

SCHEDULES

SCHEDULE 6

Section 72

COUNCIL TAX REFERENDUMS: FURTHER AMENDMENTS

Local Government Finance Act 1992 (c. 14)

- 1 The Local Government Finance Act 1992 is amended as follows.
- 2 (1) Section 31 (substituted amounts) is amended as follows.
 - (2) In subsection (1) for the “or” at the end of paragraph (a) substitute—
 - “(aa) substitute calculations it has made under section 52ZF below have effect by virtue of section 52ZH or 52ZI below; or”.
 - (3) After subsection (4) insert—
 - “(4A) Subject to any provision made by regulations under subsection (6) below, where an authority sets amounts in substitution under subsection (1)(a) above in the circumstances described in section 52ZO(6) or 52ZP(6) or (8) below, it may recover from the local precepting authority in question administrative expenses incurred by it in, or in consequence of, so doing.”
 - (4) In subsection (5) at the beginning insert “Subject to any provision made by regulations under subsection (6) below,”.
 - (5) After subsection (5) insert—
 - “(6) The Secretary of State may by regulations make provision for cases in which—
 - (a) subsection (4A) or (5) above does not apply, or
 - (b) that subsection applies with modifications.”
- 3 In section 42(1) (substituted precepts) before “52J” insert “52ZU,”.
- 4 In section 52A (interpretation of Chapter 4A) in each of paragraphs (a) and (b) after “authority” insert “in Wales”.
- 5 (1) Section 52B (power to designate authorities) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Secretary of State’s” substitute “Welsh Ministers”,
 - (b) for “he” substitute “they”, and
 - (c) for “his” substitute “their”.
 - (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
 - (4) In subsection (5)—
 - (a) for “Secretary of State determines” substitute “Welsh Ministers determine”, and

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- (b) in paragraph (b) for “Secretary of State” substitute “Welsh Ministers” and for “his” substitute “their”.
- (5) In subsection (6) for “he does” substitute “they do”.
- (6) In subsection (7)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”, and
 - (b) for “he thinks” substitute “they think”.
- (7) In subsection (8) for “Secretary of State” substitute “Welsh Ministers”.
- 6 (1) Section 52C (alternative notional amounts) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”, and
 - (b) for “his” substitute “their”.
 - (3) In subsection (3)—
 - (a) in paragraph (c)—
 - (i) for “Secretary of State thinks” substitute “Welsh Ministers think”, and
 - (ii) for “him” substitute “them”, and
 - (b) in paragraph (d) for “House of Commons” substitute “National Assembly for Wales”.
 - (4) In subsection (4) for “House of Commons” substitute “National Assembly for Wales”.
- 7 (1) Section 52D (designation or nomination) is amended as follows.
 - (2) In subsection (1) for “Secretary of State’s” substitute “Welsh Ministers”.
 - (3) In subsection (2) for “he” substitute “they”.
 - (4) In subsection (3) for “Secretary of State” substitute “Welsh Ministers”.
- 8 (1) Section 52E (designation) is amended as follows.
 - (2) In subsection (1) for “Secretary of State designates” substitute “Welsh Ministers designate”.
 - (3) In subsection (2)—
 - (a) in the opening words for “He” substitute “They”,
 - (b) in paragraph (c) for “he determines” substitute “they determine”,
 - (c) in each of paragraphs (d) and (e) for “he proposes” substitute “they propose”, and
 - (d) in paragraph (f) for “he expects” substitute “they expect”.
 - (4) In subsection (5) for “Secretary of State” substitute “Welsh Ministers”.
- 9 (1) Section 52F (challenge of maximum amount) is amended as follows.
 - (2) In subsection (1) for “Secretary of State” substitute “Welsh Ministers”.
 - (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
 - (4) In subsection (3)—

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- (a) in paragraph (a) for “Secretary of State” substitute “Welsh Ministers”, and
 - (b) in paragraph (b) for “he thinks” substitute “they think”.
 - (5) In subsection (4)—
 - (a) for “he proceeds” substitute “they proceed”, and
 - (b) for “Secretary of State” substitute “Welsh Ministers”.
 - (6) In subsection (5)—
 - (a) in paragraph (a) for “Secretary of State’s” substitute “Welsh Ministers”, and
 - (b) in paragraph (c) for “Secretary of State” substitute “Welsh Ministers”.
 - (7) Omit subsection (6).
 - (8) In subsection (7)(a) for “House of Commons” substitute “National Assembly for Wales”.
 - (9) In subsection (8)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”, and
 - (b) in paragraph (b) for “he alters” substitute “they alter”.
 - (10) In subsection (9)—
 - (a) for “he serves” substitute “they serve”, and
 - (b) for “Secretary of State” substitute “Welsh Ministers”.
 - (11) In subsection (10) for “Secretary of State” substitute “Welsh Ministers”.
 - (12) In subsection (11)—
 - (a) for “Secretary of State proceeds” substitute “Welsh Ministers proceed”, and
 - (b) for “he” substitute “they”.
- 10 (1) Section 52G (acceptance of maximum amount) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “Welsh Ministers”.
 - (3) In subsection (2)—
 - (a) for “he receives” substitute “they receive”, and
 - (b) for “Secretary of State” substitute “Welsh Ministers”.
 - (4) In subsection (3)—
 - (a) for “he serves” substitute “they serve”, and
 - (b) for “Secretary of State” substitute “Welsh Ministers”.
- 11 (1) Section 52H (no challenge or acceptance) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “Welsh Ministers”.
 - (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
 - (4) In subsection (3)(a) for “House of Commons” substitute “National Assembly for Wales”.
 - (5) In subsection (4) for “Secretary of State” substitute “Welsh Ministers”.
 - (6) In subsection (5)—
 - (a) for “he serves” substitute “they serve”, and
 - (b) for “Secretary of State” substitute “Welsh Ministers”.

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- 12 In section 52I(5)(a) (duty of designated billing authority) for “general” substitute “council”.
- 13 (1) Section 52J (duty of designated precepting authority) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (a), and
- (b) in paragraph (b) omit “(in any other case)”.
- (3) Omit subsection (3).
- (4) Omit subsection (6).
- (5) Omit subsections (8) to (10).
- 14 (1) Section 52K (failure to substitute) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (a), and
- (b) in paragraph (b) omit “(in any other case)”.
- (3) For subsection (2) substitute—
- “(2) In the case of a billing authority, the Welsh Ministers may direct the authority to comply with section 52I.
- (2A) A direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.”
- (4) In subsection (4)(b) omit “52I or”.
- 15 (1) Section 52L (nomination) is amended as follows.
- (2) In subsection (1) for “Secretary of State nominates” substitute “Welsh Ministers nominate”.
- (3) In subsection (2)—
- (a) in the opening words for “He” substitute “They”,
- (b) in paragraph (c) for “he determines” substitute “they determine”, and
- (c) in paragraph (d) for “he” in both places substitute “they”.
- (4) In subsection (4)—
- (a) for “he intends” substitute “they intend”, and
- (b) for “Secretary of State” substitute “Welsh Ministers”.
- 16 (1) Section 52M (designation after nomination) is amended as follows.
- (2) In subsection (1)—
- (a) in the opening words for “Secretary of State” substitute “Welsh Ministers”,
- (b) in paragraph (a) for “nominates” substitute “nominate”, and
- (c) in paragraph (b) for “decides” substitute “decide”.
- (3) In subsection (2)—
- (a) in the opening words for “He” substitute “They”,
- (b) in paragraph (b) for “he proposes” substitute “they propose”, and
- (c) in paragraph (c) for “he proposes” substitute “they propose”.

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- (4) In subsection (3)—
 - (a) in the opening words for “he” substitute “they”,
 - (b) in paragraph (a) for “he” in both places substitute “they”, and
 - (c) in paragraph (b) for “he thinks” substitute “they think”.
 - (5) In subsection (4)—
 - (a) in the opening words for “He” substitute “They”,
 - (b) in paragraph (e) for “he expects” substitute “they expect”, and
 - (c) in paragraph (f) for “Secretary of State” substitute “Welsh Ministers”.
 - (6) In subsection (6) for “Secretary of State” substitute “Welsh Ministers”.
 - (7) In subsection (8) for “Secretary of State” substitute “Welsh Ministers”.
- 17 (1) Section 52N (no designation after nomination) is amended as follows.
- (2) In subsection (1)—
 - (a) in the opening words for “Secretary of State” substitute “Welsh Ministers”,
 - (b) in paragraph (a) for “nominates” substitute “nominate”, and
 - (c) in paragraph (b) for “decides” substitute “decide”.
 - (3) In subsection (2)—
 - (a) for the first “He” substitute “They”, and
 - (b) for “he proposes” substitute “they propose”.
 - (4) In subsection (3)—
 - (a) in the opening words for “he” substitute “they”,
 - (b) in paragraph (a) for “he” in both places substitute “they”, and
 - (c) in paragraph (b) for “he thinks” substitute “they think”.
 - (5) In subsection (4) for “He” substitute “They”.
 - (6) In subsection (5) for “Secretary of State” substitute “Welsh Ministers”.
 - (7) In subsection (6)—
 - (a) in the opening words for “Secretary of State” substitute “Welsh Ministers”, and
 - (b) in paragraph (a)—
 - (i) for “he receives” substitute “they receive”, and
 - (ii) for “his” substitute “their”.
- 18 (1) Section 52P (designation after previous designation) is amended as follows.
- (2) In subsection (1)(a) for “Secretary of State designates” substitute “Welsh Ministers designate”.
 - (3) In subsection (2)—
 - (a) in the opening words—
 - (i) for the first “He” substitute “They”,
 - (ii) for “he does” substitute “they do”, and
 - (iii) for the third “he” substitute “they”,
 - (b) in paragraph (a) for “he proposes” substitute “they propose”, and
 - (c) in paragraph (b) for “he proposes” substitute “they propose”.

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- (4) In subsection (3)—
 - (a) in the opening words for “he” substitute “they”, and
 - (b) in paragraph (c) for “he thinks” substitute “they think”.
- (5) In subsection (4)—
 - (a) in the opening words for “He” substitute “They”,
 - (b) in paragraph (e) for “he expects” substitute “they expect”, and
 - (c) in paragraph (f) for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (6) for “Secretary of State” substitute “Welsh Ministers”.
- (7) In subsection (8) for “Secretary of State” substitute “Welsh Ministers”.
- (8) In subsection (10) for “Secretary of State” substitute “Welsh Ministers”.
- 19 (1) Section 52Q (challenge of maximum amount) is amended as follows.
 - (2) In subsection (1) for “Secretary of State” in each of paragraphs (a) and (b) substitute “Welsh Ministers”.
 - (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
 - (4) In subsection (3)—
 - (a) in paragraph (a) for “Secretary of State” substitute “Welsh Ministers”, and
 - (b) in paragraph (b) for “he thinks” substitute “they think”.
 - (5) In subsection (4)—
 - (a) in paragraph (a) for “Secretary of State’s” substitute “Welsh Ministers”, and
 - (b) in paragraph (c) for “Secretary of State” substitute “Welsh Ministers”.
 - (6) Omit subsection (5).
 - (7) In subsection (6) for “House of Commons” substitute “National Assembly for Wales”.
 - (8) In subsection (7)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”, and
 - (b) in paragraph (b) for “he alters” substitute “they alter”.
 - (9) In subsection (8)—
 - (a) for “he serves” substitute “they serve”, and
 - (b) for “Secretary of State” substitute “Welsh Ministers”.
- (10) In subsection (9) for “Secretary of State” substitute “Welsh Ministers”.
- 20 (1) Section 52R (acceptance of maximum amount) is amended as follows.
 - (2) In subsection (1) for “Secretary of State” in each of paragraphs (a) and (b) substitute “Welsh Ministers”.
 - (3) In subsection (2)—
 - (a) for “he receives” substitute “they receive”, and
 - (b) for “Secretary of State” substitute “Welsh Ministers”.
 - (4) In subsection (3)—
 - (a) for “he serves” substitute “they serve”, and

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- (b) for “Secretary of State” substitute “Welsh Ministers”.
- 21 (1) Section 52S (no challenge or acceptance) is amended as follows.
- (2) In subsection (1) for “Secretary of State” in each of paragraphs (a) and (b) substitute “Welsh Ministers”.
- (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (3) for “House of Commons” substitute “National Assembly for Wales”.
- (5) In subsection (4) for “Secretary of State” substitute “Welsh Ministers”.
- (6) In subsection (5)—
- (a) for “he serves” substitute “they serve”, and
- (b) for “Secretary of State” substitute “Welsh Ministers”.
- 22 In section 52T(7)(a) (duty of designated billing authority) for “general” substitute “council”.
- 23 (1) Section 52U (duty of designated precepting authority) is amended as follows.
- (2) In subsection (2)—
- (a) omit paragraph (a), and
- (b) in paragraph (b) omit “(in any other case)”.
- (3) Omit subsection (3).
- (4) In subsection (4) omit “is not the Greater London Authority and it”.
- (5) In subsection (5) omit “(3) or”.
- (6) Omit subsection (6).
- (7) Omit subsection (9).
- (8) Omit subsections (11) to (13).
- 24 (1) Section 52V (failure to make or substitute calculation) is amended as follows.
- (2) For subsection (3) substitute—
- “(3) In the case of a billing authority, the Welsh Ministers may direct the authority to comply with section 52T.
- (3A) A direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.”
- (3) In subsection (5)(b) omit “52T or”.
- 25 (1) Section 52W (meaning of budget requirement) is amended as follows.
- (2) In subsection (1) omit “other than the Greater London Authority”.
- (3) Omit subsection (2).
- 26 (1) Section 52X (calculations to be net of precepts) is amended as follows.
- (2) In subsection (2)—

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- (a) in paragraph (a) for “Secretary of State proposes” substitute “Welsh Ministers propose”,
 - (b) in paragraph (b) for “he proposes” substitute “they propose”,
 - (c) in paragraph (d) for “he proposes” substitute “they propose”, and
 - (d) in paragraph (e) for “he expects” substitute “they expect”.
- (3) In subsection (6) for “Secretary of State” substitute “Welsh Ministers”.
- (4) In subsection (7) for “House of Commons” substitute “National Assembly for Wales”.
- 27 (1) Section 52Y (information for purposes of Chapter 4A) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “Welsh Ministers”.
 - (3) In subsection (2) for “Secretary of State” substitute “Welsh Ministers”.
 - (4) In subsection (4)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”,
 - (b) for “him” in both places substitute “them”, and
 - (c) for “his” in both places substitute “their”.
 - (5) In subsection (5) for “Secretary of State specifies” substitute “Welsh Ministers specify”.
 - (6) In subsection (7)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”,
 - (b) for “his” in both places substitute “their”, and
 - (c) for “he thinks” substitute “they think”.
 - (7) In subsection (8)—
 - (a) for “his” in both places substitute “their”,
 - (b) for “Secretary of State” substitute “Welsh Ministers”, and
 - (c) for “him” substitute “them”.
- 28 Omit section 52Z (separate administration of Chapter 4A for England and Wales).
- 29 In section 66(2)(c) (matters that may not be questioned except by an application for judicial review)—
 - (a) before “52I” insert “52ZF”, and
 - (b) before “52J” insert “52ZJ”.
- 30 In section 67(2)(b) (functions to be discharged only by authority)—
 - (a) before “52I” insert “52ZF”, and
 - (b) before “52J” insert “52ZJ”.
- 31 In section 106(2)(a) (council tax: restrictions on voting) after “IV” insert “, 4ZA”.
- 32 In section 113(3) (orders and regulations to be subject to annulment by either House of Parliament, except in certain cases) after “except in the case of” insert “regulations under section 52ZQ above or”.
- Police Act 1996 (c. 16)*
- 33 In section 41(2) of the Police Act 1996 (direction as to minimum budget) after “Chapter” insert “4ZA or”.

Greater London Authority Act 1999 (c. 29)

- 34 The Greater London Authority Act 1999 is amended as follows.
- 35 In section 95 (minimum budget for Metropolitan Police Authority) after subsection (3) insert—
- “(3A) The power exercisable by virtue of subsection (2) above, and any direction given under that power, are subject to any limitation imposed under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 (council tax referendums).”
- 36 In section 96 (provisions supplementary to section 95) after subsection (6) insert—
- “(7) Subsections (5) and (6) above are subject to section 95(3A) (which provides that directions under that section are subject to the limitations imposed by the provisions about council tax referendums in Chapter 4ZA of Part 1 of the Local Government Finance Act 1992).”
- 37 (1) Schedule 6 (procedure for determining the authority’s consolidated budget requirement) is amended as follows.
- (2) In paragraph 1 after sub-paragraph (4) insert—
- “(5) In this Schedule “the relevant principles”, in relation to a budget or a council tax requirement for a financial year, means the principles approved by the House of Commons for the financial year under section 52ZD of the Local Government Finance Act 1992 (principles in connection with council tax referendums).
- (6) For the purposes of this Schedule, whether or not a budget or council tax requirement for a financial year complies with the relevant principles is to be determined by reference to whether or not the amount that would be calculated for the year under section 88 or 89 above (calculation of basic amount of council tax) by reference to the budget or council tax requirement is excessive by reference to the relevant principles.”
- (3) In paragraph 4—
- (a) after sub-paragraph (1) insert—
- “(1A) If the draft consolidated budget does not comply with the relevant principles, the Assembly shall also prepare a draft substitute consolidated budget that complies with those principles.”, and
- (b) after sub-paragraph (2) insert—
- “(3) If, at the public meeting referred to in sub-paragraph (2) above, the draft substitute consolidated budget prepared under sub-paragraph (1A) above is approved by the Assembly, that draft, as so approved, shall be the Authority’s substitute consolidated budget for the financial year to which it relates.”
- (4) After paragraph 6 insert—
- “The Mayor’s substitute consolidated budget*
- 6A (1) This paragraph applies if the Mayor prepares a final draft budget that does not comply with the relevant principles.

Status: This is the original version (as it was originally enacted).

- (2) The Mayor shall also prepare a draft substitute consolidated budget that complies with those principles.
 - (3) The Mayor shall—
 - (a) present the draft substitute consolidated budget to the Assembly, and
 - (b) publish it in such manner as the Mayor may determine.
 - (4) The Mayor shall, at the time when the Mayor presents the draft substitute consolidated budget to the Assembly, lay before the Assembly in accordance with standing orders of the Authority a written statement of the reasons for the differences between the final draft budget and the draft substitute consolidated budget.
 - (5) It shall be the duty of the Mayor (having regard to paragraphs 8(7) and 8C below) to comply with sub-paragraph (4) above before the last day of February in the financial year preceding that to which the final draft budget relates.”
- (5) In paragraph 7 after sub-paragraph (4) insert—
- “(4A) If the Authority’s consolidated council tax requirement does not comply with the relevant principles, the Assembly shall also agree a substitute consolidated council tax requirement that complies with those principles at the public meeting.”
- (6) In paragraph 8 after sub-paragraph (6) insert—
- “(6A) Sub-paragraph (6B) below applies if—
- (a) the final draft budget is approved by the Assembly with amendments, and
 - (b) as a result, the final draft budget no longer complies with the relevant principles.
- (6B) The Assembly shall also agree a substitute consolidated budget that complies with those principles at the public meeting.”
- (7) After paragraph 8A insert—
- “Approval of substitute consolidated budget by Assembly following non-compliance by Mayor with paragraph 6A*
- 8B (1) This paragraph applies if—
- (a) the Mayor presents a final draft budget to the Assembly in accordance with paragraph 6 above, and
 - (b) the Mayor has failed to comply with paragraph 6A(5) above.
- (2) If at the public meeting held under paragraph 8 above the Assembly approves a final draft budget that does not comply with the relevant principles, it shall also agree a substitute consolidated budget that complies with those principles at that meeting.

Approval of substitute consolidated budget by Assembly following compliance by Mayor with paragraph 6A

- 8C (1) This paragraph applies if—
- (a) the Mayor presents a draft substitute consolidated budget to the Assembly in accordance with paragraph 6A above,
 - (b) a public meeting is held under paragraph 8 above to consider the draft final budget to which it relates, and
 - (c) the final budget as approved at that public meeting continues not to comply with the relevant principles.
- (2) The draft substitute consolidated budget must be considered at the public meeting.
- (3) After considering the draft substitute consolidated budget, the Assembly must approve it with or without amendment (but see paragraph 8D below).
- (4) For the purposes of sub-paragraph (3) above, the only amendments which are to be made are those agreed to by at least two-thirds of the Assembly members voting.
- (5) If no amendments are made on consideration of the draft substitute consolidated budget, it shall be deemed to be approved without amendment.
- (6) The draft substitute consolidated budget as approved by the Assembly with or without amendments shall be the Authority's substitute consolidated budget for the financial year.

Limit on Assembly's power to amend Mayor's substitute consolidated budget

- 8D (1) Paragraph 8A above applies to amendments to the draft substitute consolidated budget as it applies to amendments to the final draft budget but as if—
- (a) references to the final draft component council tax requirement for the Assembly were to the component council tax requirement for the Assembly as stated in the draft substitute consolidated budget, and
 - (b) references to the final draft component council tax requirement for the Mayor were to the component council tax requirement for the Mayor as stated in the draft substitute consolidated budget.
- (2) In exercising its powers of amendment under paragraph 8C above, the Assembly must not in any event make amendments that mean that the draft substitute consolidated budget no longer complies with the relevant principles.”
- (8) After paragraph 9 insert—

Status: This is the original version (as it was originally enacted).

“Failure of Assembly to approve draft substitute consolidated budget

9A If the Assembly fails to comply with paragraph 8C above, the draft substitute consolidated budget presented to the Assembly in accordance with paragraph 6A above shall be the Authority’s substitute consolidated budget for the year.”

- 38 (1) Schedule 7 (procedure for making of substitute calculations by the Authority) is amended as follows.
- (2) In paragraph 3(1) for “52K or 52V” substitute “52ZW”.
- (3) In paragraph 6(1) for “52K or 52V” substitute “52ZW”.