

*Status: Point in time view as at 03/12/2011.*

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# Local Government Finance Act 1992

## 1992 CHAPTER 14

### PART I

#### COUNCIL TAX: ENGLAND AND WALES

#### [<sup>F1</sup>CHAPTER IVA

#### LIMITATION OF COUNCIL TAX AND PRECEPTS

##### 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**

##### Modifications etc. (not altering text)

- C1** Pt. 1 modified (24.12.2008) by [The Local Government \(Structural Changes\) \(Finance\) Regulations 2008 \(S.I. 2008/3022\)](#), regs. 1(2), **8**
- C2** Pt. 1 modified (24.12.2008) by [The Local Government \(Structural Changes\) \(Finance\) Regulations 2008 \(S.I. 2008/3022\)](#), regs. 1(2), **7**

#### *Introduction*

#### **52A Interpretation.**

- (1) In this Chapter a reference to an authority is to—
- a billing authority [<sup>F2</sup>in Wales], or
  - a major precepting authority [<sup>F3</sup>in Wales].
- (2) Sections 52W and 52X below contain other interpretative provisions for the purposes of this Chapter.

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### Textual Amendments

- F2** Words in s. 52A(1)(a) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 4](#); [S.I. 2011/2896](#), art. 2(i)
- F3** Words in s. 52A(1)(b) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 4](#); [S.I. 2011/2896](#), art. 2(i)

### *Designation or nomination*

#### **52B Power to designate or nominate authorities.**

- (1) If in the [<sup>F4</sup>Welsh Ministers'] opinion the amount calculated by an authority as its budget requirement for a financial year (the year under consideration) is excessive, [<sup>F5</sup>they] may exercise [<sup>F6</sup>their] power to designate or nominate the authority under section 52D below.
- (2) The question whether the amount so calculated is excessive must be decided in accordance with a set of principles determined by the [<sup>F7</sup>Welsh Ministers].
- (3) A set of principles—
  - (a) may contain one principle or two or more principles;
  - (b) must constitute or include a comparison falling within subsection (4) below or comparisons each of which falls within subsection (4).
- (4) A comparison falls within this subsection if—
  - (a) it is between the amount calculated by the authority as its budget requirement for the year under consideration and the amount calculated by it as its budget requirement for a financial year falling before the year under consideration;
  - (b) the earlier financial year in the comparison does not fall before that beginning with 1st April 1998.
- (5) If for the purposes of this section the [<sup>F8</sup>Welsh Ministers determine] categories of authorities for the year under consideration—
  - (a) any principles determined for the year must be such that the same set is determined for all authorities (if more than one) falling within the same category;
  - (b) as regards an authority which does not fall within any of the categories, the [<sup>F9</sup>Welsh Ministers] may not exercise [<sup>F9</sup>their] power to designate or nominate the authority under section 52D below by reference to the excessiveness of its budget requirement for the year.
- (6) If [<sup>F10</sup>they do] not determine such categories, any principles determined for the year under consideration must be such that the same set is determined for all authorities.
- (7) In determining categories of authorities for the year under consideration the [<sup>F11</sup>Welsh Ministers] shall take into account any information [<sup>F12</sup>they think] is relevant.
- (8) In applying this section the [<sup>F13</sup>Welsh Ministers] shall ignore any calculation for which another has been substituted at the time designation or nomination is proposed.

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### Textual Amendments

- F4** Words in s. 52B(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(2\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F5** Word in s. 52B(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(2\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F6** Word in s. 52B(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(2\)\(c\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F7** Words in s. 52B(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(3\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F8** Words in s. 52B(5) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(4\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F9** Words in s. 52B(5) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(4\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F10** Words in s. 52B(6) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(5\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F11** Words in s. 52B(7) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(6\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F12** Words in s. 52B(7) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(6\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F13** Words in s. 52B(8) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 5\(7\)](#); [S.I. 2011/2896, art. 2\(i\)](#)

## 52C Alternative notional amounts.

- (1) The [<sup>F14</sup>Welsh Ministers] may make a report specifying in relation to—
- any year under consideration (within the meaning of section 52B above), and
  - any authority,
- an amount which in [<sup>F15</sup>their] opinion should be used as the basis of any comparison in applying that section in place of the amount calculated by the authority as its budget requirement for a financial year falling before the year under consideration.
- (2) References in this section to the alternative notional amount are to the amount so specified.
- (3) A report under this section—
- may relate to two or more authorities;
  - may be amended by a subsequent report under this section;
  - shall contain such explanation as the [<sup>F16</sup>Welsh Ministers think] desirable of the calculation by [<sup>F17</sup>them] of the alternative notional amount;
  - shall be laid before the [<sup>F18</sup>National Assembly for Wales].
- (4) If a report under this section is approved by resolution of the [<sup>F19</sup>National Assembly for Wales] section 52B above shall have effect, as regards the year under consideration and any authority to which the report relates, as if the reference in subsection (4) to the amount calculated by the authority as its budget requirement for a financial year falling before the year under consideration were to the alternative notional amount for the year so falling.

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#### Textual Amendments

- F14** Words in s. 52C(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 6\(2\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F15** Word in s. 52C(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 6\(2\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F16** Words in s. 52C(3)(c) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 6\(3\)\(a\)\(i\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F17** Word in s. 52C(3)(c) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 6\(3\)\(a\)\(ii\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F18** Words in s. 52C(3)(d) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 6\(3\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F19** Words in s. 52C(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 6\(4\)](#); [S.I. 2011/2896, art. 2\(i\)](#)

#### 52D Designation or nomination.

- (1) This section applies if in the [<sup>F20</sup>Welsh Ministers'] opinion (reached after applying section 52B above) the amount calculated by an authority as its budget requirement for the year under consideration is excessive.
- (2) In such a case [<sup>F21</sup>they] may—
  - (a) designate the authority as regards the year under consideration, or
  - (b) nominate the authority.
- (3) The [<sup>F22</sup>Welsh Ministers] may proceed under different paragraphs of subsection (2) above in relation to different authorities.

#### Textual Amendments

- F20** Words in s. 52D(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 7\(2\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F21** Word in s. 52D(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 7\(3\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F22** Words in s. 52D(3) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 7\(4\)](#); [S.I. 2011/2896, art. 2\(i\)](#)

#### *Designation for year under consideration*

#### 52E Designation.

- (1) This section applies if the [<sup>F23</sup>Welsh Ministers designate] an authority under section 52D(2)(a) above as regards the year under consideration.
- (2) [<sup>F24</sup>They] shall notify the authority in writing of—
  - (a) the designation;
  - (b) the set of principles determined for the authority under section 52B above;
  - (c) the category in which the authority falls (if [<sup>F25</sup>they determine] categories under section 52B above);

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- (d) the amount which [<sup>F26</sup>they propose] should be the maximum for the amount calculated by the authority as its budget requirement for the year;
  - (e) the target amount for the year, that is, the maximum amount which [<sup>F27</sup>they propose] the authority could calculate as its budget requirement for the year without the amount calculated being excessive;
  - (f) the financial year as regards which [<sup>F28</sup>they expect] the amount calculated by the authority as its budget requirement for that year to be equal to or less than the target amount for that year (assuming one to be determined for that year).
- (3) A designation under section 52D(2)(a) above—
- (a) is invalid unless subsection (2) above is complied with;
  - (b) shall be treated as made at the beginning of the day on which the authority receives a notification under that subsection.
- (4) If—
- (a) an authority has been designated under section 52D(2)(a) above, and
  - (b) after the designation is made the authority makes substitute calculations in relation to the year,
- the substitute calculations shall be invalid unless they are made in accordance with section 52I or 52J below (as the case may be).
- (5) Before the end of the period of 21 days beginning with the day it receives a notification under this section, an authority may inform the [<sup>F29</sup>Welsh Ministers] by notice in writing that—
- (a) for reasons stated in the notice, it believes the maximum amount stated under subsection (2)(d) above should be such as the authority states in its notice, or
  - (b) it accepts the maximum amount stated under subsection (2)(d) above.

#### Textual Amendments

- F23** Words in s. 52E(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 8(2)**; [S.I. 2011/2896](#), art. 2(i)
- F24** Word in s. 52E(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 8(3)(a)**; [S.I. 2011/2896](#), art. 2(i)
- F25** Words in s. 52E(2)(c) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 8(3)(b)**; [S.I. 2011/2896](#), art. 2(i)
- F26** Words in s. 52E(2)(d) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 8(3)(c)**; [S.I. 2011/2896](#), art. 2(i)
- F27** Words in s. 52E(2)(e) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 8(3)(c)**; [S.I. 2011/2896](#), art. 2(i)
- F28** Words in s. 52E(2)(f) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 8(3)(d)**; [S.I. 2011/2896](#), art. 2(i)
- F29** Words in s. 52E(5) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 8(4)**; [S.I. 2011/2896](#), art. 2(i)

#### 52F Challenge of maximum amount.

- (1) This section applies if an authority designated under section 52D(2)(a) above informs the [<sup>F30</sup>Welsh Ministers] by notice in writing under section 52E(5)(a) above.

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- (2) After considering any information falling within subsection (3) below the [<sup>F31</sup>Welsh Ministers] 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 [<sup>F32</sup>Welsh Ministers] for the purposes of this section;
  - (b) any other information [<sup>F33</sup>they think] is relevant.
- (4) If [<sup>F34</sup>they proceed] under this subsection the [<sup>F35</sup>Welsh Ministers] —
  - (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—
  - (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 [<sup>F36</sup>Welsh Ministers'] 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 [<sup>F37</sup>Welsh Ministers] 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.
- <sup>F38</sup>(6) .....
- (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 [<sup>F39</sup>National Assembly for Wales];
  - (b) may relate to two or more authorities.
- (8) As soon as is reasonably practicable after an order under this section is made the [<sup>F40</sup>Welsh Ministers] 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 [<sup>F41</sup>they alter] it in the case of the authority concerned).
- (9) When [<sup>F42</sup>they serve] a notice under subsection (8) above on a precepting authority the [<sup>F43</sup>Welsh Ministers] 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 [<sup>F44</sup>Welsh Ministers] shall ignore any calculation for which another has been substituted at the time of designation.
- (11) If the [<sup>F45</sup>Welsh Ministers proceed] under this subsection [<sup>F46</sup>they] 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;

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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

- F30** Words in s. 52F(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(2\); S.I. 2011/2896, art. 2\(i\)](#)
- F31** Words in s. 52F(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(3\); S.I. 2011/2896, art. 2\(i\)](#)
- F32** Words in s. 52F(3)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(4\)\(a\); S.I. 2011/2896, art. 2\(i\)](#)
- F33** Words in s. 52F(3)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(4\)\(b\); S.I. 2011/2896, art. 2\(i\)](#)
- F34** Words in s. 52F(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(5\)\(a\); S.I. 2011/2896, art. 2\(i\)](#)
- F35** Words in s. 52F(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(5\)\(b\); S.I. 2011/2896, art. 2\(i\)](#)
- F36** Words in s. 52F(5)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(6\)\(a\); S.I. 2011/2896, art. 2\(i\)](#)
- F37** Words in s. 52F(5)(c) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(6\)\(b\); S.I. 2011/2896, art. 2\(i\)](#)
- F38** S. 52F(6) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(7\), Sch. 25 Pt. 12; S.I. 2011/2896, art. 2\(i\)](#)
- F39** Words in s. 52F(7)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(8\); S.I. 2011/2896, art. 2\(i\)](#)
- F40** Words in s. 52F(8) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(9\)\(a\); S.I. 2011/2896, art. 2\(i\)](#)
- F41** Words in s. 52F(8)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(9\)\(b\); S.I. 2011/2896, art. 2\(i\)](#)
- F42** Words in s. 52F(9) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(10\)\(a\); S.I. 2011/2896, art. 2\(i\)](#)
- F43** Words in s. 52F(9) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(10\)\(b\); S.I. 2011/2896, art. 2\(i\)](#)
- F44** Words in s. 52F(10) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(11\); S.I. 2011/2896, art. 2\(i\)](#)
- F45** Words in s. 52F(11) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(12\)\(a\); S.I. 2011/2896, art. 2\(i\)](#)
- F46** Word in s. 52F(11) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 9\(12\)\(b\); S.I. 2011/2896, art. 2\(i\)](#)

#### 52G Acceptance of maximum amount.

- (1) This section applies if an authority designated under section 52D(2)(a) above informs the [<sup>F47</sup>Welsh Ministers] by notice in writing under section 52E(5)(b) above.
- (2) As soon as is reasonably practicable after [<sup>F48</sup>they receive] the notice the [<sup>F49</sup>Welsh Ministers] shall serve on the authority a notice stating the amount which the amount calculated by it as its budget requirement for the year is not to exceed; and the amount stated shall be that stated in the notice under section 52E(2)(d) above.

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- (3) When [<sup>F50</sup>they serve] a notice under subsection (2) above on a precepting authority the [<sup>F51</sup>Welsh Ministers] shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.

#### Textual Amendments

- F47** Words in s. 52G(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 10\(2\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F48** Words in s. 52G(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 10\(3\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F49** Words in s. 52G(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 10\(3\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F50** Words in s. 52G(3) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 10\(4\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F51** Words in s. 52G(3) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 10\(4\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)

#### 52H No challenge or acceptance.

- (1) This section applies if the period mentioned in section 52E(5) above ends without an authority designated under section 52D(2)(a) above informing the [<sup>F52</sup>Welsh Ministers] by notice in writing under paragraph (a) or (b) of section 52E(5).
- (2) As soon as is reasonably practicable after the period ends the [<sup>F53</sup>Welsh Ministers] 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; and the amount stated shall be that stated in the notice under section 52E(2)(d) above.
- (3) 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 [<sup>F54</sup>National Assembly for Wales];
  - (b) may relate to two or more authorities.
- (4) As soon as is reasonably practicable after an order under this section is made the [<sup>F55</sup>Welsh Ministers] shall serve on the authority (or each authority) a notice stating the amount stated in the case of the authority concerned in the order.
- (5) When [<sup>F56</sup>they serve] a notice under subsection (4) above on a precepting authority the [<sup>F57</sup>Welsh Ministers] shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.

#### Textual Amendments

- F52** Words in s. 52H(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 11\(2\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F53** Words in s. 52H(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 11\(3\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F54** Words in s. 52H(3)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 11\(4\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F55** Words in s. 52H(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 11\(5\)](#); [S.I. 2011/2896, art. 2\(i\)](#)



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- F56** Words in s. 52H(5) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 11\(6\)\(a\)](#); [S.I. 2011/2896](#), art. 2(i)
- F57** Words in s. 52H(5) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 11\(6\)\(b\)](#); [S.I. 2011/2896](#), art. 2(i)

## **52I Duty of designated billing authority.**

- (1) If a billing authority receives a notice under section 52F(8), 52G(2) or 52H(4) above it shall make substitute calculations in relation to the year in accordance with sections 32 to 36 above, ignoring section 32(10) above for this purpose.
- (2) The substitute calculations 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 33(1) or 34(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.
- (3) Subsection (2)(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.
- (4) In making substitute calculations under section 33(1) or 34(3) above the authority must use any amount determined in the previous calculations for item P or T in section 33(1) or item TP in section 34(3).
- (5) For the purposes of subsection (4) above the authority may treat any amount determined in the previous calculations for item P in section 33(1) above as increased by the amount of any sum which—
  - (a) it estimates will be payable for the year into its [<sup>F58</sup>council] fund in respect of additional grant, and
  - (b) was not taken into account by it in making those calculations.
- (6) References in this section to the amount stated in the notice are, in the case of a notice under section 52F(8) above, to the amount stated under section 52F(8)(a).

### **Textual Amendments**

- F58** Word in s. 52I(5)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 12](#); [S.I. 2011/2896](#), art. 2(i)

### **Modifications etc. (not altering text)**

- C3** S. 52I modified (24.12.2008) by [The Local Government \(Structural Changes\) \(Finance\) Regulations 2008 \(S.I. 2008/3022\)](#), reg. 1(2), [Sch. 2 para. 6](#)

## **52J Duty of designated precepting authority.**

- (1) If a major precepting authority receives a notice under section 52F(8), 52G(2) or 52H(4) above it shall make substitute calculations in relation to the year in accordance with—
  - <sup>F59</sup>(a) .....
  - (b) sections 43 to 48 above <sup>F60</sup>....

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- (2) The substitute calculations 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.

<sup>F61</sup>(3) .....

- (4) Subsection (2)(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.

- (5) 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.

<sup>F62</sup>(6) .....

- (7) For the purposes of subsection (5) 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.

<sup>F63</sup>(8) .....

<sup>F63</sup>(9) .....

<sup>F63</sup>(10) .....

- (11) References in this section to the amount stated in the notice are, in the case of a notice under section 52F(8) above, to the amount stated under section 52F(8)(a).

Textual Amendments	
<b>F59</b>	S. 52J(1)(a) repealed (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), Sch. 6 para. 13(2)(a), <b>Sch. 25 Pt. 12</b> ; S.I. 2011/2896, art. 2(i)
<b>F60</b>	Words in s. 52J(1)(b) repealed (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), Sch. 6 para. 13(2)(b), <b>Sch. 25 Pt. 12</b> ; S.I. 2011/2896, art. 2(i)
<b>F61</b>	S. 52J(3) repealed (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), Sch. 6 para. 13(3), <b>Sch. 25 Pt. 12</b> ; S.I. 2011/2896, art. 2(i)
<b>F62</b>	S. 52J(6) repealed (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), Sch. 6 para. 13(4), <b>Sch. 25 Pt. 12</b> ; S.I. 2011/2896, art. 2(i)
<b>F63</b>	Ss. 52J(8)-(10) repealed (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), Sch. 6 para. 13(5), <b>Sch. 25 Pt. 12</b> ; S.I. 2011/2896, art. 2(i)

**52K Failure to substitute.**

- (1) This section applies if an authority which has received a notice under section 52F(8), 52G(2) or 52H(4) above fails to comply with section 52I or 52J above (as the case may be) before the end of—

<sup>F64</sup>(a) .....

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- (b) the period of 21 days beginning with the day on which the authority receives the notice <sup>F65</sup>....
- [<sup>F66</sup>(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.]
- (3) In the case of a major precepting authority, any authority to which it has power to issue a precept shall have no power during the period of restriction to pay anything in respect of a precept issued by it for the year.
- (4) For the purposes of this section the period of restriction is the period which—
- (a) begins at the end of the period mentioned in subsection (1) above, and
- (b) ends at the time (if any) when the authority complies with section <sup>F67</sup>... 52J above.

#### Textual Amendments

- F64** S. 52K(1)(a) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 14(2)(a), [Sch. 25 Pt. 12](#); S.I. 2011/2896, art. 2(i)
- F65** Words in s. 52K(1)(b) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 14(2)(b), [Sch. 25 Pt. 12](#); S.I. 2011/2896, art. 2(i)
- F66** S. 52K(2)(2A) substituted for s. 52K(2) (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 14\(3\)](#); S.I. 2011/2896, art. 2(i)
- F67** Words in s. 52K(4)(b) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 14(4), [Sch. 25 Pt. 12](#); S.I. 2011/2896, art. 2(i)

#### Nomination

#### 52L Nomination.

- (1) This section applies if the [<sup>F68</sup>Welsh Ministers nominate] an authority under section 52D(2)(b) above.
- (2) [<sup>F69</sup>They] shall notify the authority in writing of—
- (a) the nomination;
- (b) the set of principles determined for the authority under section 52B above;
- (c) the category in which the authority falls (if [<sup>F70</sup>they determine] categories under section 52B above);
- (d) the amount which [<sup>F71</sup>they] would have proposed as the target amount for the year under consideration if [<sup>F71</sup>they] had designated the authority as regards that year under section 52D(2)(a) above.
- (3) A nomination under section 52D(2)(b) above —
- (a) is invalid unless subsection (2) above is complied with;
- (b) shall be treated as made at the beginning of the day on which the authority receives a notification under that subsection.
- (4) After nominating all the authorities [<sup>F72</sup>they intend] to nominate the [<sup>F73</sup>Welsh Ministers] —

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- (a) shall decide, in the case of each authority nominated, whether to proceed under section 52M or under section 52N below in relation to it;
- (b) may decide to proceed under different sections in relation to different authorities.

#### Textual Amendments

- F68** Words in s. 52L(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 15\(2\)](#); [S.I. 2011/2896](#), art. 2(i)
- F69** Word in s. 52L(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 15\(3\)\(a\)](#); [S.I. 2011/2896](#), art. 2(i)
- F70** Words in s. 52L(2)(c) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 15\(3\)\(b\)](#); [S.I. 2011/2896](#), art. 2(i)
- F71** Word in s. 52L(2)(d) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 15\(3\)\(c\)](#); [S.I. 2011/2896](#), art. 2(i)
- F72** Words in s. 52L(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 15\(4\)\(a\)](#); [S.I. 2011/2896](#), art. 2(i)
- F73** Words in s. 52L(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 15\(4\)\(b\)](#); [S.I. 2011/2896](#), art. 2(i)

#### 52M Designation after nomination.

- (1) This section applies if the <sup>F74</sup>Welsh Ministers] —
  - (a) <sup>F75</sup>nominate] an authority under section 52D(2)(b) above, and
  - (b) <sup>F76</sup>decide] to proceed under this section in relation to the authority.
- (2) <sup>F77</sup>They] shall—
  - (a) designate the authority as regards the financial year immediately following the year under consideration;
  - (b) determine an amount which <sup>F78</sup>they propose] should be the maximum for the amount calculated by the authority as its budget requirement for the year as regards which the designation is made;
  - (c) determine the target amount for the year as regards which the designation is made, that is, the maximum amount which <sup>F79</sup>they propose] the authority could calculate as its budget requirement for the year without the amount calculated being excessive.
- (3) In making the determinations under subsection (2) above <sup>F80</sup>they] shall take into account—
  - (a) the amount which <sup>F81</sup>they] would have proposed as the target amount for the year under consideration if <sup>F81</sup>they] had designated the authority as regards that year under section 52D(2)(a) above, and
  - (b) any information <sup>F82</sup>they think] is relevant.
- (4) <sup>F83</sup>They] shall notify the authority in writing of—
  - (a) the designation;
  - (b) the amount determined under subsection (2)(b) above;
  - (c) the target amount determined under subsection (2)(c) above;
  - (d) any information taken into account under subsection (3)(b) above;

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- (e) the financial year as regards which [<sup>F84</sup>they expect] the amount calculated by the authority as its budget requirement for that year to be equal to or less than the target amount for that year (assuming one to be determined for that year);
  - (f) the period within which the authority may inform the [<sup>F85</sup>Welsh Ministers] that it challenges or accepts the amount stated under paragraph (b) above.
- (5) A designation under this section—
- (a) is invalid unless subsection (4) above is complied with;
  - (b) shall be treated as made at the beginning of the day on which the authority receives a notification under that subsection.
- (6) If an authority has been designated under this section as regards a financial year the [<sup>F86</sup>Welsh Ministers] may not designate it under section 52D(2)(a) above as regards that year.
- (7) If—
- (a) an authority has been designated under this section as regards a financial year, and
  - (b) after the designation is made the authority makes calculations or substitute calculations in relation to the year,
- the calculations (or substitute calculations) shall be invalid unless they are made in accordance with section 52T or 52U below (as the case may be).
- (8) Before the end of the period notified under subsection (4)(f) above an authority may inform the [<sup>F87</sup>Welsh Ministers] by notice in writing that—
- (a) for reasons stated in the notice, it believes the maximum amount stated under subsection (4)(b) above should be such as the authority states in its notice, or
  - (b) it accepts the maximum amount stated under subsection (4)(b) above.
- (9) The period notified under subsection (4)(f) above must be a period of at least 21 days beginning with the day the authority receives the notification under subsection (4) above.

#### Textual Amendments

- F74** Words in s. 52M(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 16\(2\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F75** Word in s. 52M(1)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 16\(2\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F76** Word in s. 52M(1)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 16\(2\)\(c\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F77** Word in s. 52M(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 16\(3\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F78** Words in s. 52M(2)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 16\(3\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F79** Words in s. 52M(2)(c) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 16\(3\)\(c\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F80** Word in s. 52M(3) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 16\(4\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F81** Word in s. 52M(3)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 16\(4\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F82** Words in s. 52M(3)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 16\(4\)\(c\)](#); [S.I. 2011/2896, art. 2\(i\)](#)

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- F83** Word in s. 52M(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 16\(5\)\(a\)](#); [S.I. 2011/2896](#), art. 2(i)
- F84** Words in s. 52M(4)(e) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 16\(5\)\(b\)](#); [S.I. 2011/2896](#), art. 2(i)
- F85** Words in s. 52M(4)(f) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 16\(5\)\(c\)](#); [S.I. 2011/2896](#), art. 2(i)
- F86** Words in s. 52M(6) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 16\(6\)](#); [S.I. 2011/2896](#), art. 2(i)
- F87** Words in s. 52M(8) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 16\(7\)](#); [S.I. 2011/2896](#), art. 2(i)

## 52N No designation after nomination.

- (1) This section applies if the [<sup>F88</sup>Welsh Ministers] —
  - (a) [<sup>F89</sup>nominate] an authority under section 52D(2)(b) above, and
  - (b) [<sup>F90</sup>decide] to proceed under this section in relation to the authority.
- (2) [<sup>F91</sup>They] shall determine an amount which [<sup>F92</sup>they propose] should be the notional amount calculated by the authority as its budget requirement for the year under consideration.
- (3) In making the determination [<sup>F93</sup>they] shall take into account—
  - (a) the amount which [<sup>F94</sup>they] would have proposed as the maximum for the amount calculated by the authority as its budget requirement for the year under consideration if [<sup>F94</sup>they] had designated it as regards that year under section 52D(2)(a) above, and
  - (b) any information [<sup>F95</sup>they think] is relevant.
- (4) [<sup>F96</sup>They] shall notify the authority in writing of—
  - (a) the amount determined under subsection (2) above;
  - (b) the amount mentioned in subsection (3)(a) above;
  - (c) any information taken into account under subsection (3)(b) above.
- (5) Before the end of the period of 21 days beginning with the day it receives a notification under subsection (4) above an authority may inform the [<sup>F97</sup>Welsh Ministers] by notice in writing that, for reasons stated in the notice, it believes the notional amount stated under subsection (4)(a) above should be such as the authority states in its notice.
- (6) After the end of the period mentioned in subsection (5) above the [<sup>F98</sup>Welsh Ministers] —
  - (a) shall, if [<sup>F99</sup>they receive] a notice under subsection (5) above, reconsider [<sup>F100</sup>their] determination under subsection (2) above (taking the notice into account);
  - (b) shall notify the authority in writing of the amount which is to be the notional amount calculated by the authority as its budget requirement for the year under consideration.
- (7) A notification under subsection (6) above shall be treated as made at the beginning of the day on which the authority receives it.
- (8) In applying this Chapter at any time after a notification is made under subsection (6) above of the amount which is to be the notional amount calculated by the authority as

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its budget requirement for a financial year, the amount calculated by the authority as its budget requirement for that year shall be taken to be the notional amount notified.

#### Textual Amendments

- F88** Words in s. 52N(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(2\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F89** Word in s. 52N(1)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(2\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F90** Word in s. 52N(1)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(2\)\(c\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F91** Word in s. 52N(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(3\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F92** Words in s. 52N(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(3\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F93** Word in s. 52N(3) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(4\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F94** Word in s. 52N(3)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(4\)\(b\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F95** Words in s. 52N(3)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(4\)\(c\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F96** Word in s. 52N(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(5\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F97** Words in s. 52N(5) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(6\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F98** Words in s. 52N(6) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(7\)\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F99** Words in s. 52N(6)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(7\)\(b\)\(i\)](#); [S.I. 2011/2896, art. 2\(i\)](#)
- F100** Word in s. 52N(6)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 17\(7\)\(b\)\(ii\)](#); [S.I. 2011/2896, art. 2\(i\)](#)

#### *Designation after previous designation*

#### **52P Designation after previous designation.**

- (1) This section applies if—
- the <sup>F101</sup>Welsh Ministers designate] an authority as regards a year under section 52D(2)(a) above or section 52M above or this section, and
  - the amount calculated by the authority as its budget requirement for the year exceeds the target amount for the year.
- (2) <sup>F102</sup>They] may designate the authority as regards the financial year immediately following the year mentioned in subsection (1) above, and if <sup>F103</sup>they do] so <sup>F104</sup>they] shall—
- determine an amount which <sup>F105</sup>they propose] should be the maximum for the amount calculated by the authority as its budget requirement for the year as regards which the designation is made;
  - determine the target amount for the year as regards which the designation is made, that is, the maximum amount which <sup>F106</sup>they propose] the authority

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could calculate as its budget requirement for the year without the amount calculated being excessive.

- (3) In making the determinations under subsection (2) above [<sup>F107</sup>they] shall take into account—
- (a) the amount calculated by the authority as its budget requirement for the year mentioned in subsection (1) above,
  - (b) the target amount for that year, and
  - (c) any information [<sup>F108</sup>they think] is relevant.
- (4) [<sup>F109</sup>They] shall notify the authority in writing of—
- (a) the designation;
  - (b) the amount determined under subsection (2)(a) above;
  - (c) the target amount determined under subsection (2)(b) above;
  - (d) any information taken into account under subsection (3)(c) above;
  - (e) the financial year as regards which [<sup>F110</sup>they expect] the amount calculated by the authority as its budget requirement for that year to be equal to or less than the target amount for that year (assuming one to be determined for that year);
  - (f) the period within which the authority may inform the [<sup>F111</sup>Welsh Ministers] that it challenges or accepts the amount stated under paragraph (b) above.
- (5) A designation under this section—
- (a) is invalid unless subsection (4) above is complied with;
  - (b) shall be treated as made at the beginning of the day on which the authority receives a notification under that subsection.
- (6) If an authority has been designated under this section as regards a financial year the [<sup>F112</sup>Welsh Ministers] may not designate it under section 52D(2)(a) above as regards that year.
- (7) If—
- (a) an authority has been designated under this section as regards a financial year, and
  - (b) after the designation is made the authority makes calculations or substitute calculations in relation to the year,
- the calculations (or substitute calculations) shall be invalid unless they are made in accordance with section 52T or 52U below (as the case may be).
- (8) Before the end of the period notified under subsection (4)(f) above an authority may inform the [<sup>F113</sup>Welsh Ministers] by notice in writing that—
- (a) for reasons stated in the notice, it believes the maximum amount stated under subsection (4)(b) above should be such as the authority states in its notice, or
  - (b) it accepts the maximum amount stated under subsection (4)(b) above.
- (9) The period notified under subsection (4)(f) above must be a period of at least 21 days beginning with the day the authority receives the notification under subsection (4) above.
- (10) In applying subsections (1)(b) and (3)(a) above the [<sup>F114</sup>Welsh Ministers] shall ignore any calculation for which another has been substituted at the time designation is proposed.



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- (11) References in this section to the target amount for the year mentioned in subsection (1) above are to the amount stated (or last stated) as the target amount for the year under section 52E or 52F, or under section 52M or 52Q, or under this section or section 52Q, as the case may be.

#### Textual Amendments

- F101** Words in s. 52P(1)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(2\)](#); S.I. 2011/2896, art. 2(i)
- F102** Word in s. 52P(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(3\)\(a\)\(i\)](#); S.I. 2011/2896, art. 2(i)
- F103** Words in s. 52P(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(3\)\(a\)\(ii\)](#); S.I. 2011/2896, art. 2(i)
- F104** Word in s. 52P(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(3\)\(a\)\(iii\)](#); S.I. 2011/2896, art. 2(i)
- F105** Words in s. 52P(2)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(3\)\(b\)](#); S.I. 2011/2896, art. 2(i)
- F106** Words in s. 52P(2)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(3\)\(c\)](#); S.I. 2011/2896, art. 2(i)
- F107** Word in s. 52P(3) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(4\)\(a\)](#); S.I. 2011/2896, art. 2(i)
- F108** Words in s. 52P(3)(c) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(4\)\(b\)](#); S.I. 2011/2896, art. 2(i)
- F109** Word in s. 52P(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(5\)\(a\)](#); S.I. 2011/2896, art. 2(i)
- F110** Words in s. 52P(4)(e) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(5\)\(b\)](#); S.I. 2011/2896, art. 2(i)
- F111** Words in s. 52P(4)(f) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(5\)\(c\)](#); S.I. 2011/2896, art. 2(i)
- F112** Words in s. 52P(6) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(6\)](#); S.I. 2011/2896, art. 2(i)
- F113** Words in s. 52P(8) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(7\)](#); S.I. 2011/2896, art. 2(i)
- F114** Words in s. 52P(10) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 18\(8\)](#); S.I. 2011/2896, art. 2(i)

#### *Position after designation under section 52M or 52P*

#### **52Q Challenge of maximum amount.**

- (1) This section applies if—
- an authority designated under section 52M above informs the [<sup>F115</sup>Welsh Ministers] by notice in writing under subsection (8)(a) of that section, or
  - an authority designated under section 52P above informs the [<sup>F116</sup>Welsh Ministers] by notice in writing under subsection (8)(a) of that section.
- (2) After considering any information falling within subsection (3) below the [<sup>F117</sup>Welsh Ministers] —
- 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;

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- (b) may alter the target amount for the year.
- (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 [<sup>F118</sup>Welsh Ministers] for the purposes of this section;
  - (b) any other information [<sup>F119</sup>they think] is relevant.
- (4) The following paragraphs apply for the purposes of subsection (2) above—
- (a) if the authority has already calculated an amount as its budget requirement for the year, the amount stated under subsection (2)(a) above may not exceed the amount already calculated unless in the [<sup>F120</sup>Welsh Ministers'] 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 (2)(a) above may be the same as, or greater or smaller than, that stated in the notice under section 52M(4)(b) or 52P(4)(b) above (as the case may be);
  - (c) the [<sup>F121</sup>Welsh Ministers] may alter the target amount for the year under subsection (2)(b) above only if the amount stated under subsection (2)(a) above is greater or smaller than that stated in the notice under section 52M(4)(b) or 52P(4)(b) above (as the case may be).
- <sup>F122</sup>(5) .....
- (6) 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 [<sup>F123</sup>National Assembly for Wales];
  - (b) may relate to two or more authorities.
- (7) As soon as is reasonably practicable after an order under this section is made the [<sup>F124</sup>Welsh Ministers] 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 [<sup>F125</sup>they alter] it in the case of the authority concerned).
- (8) When [<sup>F126</sup>they serve] a notice under subsection (7) above on a precepting authority the [<sup>F127</sup>Welsh Ministers] shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.
- (9) In applying subsection (4)(a) above the [<sup>F128</sup>Welsh Ministers] shall ignore any calculation for which another has been substituted at the time of designation.

#### Textual Amendments

- F115** Words in s. 52Q(1)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 19\(2\)](#); S.I. 2011/2896, art. 2(i)
- F116** Words in s. 52Q(1)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 19\(2\)](#); S.I. 2011/2896, art. 2(i)
- F117** Words in s. 52Q(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 19\(3\)](#); S.I. 2011/2896, art. 2(i)
- F118** Words in s. 52Q(3)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 19\(4\)\(a\)](#); S.I. 2011/2896, art. 2(i)
- F119** Words in s. 52Q(3)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 19\(4\)\(b\)](#); S.I. 2011/2896, art. 2(i)

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- F120** Words in s. 52Q(4)(a) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 19(5)(a)**; S.I. 2011/2896, art. 2(i)
- F121** Words in s. 52Q(4)(c) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 19(5)(b)**; S.I. 2011/2896, art. 2(i)
- F122** S. 52Q(5) repealed (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), Sch. 6 para. 19(6), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)
- F123** Words in s. 52Q(6) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 19(7)**; S.I. 2011/2896, art. 2(i)
- F124** Words in s. 52Q(7) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 19(8)(a)**; S.I. 2011/2896, art. 2(i)
- F125** Words in s. 52Q(7)(b) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 19(8)(b)**; S.I. 2011/2896, art. 2(i)
- F126** Words in s. 52Q(8) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 19(9)(a)**; S.I. 2011/2896, art. 2(i)
- F127** Words in s. 52Q(8) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 19(9)(b)**; S.I. 2011/2896, art. 2(i)
- F128** Words in s. 52Q(9) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 19(10)**; S.I. 2011/2896, art. 2(i)

## **52R Acceptance of maximum amount.**

- (1) This section applies if—
- an authority designated under section 52M above informs the [<sup>F129</sup>Welsh Ministers] by notice in writing under subsection (8)(b) of that section, or
  - an authority designated under section 52P above informs the [<sup>F130</sup>Welsh Ministers] by notice in writing under subsection (8)(b) of that section.
- (2) As soon as is reasonably practicable after [<sup>F131</sup>they receive] the notice the [<sup>F132</sup>Welsh Ministers] shall serve on the authority a notice stating the amount which the amount calculated by it as its budget requirement for the year is not to exceed; and the amount stated shall be that stated in the notice under section 52M(4)(b) or 52P(4)(b) above (as the case may be).
- (3) When [<sup>F133</sup>they serve] a notice under subsection (2) above on a precepting authority the [<sup>F134</sup>Welsh Ministers] shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.

### **Textual Amendments**

- F129** Words in s. 52R(1)(a) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 20(2)**; S.I. 2011/2896, art. 2(i)
- F130** Words in s. 52R(1)(b) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 20(2)**; S.I. 2011/2896, art. 2(i)
- F131** Words in s. 52R(2) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 20(3)(a)**; S.I. 2011/2896, art. 2(i)
- F132** Words in s. 52R(2) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 20(3)(b)**; S.I. 2011/2896, art. 2(i)
- F133** Words in s. 52R(3) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 20(4)(a)**; S.I. 2011/2896, art. 2(i)
- F134** Words in s. 52R(3) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 20(4)(b)**; S.I. 2011/2896, art. 2(i)

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## 52S No challenge or acceptance.

- (1) This section applies if—
  - (a) the period mentioned in section 52M(8) above ends without an authority designated under section 52M above informing the [<sup>F135</sup>Welsh Ministers] by notice in writing under paragraph (a) or (b) of section 52M(8), or
  - (b) the period mentioned in section 52P(8) above ends without an authority designated under section 52P above informing the [<sup>F136</sup>Welsh Ministers] by notice in writing under paragraph (a) or (b) of section 52P(8).
- (2) As soon as is reasonably practicable after the period ends the [<sup>F137</sup>Welsh Ministers] 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; and the amount stated shall be that stated in the notice under section 52M(4)(b) or 52P(4)(b) above (as the case may be).
- (3) 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 [<sup>F138</sup>National Assembly for Wales] ;
  - (b) may relate to two or more authorities.
- (4) As soon as is reasonably practicable after an order under this section is made the [<sup>F139</sup>Welsh Ministers] shall serve on the authority (or each authority) a notice stating the amount stated in the case of the authority concerned in the order.
- (5) When [<sup>F140</sup>they serve] a notice under subsection (4) above on a precepting authority the [<sup>F141</sup>Welsh Ministers] shall also serve a copy of it on each billing authority to which the precepting authority has power to issue a precept.

### Textual Amendments

- F135** Words in s. 52S(1)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 21\(2\)](#); [S.I. 2011/2896](#), art. 2(i)
- F136** Words in s. 52S(1)(b) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 21\(2\)](#); [S.I. 2011/2896](#), art. 2(i)
- F137** Words in s. 52S(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 21\(3\)](#); [S.I. 2011/2896](#), art. 2(i)
- F138** Words in s. 52S(3) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 21\(4\)](#); [S.I. 2011/2896](#), art. 2(i)
- F139** Words in s. 52S(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 21\(5\)](#); [S.I. 2011/2896](#), art. 2(i)
- F140** Words in s. 52S(5) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 21\(6\)\(a\)](#); [S.I. 2011/2896](#), art. 2(i)
- F141** Words in s. 52S(5) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 6 para. 21\(6\)\(b\)](#); [S.I. 2011/2896](#), art. 2(i)

## 52T Duty of designated billing authority.

- (1) This section applies if a billing 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 sections 32 to 36 above, 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.

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- (3) If it—
- (a) has made calculations in relation to the year in accordance with sections 32 to 36 above, or
  - (b) has made substitute calculations in relation to the year in accordance with section 37 above,
- it shall make substitute calculations in relation to the year in accordance with sections 32 to 36 above, ignoring section 32(10) above for this purpose.
- (4) The substitute calculations 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 33(1) or 34(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.
- (5) Subsection (4)(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.
- (6) In making substitute calculations under section 33(1) or 34(3) above the authority must use any amount determined in the previous calculations for item P or T in section 33(1) or item TP in section 34(3).
- (7) For the purposes of subsection (6) above the authority may treat any amount determined in the previous calculations for item P in section 33(1) above as increased by the amount of any sum which—
- (a) it estimates will be payable for the year into its [<sup>F142</sup>council] fund in respect of additional grant, and
  - (b) was not taken into account by it in making those calculations.
- (8) 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**

**F142** Word in s. 52T(7)(a) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 22; S.I. 2011/2896, art. 2\(i\)](#)

**Modifications etc. (not altering text)**

**C4** S. 52T modified (24.12.2008) by [The Local Government \(Structural Changes\) \(Finance\) Regulations 2008 \(S.I. 2008/3022\), reg. 1\(2\), Sch. 2 para. 7](#)

**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—
- <sup>F143</sup>(a) .....
  - (b) sections 43 to 48 above <sup>F144</sup> ...,
- 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.

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- <sup>F145</sup>(3) .....
- (4) Where the authority <sup>F146</sup>... 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 <sup>F147</sup>... (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.
- <sup>F148</sup>(6) .....
- (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.
- <sup>F149</sup>(9) .....
- (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.
- <sup>F150</sup>(11) .....
- <sup>F150</sup>(12) .....
- <sup>F150</sup>(13) .....
- (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

- F143** S. 52U(2)(a) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 23(2)(a), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)
- F144** Words in s. 52U(2)(b) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 23(2)(b), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)
- F145** S. 52U(3) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 23(3), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)
- F146** Words in s. 52U(4) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 23(4), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)
- F147** Words in s. 52U(5) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 23(5), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)

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- F148** S. 52U(6) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 23(6), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)
- F149** S. 52U(9) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 23(7), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)
- F150** Ss. 52U(11)-(13) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 23(8), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)

## **52V Failure to make or substitute calculations.**

- (1) This section applies if an authority which has received a notice under section 52Q(7), 52R(2) or 52S(4) above fails before the relevant date to make calculations or substitute calculations which comply with section 52T or 52U above (as the case may be).
- (2) The relevant date is the following date falling in the financial year immediately preceding that as regards which the authority is designated—
  - (a) 11th March, in the case of a billing authority;
  - (b) 1st March, in the case of a major precepting authority.
- [<sup>F151</sup>(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.]
- (4) In the case of a major precepting authority, any authority to which it has power to issue a precept shall have no power during the period of restriction to pay anything in respect of a precept issued by it for the financial year as regards which the designation concerned was made.
- (5) For the purposes of this section the period of restriction is the period which—
  - (a) begins with the relevant date, and
  - (b) ends at the time (if any) when the authority makes calculations or substitute calculations which comply with section <sup>F152</sup>... 52U above.

### **Textual Amendments**

- F151** S. 52V(3)(3A) substituted for s. 52V(3) (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 24(2)**; S.I. 2011/2896, art. 2(i)
- F152** Words in s. 52V(5)(b) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 24(3), **Sch. 25 Pt. 12**; S.I. 2011/2896, art. 2(i)

## *Supplemental*

## **52W Meaning of budget requirement.**

- (1) Any reference in this Chapter to the amount calculated (or already calculated) by a major precepting authority <sup>F153</sup>... as its budget requirement for a financial year is a reference to the amount calculated by it in relation to the year under section 43(4) above.
- <sup>F154</sup>(2) .....

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- (3) Any reference in this Chapter to the amount calculated (or already calculated) by a billing authority as its budget requirement for a financial year is a reference to the amount calculated by it in relation to the year under section 32(4) above; but this is subject to section 52X below.

#### Textual Amendments

- F153** Words in s. 52W(1) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 25(2), [Sch. 25 Pt. 12](#); [S.I. 2011/2896](#), art. 2(i)
- F154** S. 52W(2) repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 25(3), [Sch. 25 Pt. 12](#); [S.I. 2011/2896](#), art. 2(i)

### 52X Calculations to be net of precepts.

- (1) The amount referred to in section 52W(3) above shall be taken to be the amount calculated as there mentioned less the aggregate amount for the year of any precepts which were (or could be) taken into account by the authority in making the calculation under section 32(2) above and which were (or could be)—
- (a) issued to it by local precepting authorities, or
  - (b) anticipated by it in pursuance of regulations under section 41 above.
- (2) Subsection (3) below applies where this Chapter refers to any of the following—
- (a) the amount which the [<sup>F155</sup>Welsh Ministers propose] should be the maximum for the amount calculated by a billing authority as its budget requirement for a financial year;
  - (b) the maximum amount which [<sup>F156</sup>they propose] a billing authority could calculate as its budget requirement for a financial year without the amount calculated being excessive;
  - (c) the amount which the amount calculated by a billing authority as its budget requirement for a financial year is not to exceed;
  - (d) an amount which [<sup>F157</sup>they propose] should be, or an amount which is to be, the notional amount calculated by a billing authority as its budget requirement for a financial year;
  - (e) the financial year as regards which [<sup>F158</sup>they expect] the amount calculated by a billing authority as its budget requirement for that year to be equal to or less than the target amount for that year.
- (3) In such a case—
- (a) a reference to the amount calculated is to the amount calculated without taking account of any precept which could be issued to the authority by a local precepting authority;
  - (b) a reference to the amount which an authority could calculate is to the amount which it could calculate without taking account of any such precept;
  - (c) a reference to the target amount is to the target amount calculated without taking account of any such precept.
- (4) Subsection (1) above shall have effect subject to subsections (2) and (3) above.
- (5) Subsection (1) above shall not apply for the purpose of construing section 52Y(1) below.



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- (6) The [<sup>F159</sup>Welsh Ministers] may by order provide that any of the provisions of subsections (1) to (3) above shall not apply for such purposes as are specified in the order.
- (7) A statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of the [<sup>F160</sup>National Assembly for Wales] .

#### Textual Amendments

- F155** Words in s. 52X(2)(a) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 26(2)(a)**; S.I. 2011/2896, art. 2(i)
- F156** Words in s. 52X(2)(b) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 26(2)(b)**; S.I. 2011/2896, art. 2(i)
- F157** Words in s. 52X(2)(d) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 26(2)(c)**; S.I. 2011/2896, art. 2(i)
- F158** Words in s. 52X(2)(e) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 26(2)(d)**; S.I. 2011/2896, art. 2(i)
- F159** Words in s. 52X(6) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 26(3)**; S.I. 2011/2896, art. 2(i)
- F160** Words in s. 52X(7) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 26(4)**; S.I. 2011/2896, art. 2(i)

#### Modifications etc. (not altering text)

- C5** S. 52X(1) modified (E.) (8.4.2008) by Local Government Finance (New Parishes) (England) Regulations 2008 (S.I. 2008/626), regs. 1(1), **6**
- C6** S. 52X(1) modified (1.4.2011) by The Pembrokeshire (Communities) Order 2011 (S.I. 2011/683), arts. 1(3), **21(3)(c)**
- C7** S. 52X(1)(b) modified (29.1.2009) by Local Government (Structural Changes) (Further Financial Provisions and Amendment) Regulations 2009 (S.I. 2009/5), regs. 1(1), **6(3)(b)** (with reg. 1(2))

#### 52Y Information for purposes of Chapter IVA.

- (1) An authority shall notify the [<sup>F161</sup>Welsh Ministers] in writing of any amount calculated by it as its budget requirement for a financial year, whether originally or by way of substitute.
- (2) A billing authority shall also notify the [<sup>F162</sup>Welsh Ministers] in writing of the aggregate amount for any financial year of any precepts which were taken into account by it in making a calculation in relation to the year under section 32(2) above and which were—
- issued to it by local precepting authorities, or
  - anticipated by it in pursuance of regulations under section 41 above.
- (3) A notification under subsection (1) or (2) above must be given before the end of the period of seven days beginning with the day on which the calculation was made.
- (4) The [<sup>F163</sup>Welsh Ministers] may serve on an authority a notice requiring it to supply to [<sup>F164</sup>them] such other information as is specified in the notice and required by [<sup>F164</sup>them] for the purpose of deciding whether to exercise [<sup>F165</sup>their] powers, and how to perform [<sup>F165</sup>their] functions, under this Chapter.

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- (5) The authority shall supply the information required if it is in its possession or control, and shall do so in such form and manner and at such time as the [<sup>F166</sup>Welsh Ministers specify] in the notice.
- (6) An authority may be required under subsection (4) above to supply information at the same time as it gives a notification under subsection (1) or (2) above or at some other time.
- (7) If an authority fails to comply with subsection (1) or (2) above, or with subsection (5) above, the [<sup>F167</sup>Welsh Ministers] may decide whether to exercise [<sup>F168</sup>their] powers, and how to perform [<sup>F168</sup>their] functions, under this Chapter on the basis of such assumptions and estimates as [<sup>F169</sup>they think] fit.
- (8) In deciding whether to exercise [<sup>F170</sup>their] powers, and how to perform [<sup>F170</sup>their] functions, under this Chapter the [<sup>F171</sup>Welsh Ministers] may also take into account any other information available to [<sup>F172</sup>them], whatever its source and whether or not obtained under a provision contained in or made under this or any other Act.]

#### Textual Amendments

- F161** Words in s. 52Y(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(2\)](#); S.I. 2011/2896, art. 2(i)
- F162** Words in s. 52Y(2) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(3\)](#); S.I. 2011/2896, art. 2(i)
- F163** Words in s. 52Y(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(4\)\(a\)](#); S.I. 2011/2896, art. 2(i)
- F164** Word in s. 52Y(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(4\)\(b\)](#); S.I. 2011/2896, art. 2(i)
- F165** Word in s. 52Y(4) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(4\)\(c\)](#); S.I. 2011/2896, art. 2(i)
- F166** Words in s. 52Y(5) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(5\)](#); S.I. 2011/2896, art. 2(i)
- F167** Words in s. 52Y(7) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(6\)\(a\)](#); S.I. 2011/2896, art. 2(i)
- F168** Word in s. 52Y(7) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(6\)\(b\)](#); S.I. 2011/2896, art. 2(i)
- F169** Words in s. 52Y(7) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(6\)\(c\)](#); S.I. 2011/2896, art. 2(i)
- F170** Word in s. 52Y(8) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(7\)\(a\)](#); S.I. 2011/2896, art. 2(i)
- F171** Words in s. 52Y(8) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(7\)\(b\)](#); S.I. 2011/2896, art. 2(i)
- F172** Word in s. 52Y(8) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 27\(7\)\(c\)](#); S.I. 2011/2896, art. 2(i)

#### Modifications etc. (not altering text)

- C8** S. 52Y(2) modified (E.) (8.4.2008) by [Local Government Finance \(New Parishes\) \(England\) Regulations 2008 \(S.I. 2008/626\), regs. 1\(1\), 6](#)
- C9** S. 52Y(2) modified (29.1.2009) by [Local Government \(Structural Changes\) \(Further Financial Provisions and Amendment\) Regulations 2009 \(S.I. 2009/5\), regs. 1\(1\), 6\(3\)\(b\) \(with reg. 1\(2\)\)](#)
- C10** S. 52Y(2) modified (1.4.2011) by [The Pembrokeshire \(Communities\) Order 2011 \(S.I. 2011/683\), arts. 1\(3\), 21\(3\)\(c\)](#)

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<sup>F173</sup> **52Z Separate administration in England and Wales.**

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**Textual Amendments**

**F173** S. 52Z repealed (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 6 para. 28, **Sch. 25 Pt. 12**; [S.I. 2011/2896](#), art. 2(i)

**Status:**

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