



Local Government Act 2003

2003 CHAPTER 26

PART 1 **E+W**

CAPITAL FINANCE ETC AND ACCOUNTS

Modifications etc. (not altering text)

- C1** Meaning of “local authority” in Pt. 1 modified (5.3.2008) by [Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), [arts. 1, 9\(9\)\(c\)](#)
- C2** Meaning of “local authority” in Pt. 1 modified (28.3.2008) by [Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), [arts. 1, 20\(7\)\(c\)](#)
- C3** Pt. 1 applied (15.1.2014) by [Humber Bridge Act 2013 \(c. vi\)](#), ss. 1(1), **8(4)**
- C4** Pt. 1 applied in part (with modifications) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [Sch. 2 para. 7A\(4\)\(7\)\(8\)](#), [Sch. 4 para. 4A\(4\)\(5\)](#) (as inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), ss. **141(1)(2)**, 185(1))

CHAPTER 1 **E+W**

CAPITAL FINANCE ETC

Borrowing

1 **Power to borrow** **E+W**

A local authority may borrow money—

- (a) for any purpose relevant to its functions under any enactment, or
- (b) for the purposes of the prudent management of its financial affairs.

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

Commencement Information

- I1** S. 1 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I2** S. 1 in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(a\)](#) (with [art. 8, Sch.](#))

2 Control of borrowing **E+W**

- (1) A local authority may not borrow money if doing so would result in a breach of—
- (a) the limit for the time being determined by or for it under section 3, or
 - (b) any limit for the time being applicable to it under section 4.
- (2) The Secretary of State may, in relation to specific borrowing by a particular local authority, by direction disapply subsection (1)(b), so far as relating to any limit for the time being applicable under section 4(1).
- (3) A local authority may not, without the consent of the Treasury, borrow otherwise than in sterling.
- (4) This section applies to borrowing under any power for the time being available to a local authority under any enactment, whenever passed.

Commencement Information

- I3** S. 2 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I4** S. 2 in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(a\)](#) (with [art. 8, Sch.](#))

3 Duty to determine affordable borrowing limit **E+W**

- (1) A local authority shall determine and keep under review how much money it can afford to borrow.
- (2) In the case of the following authorities, namely—
- (a) the Greater London Authority, and
 - (b) a functional body,
- the Mayor shall determine and keep under review how much money the authority can afford to borrow.
- (3) Before making any determination under subsection (2), the Mayor shall consult the London Assembly.
- (4) Before making a determination under subsection (2) for a functional body, the Mayor shall consult that body.
- (5) The Secretary of State may by regulations make provision about the performance of the duty under subsection (1) or (2).
- (6) Regulations under subsection (5) may, in particular—
- (a) make provision about—
 - (i) when a determination under subsection (1) or (2) is to be made,
 - (ii) how such a determination is to be made, and

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- (iii) the period for which such a determination is to be made;
 - (b) make provision about the monitoring of an amount determined under subsection (1) or (2);
 - (c) make provision about factors to which regard may be had in making a determination under subsection (1) or (2) or in monitoring an amount determined under that subsection.
- (7) Regulations under subsection (5) may include provision requiring a person making a determination under subsection (1) or (2) to have regard to one or more specified codes of practice, whether issued by the Secretary of State or another.
- (8) A local authority's function under subsection (1) shall be discharged only by the authority.
- (9) Section 38(1) of the Greater London Authority Act 1999 (c. 29) (delegation by Mayor) does not apply in relation to functions under subsection (2).
- (10) The power under subsection (7) is not to be read as limited to the specification of an existing document.
- (11) In this section—
- “functional body” has the same meaning as in the Greater London Authority Act 1999 (c. 29);
 - “local authority” does not include the Greater London Authority or a functional body;
 - “Mayor” means Mayor of London.

Commencement Information

- I5** S. 3 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I6** S. 3(1)-(4) (8) (9) (11) in force at 1.1.2004 for E. by [S.I. 2003/2938, art. 5](#) (with [art. 8, Sch.](#))
- I7** S. 3(5)-(7) (10) in force at 18.11.2003 for E. by [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#))

4 Imposition of borrowing limits **E+W**

- (1) The Secretary of State may for national economic reasons by regulations set limits in relation to the borrowing of money by local authorities.
- (2) The Secretary of State may by direction set limits in relation to the borrowing of money by a particular local authority for the purpose of ensuring that the authority does not borrow more than it can afford.
- (3) Different limits may be set under subsection (1) or (2) in relation to different kinds of borrowing.
- (4) A local authority subject to a limit set under subsection (1) may transfer any headroom it has in relation to the limit to another local authority subject to a corresponding limit.
- (5) The Secretary of State may by regulations make provision about the exercise of the right under subsection (4) and may, in particular, make provision about—
- (a) the circumstances in which a local authority is to be regarded as having headroom for the purposes of that subsection, and

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- (b) the amount of headroom which it has for those purposes.
- (6) Where an amount is transferred under subsection (4), this Chapter shall have effect—
- (a) in relation to the transferor, as if the limit in relation to which the headroom exists were reduced by that amount, and
 - (b) in relation to the transferee, as if the corresponding limit to which it is subject were increased by that amount.

Commencement Information

- I8** S. 4 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I9** S. 4(1)-(3) (5) in force at 18.11.2003 for E. by [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#))
- I10** S. 4(4)(6) in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(b\)](#) (with [art. 8, Sch.](#))

5 Temporary borrowing **E+W**

- (1) Subject to subsection (2), any limit for the time being determined by or for a local authority under section 3, or applicable to it under section 4, shall be treated for the purposes of this Chapter as increased by the amount of any payment which—
- (a) is due to the authority in the period to which the limit relates, but
 - (b) has not yet been received by it.
- (2) In the case of a limit determined under section 3, or set under section 4(2), subsection (1) shall not apply to any payment whose delayed receipt was taken into account in arriving at the limit.

Commencement Information

- I11** S. 5 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I12** S. 5 in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(a\)](#) (with [art. 8, Sch.](#))

6 Protection of lenders **E+W**

A person lending money to a local authority shall not be bound to enquire whether the authority has power to borrow the money and shall not be prejudiced by the absence of any such power.

Commencement Information

- I13** S. 6 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I14** S. 6 in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(a\)](#) (with [art. 8, Sch.](#))

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

Credit arrangements

7 “Credit arrangements” **E+W**

- (1) For the purposes of this Chapter, a local authority shall be taken to have entered into a credit arrangement where—
 - (a) it enters into a transaction which gives rise to a liability on its part, and
 - (b) the liability is a qualifying liability.
- (2) A transaction entered into by a local authority is to be taken for the purposes of subsection (1) as giving rise to a liability on the part of the authority if—
 - (a) it falls in accordance with proper practices to be treated for the purposes of the authority’s accounts as giving rise to such a liability, or
 - (b) it falls in accordance with regulations made by the Secretary of State to be treated as falling within paragraph (a).
- (3) The reference in subsection (1)(b) to a qualifying liability is to any liability other than—
 - (a) a liability to repay money,
 - (b) a liability in respect of which the date for performance is less than 12 months after the date on which the transaction giving rise to the liability is entered into, and
 - (c) a liability of a description specified for the purposes of this provision by regulations made by the Secretary of State.

Commencement Information

- I15** S. 7 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I16** S. 7(1)(2)(a)(3)(a)(3)(b) in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(b\)](#) (with [art. 8, Sch.](#))
- I17** S. 7(2)(b)(3)(c) in force at 18.11.2003 for E. by [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#))

8 Control of credit arrangements **E+W**

- (1) A local authority may not enter into, or vary, a credit arrangement if doing so would result in a breach of—
 - (a) the limit for the time being determined by or for it under section 3, or
 - (b) any limit for the time being applicable to it under section 4.
- (2) In applying those limits for the purposes of subsection (1)—
 - (a) entry into a credit arrangement shall be treated as the borrowing of an amount of money equal to the cost of the arrangement, and
 - (b) variation of a credit arrangement shall be treated as the borrowing of an amount of money equal to the cost of the variation.
- (3) The Secretary of State may by regulations make provision about the calculation for the purposes of subsection (2) of the cost of a credit arrangement or a variation and may, in particular, make provision about the treatment of options.

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

Commencement Information

- I18** S. 8 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I19** S. 8(1)(2) in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(b\)](#) (with [art. 8, Sch.](#))
- I20** S. 8(3) in force at 18.11.2003 for E. by [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#))

Capital receipts

9 “Capital receipt” **E+W**

- (1) Subject to subsection (3), references in this Chapter to a capital receipt, in relation to a local authority, are to a sum received by the authority in respect of the disposal by it of an interest in a capital asset.
- (2) An asset is a capital asset for the purposes of subsection (1) if, at the time of the disposal, expenditure on the acquisition of the asset would be capital expenditure.
- (3) The Secretary of State may by regulations—
 - (a) make provision for the whole of a sum received by a local authority in respect of the disposal by it of an interest in a capital asset, or such part of such a sum as may be determined under the regulations, to be treated as not being a capital receipt for the purposes of this Chapter;
 - (b) make provision for the whole of a sum received by a local authority otherwise than in respect of the disposal by it of an interest in a capital asset, or such part of such a sum as may be determined under the regulations, to be treated as being a capital receipt for the purposes of this Chapter.
- (4) Where a sum becomes payable to a local authority before it is actually received by the authority, it shall be treated for the purposes of this section as received by the authority when it becomes payable to it.

Commencement Information

- I21** S. 9 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I22** S. 9(1)(2)(4) in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(b\)](#) (with [art. 8, Sch.](#))
- I23** S. 9(3) in force at 18.11.2003 for E. by [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#))

10 Non-money receipts **E+W**

- (1) The Secretary of State may by regulations apply section 9 to cases where—
 - (a) a local authority makes a disposal of the kind mentioned in subsection (1) of that section and the consideration for the disposal does not consist wholly of money payable to the authority, or
 - (b) a local authority receives otherwise than in the form of money anything which, if received in that form, would be a capital receipt under that section.
- (2) Regulations under subsection (1) may, in particular—

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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) make provision for a local authority to be treated as receiving a sum of such an amount as may be determined under the regulations;
- (b) make provision about when the deemed receipt is to be treated as taking place.

Commencement Information

I24 S. 10 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), **art. 3(a)** (with [art. 8](#), [Sch.](#))

I25 S. 10 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), **art. 2**, **Sch. 1 Pt. I** (with [Sch. 2 para. 3](#))

11 Use of capital receipts **E+W**

- (1) The Secretary of State may by regulations make provision about the use of capital receipts by a local authority.
 - (2) Regulations under subsection (1) may, in particular—
 - (a) make provision requiring an amount equal to the whole or any part of a capital receipt to be used only to meet—
 - (i) capital expenditure, or
 - (ii) debts or other liabilities;
 - (b) make provision requiring an amount equal to the whole or any part of a capital receipt to be paid to the Secretary of State.
 - (3) The power under subsection (1), so far as relating to provision of the kind mentioned in subsection (2)(b), shall only apply to receipts which a local authority derives from the disposal of an interest in housing land.
 - (4) The reference in subsection (3) to housing land is to any land, house or other building in relation to which the local authority is, or has been, subject to the duty under section 74 of the Local Government and Housing Act 1989 (c. 42) (duty to keep Housing Revenue Account).
 - (5) Regulations under subsection (1) may include provision authorising the Secretary of State to set off any amount which an authority [^{F1}in Wales] is liable to pay to him under this section against any amount which he is liable to pay to it.
- [^{F2}(5A) Where the Secretary of State is liable to repay an amount that has been overpaid by a local housing authority in England under this section, the Secretary of State may set off against the amount of the repayment any amount that the authority is liable to pay the Secretary of State under—
- (a) this section, or
 - (b) section 69 of the Housing and Planning Act 2016 (payments in respect of vacant higher value housing).]
- [^{F3}(6) The Secretary of State and a local authority in England may enter into an agreement with the effect that a requirement imposed under subsection (2)(b) does not apply to, or is modified in its application to, capital receipts of the authority that are specified or described in the agreement.]

Textual Amendments

F1 Words in s. 11(5) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 78(2)**, [216\(1\)\(b\)](#)

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- F2** S. 11(5A) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 78(3)**, 216(1)(b)
F3 S. 11(6) inserted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), **ss. 174**, 240(5)(n)

Commencement Information

- I26** S. 11 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), **art. 3(a)** (with [art. 8](#), [Sch.](#))
I27 S. 11 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), **art. 2**, **Sch. 1 Pt. I** (with [Sch. 2 para. 3](#))

Investment

12 Power to invest **E+W**

A local authority may invest—

- (a) for any purpose relevant to its functions under any enactment, or
- (b) for the purposes of the prudent management of its financial affairs.

Commencement Information

- I28** S. 12 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), **art. 2**, **Sch. 1 Pt. I** (with [Sch. 2 para. 3](#))
I29 S. 12 in force at 1.4.2004 for E. by [S.I. 2003/2938](#), **art. 7(a)** (with [art. 8](#), [Sch.](#))

Miscellaneous

13 Security for money borrowed etc **E+W**

- (1) Except as provided by subsection (3), a local authority may not mortgage or charge any of its property as security for money which it has borrowed or which it otherwise owes.
- (2) Security given in breach of subsection (1) shall be unenforceable.
- (3) All money borrowed by a local authority (whether before or after the coming into force of this section), together with any interest on the money borrowed, shall be charged indifferently on all the revenues of the authority.
- (4) All securities created by a local authority shall rank equally without any priority.
- (5) The High Court may appoint a receiver on application by a person entitled to principal or interest due in respect of any borrowing by a local authority if the amount due remains unpaid for a period of two months after demand in writing.
- (6) The High Court may appoint a receiver under subsection (5) on such terms, and confer on him such powers, as it thinks fit.
- (7) The High Court may confer on a receiver appointed under subsection (5) any powers which the local authority has in relation to—
 - (a) collecting, receiving or recovering the revenues of the local authority,
 - (b) issuing levies or precepts, or
 - (c) setting, collecting or recovering council tax.

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- (8) No application under subsection (5) may be made unless the sum due in respect of the borrowing concerned amounts to not less than £10,000.
- (9) The Secretary of State may by order substitute a different sum for the one for the time being specified in subsection (8).

Modifications etc. (not altering text)

- C5** S. 13(1)(2) excluded (1.4.2004) by [The Local Authorities \(Capital Finance\) \(Consequential, Transitional and Saving Provisions\) Order 2004 \(S.I. 2004/533\)](#), arts. 1, **7(8)**, 7(9)

Commencement Information

- I30** S. 13 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 2 para. 3](#))
- I31** S. 13 in force at 1.4.2004 for E. by [S.I. 2003/2938](#), **art. 7(a)** (with art. 8, Sch.)

14 Information **E+W**

A local authority shall supply the Secretary of State with such information relating to any of the matters dealt with in this Chapter, and at such time, as he may request.

Commencement Information

- I32** S. 14 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), **art. 3(a)** (with art. 8, Sch.)
- I33** S. 14 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 2 para. 3](#))

Supplementary

15 Guidance **E+W**

- (1) In carrying out its functions under this Chapter, a local authority shall have regard—
- to such guidance as the Secretary of State may issue, and
 - to such other guidance as the Secretary of State may by regulations specify for the purposes of this provision.
- (2) The power under subsection (1)(b) is not to be read as limited to the specification of existing guidance.

Commencement Information

- I34** S. 15 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), **art. 3(a)** (with art. 8, Sch.)
- I35** S. 15 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), art. 2, **Sch. 1 Pt. I** (with [Sch. 2 para. 3](#))

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

16 “Capital expenditure” **E+W**

- (1) Subject to subsection (2), references in this Chapter to capital expenditure, in relation to a local authority, are to expenditure of the authority which falls to be capitalised in accordance with proper practices.
- (2) The Secretary of State may—
 - (a) by regulations provide that expenditure of local authorities shall be treated for the purposes of this Chapter as being, or as not being, capital expenditure;
 - (b) by direction provide that expenditure of a particular local authority shall be treated for the purposes of this Chapter as being, or as not being, capital expenditure.

Commencement Information

- I36** S. 16 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I37** S. 16(1) in force at 1.4.2004 for E. by [S.I. 2003/2938, art. 7\(a\)](#) (with [art. 8, Sch.](#))
- I38** S. 16(2) in force at 18.11.2003 for E. by [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#))

17 External funds **E+W**

- (1) For the purposes of this Chapter—
 - (a) borrowing of money by a local authority for the purposes of an external fund shall be treated as not being borrowing by the authority;
 - (b) the temporary use by a local authority of money forming part of an external fund, if not for a purpose of the fund, shall be treated as borrowing by the authority;
 - (c) entry into a credit arrangement by a local authority for the purposes of an external fund shall be treated as not being entry into a credit arrangement by the authority;
 - (d) a disposal by a local authority of—
 - (i) an interest in an asset which, at the time of the disposal, is an asset of an external fund, or
 - (ii) an investment held for the purposes of such a fund,
 shall be treated as not being a disposal by the authority;
 - (e) the making of an investment by a local authority for the purposes of an external fund shall be treated as not being the making of an investment by the authority;
 - (f) expenditure incurred by a local authority in respect of payments out of an external fund shall be treated as not being expenditure of the authority.
- (2) In this section, references to an external fund, in relation to a local authority, are to—
 - (a) a superannuation fund which the authority is required to keep by virtue of the Superannuation Act 1972 (c. 11), or
 - (b) a trust fund of which the authority is a trustee.

Commencement Information

- I39** S. 17 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

I40 S. 17 in force at 1.4.2004 for E. by [S.I. 2003/2938](#), [art. 7\(a\)](#) (with [art. 8](#), [Sch.](#))

18 Local authority companies etc **E+W**

- (1) The Secretary of State may, for the purposes of this Chapter, by regulations make provision for things done by or to a body mentioned in subsection (2) to be treated, in such cases and to such extent as the regulations may provide, as done by or to a local authority specified in, or determined in accordance with, the regulations.
- (2) Those bodies are—
 - (a) a Passenger Transport Executive,
 - (b) a company which, in accordance with Part 5 of the Local Government and Housing Act 1989 (c. 42) (companies in which local authorities have interests), is under the control, or for the time being subject to the influence, of a local authority or a Passenger Transport Executive, and
 - (c) a trust to which the provisions of section 69 of that Act (companies subject to local authority influence) are applicable because of an order under section 72 of that Act (trusts influenced by local authorities).
- (3) A local authority to which regulations under this section apply and any body or bodies falling within subsection (2)(a) or (b) with which the regulations link the authority are referred to in this section as the members of a local authority group.
- (4) Regulations under this section may include—
 - (a) provision for the application of any of the provisions of this Chapter to members of a local authority group subject to such modifications as the regulations may specify;
 - (b) provision as to the way in which—
 - (i) dealings between members of a local authority group, or
 - (ii) changes in the capitalisation or capital structure of a company in a local authority group,are to be brought into account for the purposes of this Chapter.

Commencement Information

I41 S. 18 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), [art. 3\(a\)](#) (with [art. 8](#), [Sch.](#))

I42 S. 18 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))

19 Application to parish and community councils **E+W**

- (1) In sections 2(3) and (4), 6, 9 to 13, 15, 16, 17(1)(a), (b) and (d) to (f) and (2) and 18, references to a local authority include a parish council, a community council and charter trustees.
- (2) Schedule 1 (which makes provision about capital finance in relation to parish and community councils and charter trustees) has effect.
- (3) The appropriate person may by regulations—

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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) apply any of the other provisions of this Chapter to parish or community councils or charter trustees, or parish or community councils or charter trustees of any description, with or without modifications, and
- (b) make any corresponding disapplication of any of the provisions of Schedule 1.

Commencement Information

- I43** S. 19 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I44** S. 19(1)(2) in force at 18.11.2003 for specified purposes for E. by [S.I. 2003/2938, art. 3\(b\)\(c\)](#) (with [art. 8, Sch.](#))
- I45** S. 19(1)(2) in force at 1.4.2004 for E. in so far as not already in force by [S.I. 2003/2938, art. 7\(b\)](#) (with [art. 8, Sch.](#))
- I46** S. 19(3) in force at 18.11.2003 for E. by [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#))

20 Directions **E+W**

- (1) Directions under this Chapter shall be in writing.
- (2) Directions under this Chapter may be expressed to have effect in specified circumstances or subject to specified conditions.
- (3) Any power to give a direction under this Chapter includes power to give a direction varying or revoking a previous direction given in exercise of the power.

Commencement Information

- I47** S. 20 in force at 18.11.2003 for E. by [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#))
- I48** S. 20 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))

CHAPTER 2 **E+W**

ACCOUNTS

21 Accounting practices **E+W**

- (1) The Secretary of State may by regulations make provision about the accounting practices to be followed by a local authority, in particular with respect to the charging of expenditure to a revenue account.
- [^{F4}(1A) The Secretary of State may issue guidance about the accounting practices to be followed by a local authority, in particular with respect to the charging of expenditure to a revenue account.
- (1B) A local authority must have regard to any guidance issued to it under subsection (1A).]
- (2) In any enactment to which this subsection applies, reference to proper practices, in relation to accounts of a local authority, is to those accounting practices—
 - (a) which the authority is required to follow by virtue of any enactment, or

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- (b) which are contained in a code of practice or other document which is identified for the purposes of this provision by regulations made by the Secretary of State.
- (3) In the event of conflict between practices falling within paragraph (a) of subsection (2) and practices falling within paragraph (b) of that subsection, only those falling within paragraph (a) are to be regarded as proper practices.
- (4) Subsections (2) and (3) apply to any enactment contained in—
 - (a) this Act,
 - (b) any Act passed after or in the same Session as this Act,
 - (c) the Local Government and Housing Act 1989 (c. 42),
 - [^{F5}(ca) the Local Government Finance Act 1992 (c. 14),]
 - ^{F6}(d)
 - [^{F7}(da) the Greater London Authority Act 1999 (c. 29), and]
 - (e) subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) whenever made.
- (5) The power under subsection (2)(b) is not to be read as limited to the identification of an existing document.
- [^{F8}(6) In this section, “local authority” includes—
 - (a) a parish council,
 - (b) a parish meeting of a parish which does not have a separate parish council,
 - (c) a community council,
 - (d) a Passenger Transport Executive,
 - (e) the London Waste and Recycling Board,
 - (f) charter trustees (within the meaning of the Local Audit and Accountability Act 2014),
 - (g) a port health authority for a port health district that is wholly in England,
 - (h) a conservation board established by order of the Secretary of State under section 86 of the Countryside and Rights of Way Act 2000,
 - (i) a chief constable for a police force for a police area in England,
 - (j) the Commissioner of Police of the Metropolis,
 - (k) an internal drainage board for an internal drainage district—
 - (i) wholly in England, or
 - (ii) partly in England and partly in Wales, and
 - (l) any other person or body which for the time being is a relevant authority for the purposes of the Local Audit and Accountability Act 2014 and—
 - (i) is not listed in paragraphs (a) to (k) or section 23(1),
 - (ii) is not a health service body (within the meaning of that Act),
 - (iii) is not specified in regulations under section 23(2), and
 - (iv) does not fall within a class of bodies so specified.]

Textual Amendments

- F4** S. 21(1A)(1B) inserted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 238(2), 245(5)**; S.I. 2008/172, art. 2(1)(t)
- F5** S. 21(4)(ca) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), **ss. 73(a), 240(2)**; S.I. 2011/2896, art. 2(g)

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- F6** S. 21(4)(d) omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 50\(2\)](#); S.I. 2015/841, art. 3(x)
- F7** S. 21(4)(da) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), [ss. 73\(b\)](#), 240(2); S.I. 2011/2896, art. 2(g)
- F8** S. 21(6) substituted (10.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 50\(3\)](#); S.I. 2015/179, art. 2; S.I. 2015/841, art. 3(x)

Modifications etc. (not altering text)

- C6** S. 21 applied by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [Sch. 2 para. 7A](#) (as inserted (temp.) (31.3.2014) by S.I. 2013/2319, [arts. 1\(2\)](#), 2(1))

Commencement Information

- I49** S. 21 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, [Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))
- I50** S. 21(1)(5)(6) in force at 18.11.2003 for E. by S.I. 2003/2938, [art. 3\(a\)](#) (with [art. 8](#), [Sch.](#))
- I51** S. 21(2)(a)(3)(4) in force at 1.4.2004 for E. by S.I. 2003/2938, [art. 7\(b\)](#) (with [art. 8](#), [Sch.](#))
- I52** S. 21(2)(b) in force at 18.11.2003 for specified purposes for E. by S.I. 2003/2938, [art. 3\(d\)](#) (with [art. 8](#), [Sch.](#))
- I53** S. 21(2)(b) in force at 1.4.2004 for E. in so far as not already in force by S.I. 2003/2938, [art. 7\(b\)](#) (with [art. 8](#), [Sch.](#))

22 “Revenue account” **E+W**

- (1) References to a revenue account, in relation to a local authority, are to one of the following accounts for a financial year of the authority—
- (a) a revenue account which the authority is required to keep by virtue of any enactment;
 - (b) a revenue account which the authority is required to keep in order to comply with proper practices;
 - (c) any other revenue account which the authority decides to keep in accordance with proper practices.
- (2) This section has effect for the purposes of—
- (a) the Local Government and Housing Act 1989 (c. 42),
 - (b) any enactment passed after or in the same Session as that Act, and
 - (c) any earlier enactment amended by that Act or an enactment falling within paragraph (b).

[^{F9}(3) In this section, “local authority” includes—

- (a) a parish council,
- (b) a parish meeting of a parish which does not have a separate parish council,
- (c) a community council,
- (d) a Passenger Transport Executive,
- (e) the London Waste and Recycling Board,
- (f) charter trustees (within the meaning of the Local Audit and Accountability Act 2014),
- (g) a port health authority for a port health district that is wholly in England,
- (h) a conservation board established by order of the Secretary of State under section 86 of the Countryside and Rights of Way Act 2000,

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- (i) a chief constable for a police force for a police area in England,
- (j) the Commissioner of Police of the Metropolis,
- (k) an internal drainage board for an internal drainage district—
 - (i) wholly in England, or
 - (ii) partly in England and partly in Wales, and
- (l) any other person or body which for the time being is a relevant authority for the purposes of the Local Audit and Accountability Act 2014 and—
 - (i) is not listed in paragraphs (a) to (k) or section 23(1),
 - (ii) is not a health service body (within the meaning of that Act),
 - (iii) is not specified in regulations under section 23(2), and
 - (iv) does not fall within a class of bodies so specified.]

Textual Amendments

- F9** S. 22(3) substituted (10.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 51**; S.I. 2015/179, art. 2; S.I. 2015/841, art. 3(x)

Modifications etc. (not altering text)

- C7** S. 22 applied by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **Sch. 2 para. 7A** (as inserted (temp.)) (31.3.2014) by S.I. 2013/2319, **arts. 1(2), 2(1)**

Commencement Information

- I54** S. 22 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, **Sch. 1 Pt. I** (with [Sch. 2 para. 3](#))
- I55** S. 22 in force at 1.4.2004 for E. by S.I. 2003/2938, **art. 7(a)** (with art. 8, [Sch.](#))

CHAPTER 3 **E+W**

GENERAL

23 “Local authority” **E+W**

- (1) The following are local authorities for the purposes of this Part—
- (a) a county council;
 - (b) a county borough council;
 - (c) a district council;
 - (d) the Greater London Authority;
 - (e) a functional body, within the meaning of the Greater London Authority Act 1999 (c. 29);
 - (f) a London borough council;
 - (g) the Common Council of the City of London, in its capacity as a local authority, police authority or port health authority;
 - (h) the Council of the Isles of Scilly;
 - ^{F10}(i)
 - (j) an authority established under section 10 of the Local Government Act 1985 (c. 51) (waste disposal authorities);

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- (k) a joint authority established by Part 4 of that Act [^{F11}(fire and rescue services and transport)];
- ^{F12}(ka)
- (l) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the Town and Country Planning Act 1990 (c. 8);
- [^{F13}(m) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]
- [^{F14}(ma) a fire and rescue authority created by an order under section 4A of that Act;]
- [^{F15}(n) a police and crime commissioner;]
- (o) any other body specified for the purposes of this subsection by regulations under subsection (2).
- (2) The Secretary of State may by regulations specify for the purposes of subsection (1) any body which is (or any class of bodies each of which is)—
- (a) a levying body, within the meaning of section 74 of the Local Government Finance Act 1988 (c. 41),
- (b) a body to which section 75 of that Act applies (bodies with power to issue special levies),
- (c) a body to which section 118 of that Act applies (other bodies with levying powers),
- (d) a local precepting authority as defined in section 69 of the Local Government Finance Act 1992 (c. 14).
- (3) Regulations under subsection (2) may provide for this Part to have effect, in relation to a body specified under that subsection, subject to exceptions or modifications.
- [^{F16}(4) This Part, other than sections 1 to 8, 13 and 17 (borrowing etc), applies in relation to an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 as it applies in relation to a local authority.
- (5) This Part applies in relation to a combined authority established under section 103 of that Act as it applies in relation to a local authority, except that section 1 confers power on such a combined authority to borrow money for a purpose relevant to its transport functions only [^{F17}or in relation to any other functions of the authority that are specified for the purposes of this subsection in regulations made by the Secretary of State].]
- [^{F18}(6) A function of a combined authority may be specified in regulations under subsection (5) only with the consent of—
- (a) each county council the whole or any part of whose area is within the area of the authority,
- (b) each district council whose area is within the area of the authority, and
- (c) in the case of regulations in relation to an existing combined authority, the combined authority.
- (7) Subsection (6) is subject to section 106A of the Local Democracy, Economic Development and Construction Act 2009 (which enables regulations to be made without the consent of every authority within paragraphs (a) and (b) of that subsection in certain circumstances).

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- (8) The reference in subsection (5) to functions of the authority includes, in the case of a mayoral combined authority, mayoral functions.
- (9) In subsection (8)—
“mayoral combined authority” has the meaning given by section 107A(8) of the Local Democracy, Economic Development and Construction Act 2009;
“mayoral functions” has the meaning given by section 107G(7) of that Act.
- (10) No regulations under subsection (5) may be made unless a draft of the statutory instrument containing the regulations (whether containing them alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.]

Textual Amendments

- F10** S. 23(1)(i) omitted (1.4.2005) by virtue of Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 96**
- F11** Words in s. 23(1)(k) substituted (1.4.2005) by Civil Contingencies Act 2004 (c. 36), s. 34(1), **Sch. 2 para. 10(3)(e)**; S.I. 2005/772, art. 2(b)
- F12** S. 23(1)(ka) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(32)(a)**; S.I. 2015/994, art. 6(g)
- F13** S. 23(1)(m) substituted (1.10.2004 except in relation to W. and otherwise 10.11.2004) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 100**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F14** S. 23(1)(ma) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 83(2)**; S.I. 2017/399, reg. 2, **Sch. para. 38**
- F15** S. 23(1)(n) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 317**; S.I. 2012/2892, art. 2(i)
- F16** S. 23(4)(5) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 117(2)**; S.I. 2009/3318, art. 2(c)
- F17** Words in s. 23(5) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 9(3), 25(2)**
- F18** S. 23(6)-(10) inserted (28.3.2016) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 9(4), 25(2)**

Commencement Information

- I56** S. 23 in force at 18.11.2003 for E. by S.I. 2003/2938, **art. 3(a)** (with art. 8, **Sch.**)
- I57** S. 23 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, **Sch. 1 Pt. I** (with **Sch. 2 para. 3**)

24 Wales **E+W**

In its application to Wales, this Part, except section 19 and Schedule 1, has effect as if for any reference to the Secretary of State there were substituted a reference to the [^{F19}Welsh Ministers].

- [^{F20}(1A) Subsection (1) does not apply to section 21 to the extent that it confers functions on the Secretary of State in relation to a person or body that—
(a) is a relevant authority for the purposes of the Local Audit and Accountability Act 2014, and

Status: Point in time view as at 03/04/2017.

Changes to legislation: Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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)

- (b) exercises functions in relation to an area that is partly in England and partly in Wales.]

Textual Amendments

- F19** Words in s. 24 substituted (31.1.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 238\(3\)](#), [245\(5\)](#); S.I. 2008/172, art. 2(1)(t)
- F20** S. 24(1A) inserted (10.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 52](#); S.I. 2015/179, art. 2; S.I. 2015/841, art. 3(x)

Commencement Information

- I58** S. 24 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, [Sch. 1 Pt. I](#) (with [Sch. 2 para. 3](#))

Status:

Point in time view as at 03/04/2017.

Changes to legislation:

Local Government Act 2003, Part 1 is up to date with all changes known to be in force on or before 27 June 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.