



Local Government Finance Act 1992

1992 CHAPTER 14

PART I

COUNCIL TAX: ENGLAND AND WALES

[^{F1}CHAPTER IVA

LIMITATION OF COUNCIL TAX AND PRECEPTS

Designation for year under consideration

[^{F1}52F Challenge of maximum amount.

- (1) This section applies if an authority designated under section 52D(2)(a) above informs the Secretary of State by notice in writing under section 52E(5)(a) above.
- (2) After considering any information falling within subsection (3) below the Secretary of State shall either—
 - (a) proceed under subsection (4) below (in which case subsections (5) to (10) below shall also apply), or
 - (b) proceed under subsection (11) below.
- (3) Information falling within this subsection is—
 - (a) information which is supplied by the authority and is of a kind and provided in a form specified by the Secretary of State for the purposes of this section;
 - (b) any other information he thinks is relevant.
- (4) If he proceeds under this subsection the Secretary of State—
 - (a) shall make an order stating the amount which the amount calculated by the authority as its budget requirement for the year is not to exceed;
 - (b) may alter the target amount for the year.
- (5) The following paragraphs apply for the purposes of subsection (4) above—

Status: Point in time view as at 03/07/2000. This version of this provision has been superseded.

Changes to legislation: Local Government Finance Act 1992, Section 52F is up to date with all changes known to be in force on or before 31 May 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) the amount stated under subsection (4)(a) above may not exceed the amount already calculated by the authority as its budget requirement for the year unless in the Secretary of State's opinion the authority failed to comply with section 32 or 43 above (as the case may be) in making the calculation;
 - (b) subject to paragraph (a) above, the amount stated under subsection (4)(a) above may be the same as, or greater or smaller than, that stated in the notice under section 52E(2)(d) above;
 - (c) the Secretary of State may alter the target amount for the year under subsection (4)(b) above only if the amount stated under subsection (4)(a) above is greater or smaller than that stated in the notice under section 52E(2)(d) above.
- (6) In the application of subsection (5)(a) above in relation to the Greater London Authority—
- (a) for the reference to section 43 above there shall be substituted a reference to sections [F²85 and 86] of the Greater London Authority Act 1999, and
 - (b) at the end there shall be added the words “or he has issued a direction for the year under section [F³95] of the Greater London Authority Act 1999”.
- (7) An order under this section—
- (a) shall not be made unless a draft of it has been laid before and approved by resolution of the House of Commons;
 - (b) may relate to two or more authorities.
- (8) As soon as is reasonably practicable after an order under this section is made the Secretary of State shall serve on the authority (or each authority) a notice stating—
- (a) the amount stated in the case of the authority concerned in the order;
 - (b) the altered target amount for the year (if he alters it in the case of the authority concerned).
- (9) When he serves a notice under subsection (8) above on a precepting authority the Secretary of State shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.
- (10) In applying subsection (5)(a) above the Secretary of State shall ignore any calculation for which another has been substituted at the time of designation.
- (11) If the Secretary of State proceeds under this subsection he shall—
- (a) cancel the designation of the authority under section 52D(2)(a) above as regards the year and notify the authority in writing of the cancellation, and
 - (b) nominate the authority under section 52D(2)(b) above;
- and in such a case the designation under section 52D(2)(a) above and the notification under section 52E above shall be treated as not having been made.]

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**
- F2** Words in s. 52F(6)(a) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 2(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**
- F3** Word in s. 52F(6)(b) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 2(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**

Status:

Point in time view as at 03/07/2000. This version of this provision has been superseded.

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