as the precepting authority determines) either be repaid or be credited against any subsequent liability of the billing authority in respect of any precept of the precepting authority.
- (5) Any reference in subsection (4) above to the amount stated in a precept shall be construed, in relation to a precept issued by a major precepting authority, as a reference to the amount stated in the precept in accordance with section 40(2)(b) above.

Textual Amendments

- F1** Words in s. 42(1)(b) substituted (27.7.1999) by 1999 c. 27, s. 30, **Sch. 1 Pt. II para. 4**
- F2** Words in s. 42(1)(b) inserted (3.7.2000) by 1999 c. 29, s. 84 (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**
-

Modifications etc. (not altering text)

- C1** Pt. 1 Chs. 3, 4 (ss. 30-52) modified (E.) (1.2.1993) by S.I. 1993/22, **art. 4(2)**
- C2** S. 42(2) modified (E.) (20.2.1998) by S.I. 1998/119, **reg. 5(3)**

Status:

Point in time view as at 18/11/2003. This version of this provision has been superseded.

Changes to legislation:

Local Government Finance Act 1992, Section 42 is up to date with all changes known to be in force on or before 28 July 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.