

Status: Point in time view as at 22/11/2012.

Changes to legislation: Localism Act 2011, Paragraph 37 is up to date with all changes known to be in force on or before 19 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)

SCHEDULES

SCHEDULE 6

COUNCIL TAX REFERENDUMS: FURTHER AMENDMENTS

Greater London Authority Act 1999 (c. 29)

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.

(2) The Mayor shall also prepare a draft substitute consolidated budget that complies with those principles.

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- (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,

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- (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—

“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.”

Commencement Information

II Sch. 6 para. 37 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

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