



Local Government Finance Act 1992

1992 CHAPTER 14

PART I

COUNCIL TAX: ENGLAND AND WALES

[^{F1}CHAPTER IVA

LIMITATION OF COUNCIL TAX AND PRECEPTS

Position after designation under section 52M or 52P

[^{F1}52U Duty of designated precepting authority.

- (1) This section applies if a major precepting authority receives a notice under section 52Q(7), 52R(2) or 52S(4) above.
- (2) If it has not made calculations in relation to the year in accordance with—
 - (a) sections [^{F2}85 to 90] of the Greater London Authority Act 1999 and sections 47 and 48 above (where the authority is the Greater London Authority), or
 - (b) sections 43 to 48 above (in any other case),in making such calculations it shall secure that the amount calculated by it as its budget requirement for the year does not exceed that stated in the notice.
- (3) Where the authority is the Greater London Authority and—
 - (a) it has made calculations in relation to the year in accordance with sections [^{F3}85 to 90] of the Greater London Authority Act 1999 and sections 47 and 48 above, or
 - (b) it has made substitute calculations in relation to the year in accordance with sections [^{F4}85, 86 and 88 to 90 of and Schedule 7] to the Greater London Authority Act 1999 and sections 47 and 48 above,it shall make substitute calculations in relation to the year in accordance with the provisions mentioned in paragraph (b) above.

Status: Point in time view as at 02/05/2007. This version of this provision has been superseded.

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- (4) Where the authority is not the Greater London Authority and it has made—
- (a) calculations in accordance with sections 43 to 48 above, or
 - (b) substitute calculations in accordance with section 49 above,
- in relation to the year, it shall make substitute calculations in relation to the year in accordance with sections 43 to 48.
- (5) The substitute calculations required by subsection (3) or (4) shall be made so as to secure—
- (a) that the amount calculated by the authority as its budget requirement for the year does not exceed that stated in the notice, and
 - (b) that any amount calculated under section 44(1) or 45(2) or (3) above as the basic amount of council tax applicable to any dwelling does not exceed that so calculated in the previous calculations.
- (6) In the application of subsection (5)(b) above in relation to the Greater London Authority—
- (a) for the reference to section 44(1) above there shall be substituted a reference to section [F588(2)] of the Greater London Authority Act 1999, and
 - (b) for the reference to section 45(2) or (3) above there shall be substituted a reference to section [F689(3)] of that Act.
- (7) Subsection (5)(b) above does not apply in a case where the amount stated in the notice exceeds that already calculated by the authority as its budget requirement for the year.
- (8) In making substitute calculations under section 44(1) or 45(3) above the authority must use any amount determined in the previous calculations for item P or T in section 44(1) above or item TP in section 45(3) above.
- (9) In making substitute calculations under section [F788(2)] or [F889(3)] of the Greater London Authority Act 1999 the authority must use any amount determined in the previous calculations for item P1 or T in section [F788(2)] of that Act or for item P2 or item TP2 in section [F889(4)] of that Act.
- (10) For the purposes of subsection (8) above the authority may treat any amount determined in the previous calculations for item P in section 44(1) above as increased by the amount of any sum which—
- (a) it estimates will be payable to it for the year in respect of additional grant, and
 - (b) was not taken into account by it in making those calculations.
- (11) For the purposes of subsection (9) above the authority may treat any amount determined in the previous calculations—
- (a) for item P1 in section [F1088(2)] of the Greater London Authority Act 1999, or
 - (b) for item P2 in section [F1189(4)] of that Act,
- as increased by the relevant portion of any new additional grant.
- (12) For the purposes of subsection (11) above, “the relevant portion of any new additional grant” means the amount of any additional grant payable to the authority for the year which was not taken into account by the authority in making the previous calculations, but—
- (a) in the case of item P1, reduced, as may be prescribed, by such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part, and

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- (b) in the case of item P2, restricted, as may be prescribed, to such sum as the Secretary of State considers represents the portion of the amount which relates to defraying the special item in whole or in part;
- and “special item” has the same meaning in this subsection as in sections [F1288 and 89] of the Greater London Authority Act 1999 (see section [F1389(2)] of that Act).
- (13) In subsection (12) above, “prescribed” means specified in, or determined in accordance with, either—
- (a) the report under section 85 [F14(in relation to England) or section 86A (in relation to Wales)] of the Local Government Finance Act 1988 relating to the amount of additional grant in question, or
- (b) regulations made by the Secretary of State under section [F1588(3)(b)] of the Greater London Authority Act 1999 (in relation to item P1) or under section [F1689(5)(b)] of that Act (in relation to item P2),
- as the Secretary of State may determine for the purposes of paragraph (a) or (b) of subsection (12) and any particular financial year or years.
- (14) References in this section to the amount stated in the notice are, in the case of a notice under section 52Q(7) above, to the amount stated under section 52Q(7)(a).]

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. 52U(2)(a) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**
- F3** Words in s. 52U(3)(a) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**
- F4** Words in s. 52U(3)(b) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**
- F5** Word in s. 52U(6)(a) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(4)(a)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**
- F6** Word in s. 52U(6)(b) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(4)(b)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**
- F7** Words in s. 52U(9) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(5)(a)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**
- F8** Word in s. 52U(9) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(5)(b)** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 4**
- F9** Word in s. 52U(9) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(5)(c)** (with Sch. 12 para. 9(2)); S.I. 1999/3434, **art. 4**
- F10** Word in s. 52U(11) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(6)(a)** (with Sch. 12 para. 9(2)); S.I. 1999/3434, **art. 4**
- F11** Word in s. 52U(11) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(6)(b)** (with Sch. 12 para. 9(2)); S.I. 1999/3434, **art. 4**
- F12** Words in s. 52U(12) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(7)(a)** (with Sch. 12 para. 9(2)); S.I. 1999/3434, **art. 4**
- F13** Word in s. 52U(12) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(7)(b)** (with Sch. 12 para. 9(2)); S.I. 1999/3434, **art. 4**
- F14** Words in s. 52U(13)(a) inserted (2.5.2007) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 43**

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- F15** Word in s. 52U(13)(b) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(8)(a)** (with Sch. 12 para. 9(2)); S.I. 1999/3434, **art. 4**
- F16** Word in s. 52U(13)(b) substituted (3.7.2000) by 1999 c. 29, s. 136(2), **Sch. 9 para. 5(8)(b)** (with Sch. 12 para. 9(2)); S.I. 1999/3434, **art. 4**

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