



Local Government Finance Act 1992

1992 CHAPTER 14

PART IV

MISCELLANEOUS

English and Welsh provisions

106 Council tax and community charges: restrictions on voting.

- (1) This section applies at any time to a member of a local authority, or a member of a committee of a local authority or of a joint committee of two or more local authorities (including in either case a sub-committee), [^{F1}]^{F2} or a council manager within the meaning of section 11(4)(b) of the Local Government Act 2000], if at that time—
- (a) a sum falling within paragraph 1(1)(a) of Schedule 4 to this Act; or
 - (b) a sum falling within paragraph 1(1)(a), (b), (d) or (ee) of Schedule 4 to the 1988 Act (corresponding provisions with respect to community charges),
- has become payable by him and has remained unpaid for at least two months.

- (2) Subject to subsection (5) below, if a member [^{F3}]^{F4} or a council manager]] to whom this section applies is present at a meeting of the authority or committee [^{F5} or in the case of an authority which are operating executive arrangements the executive of that authority or any committee of that executive] at which any of the following matters is the subject of consideration, namely—

- (a) any calculation required by Chapter III, IV [^{F6}, 4ZA] or [^{F7}IVA] of Part I of this Act;
- (b) any recommendation, resolution or other decision which might affect the making of any such calculation; or
- (c) the exercise of any functions under Schedules 2 to 4 to this Act or Schedules 2 to 4 to the 1988 Act (corresponding provisions with respect to community charges),

he shall at the meeting and as soon as practicable after its commencement disclose the fact that this section applies to him and shall not vote on any question with respect to the matter.

Changes to legislation: Local Government Finance Act 1992, Section 106 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

- [^{F8}(2A) In the case of an authority which are operating executive arrangements, if or to the extent that any matter listed in paragraphs (a), (b) or (c) of subsection (2) is the responsibility of the executive of that authority, no member of the executive to whom this section applies [^{F9}, and no assistant to the executive (within the meaning of paragraph 3A of Schedule 1 to the Local Government Act 2000) to whom this section applies,] shall take any action or discharge any function with respect to that matter.]
- (3) If a person fails to comply with subsection (2) above, he shall for each offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale, unless he proves that he did not know—
- (a) that this section applied to him at the time of the meeting; or
 - (b) that the matter in question was the subject of consideration at the meeting.
- (4) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.
- (5) Subsections (1) to (3) of section 97 of the ^{M1}Local Government Act 1972 (removal or exclusion of liability etc.) shall apply in relation to this section and any disability imposed by it as they apply in relation to section 94 of that Act and any disability imposed by that section.
- (6) In this section “local authority” has the same meaning as in sections 94 and 97 of the ^{M2}Local Government Act 1972.

Textual Amendments

- F1** Words in s. 106(1) inserted (11.7.2001 (E.), 1.4.2002 (W.)) by S.I. 2001/2237, arts. 2(n), 28(1)(a); S.I. 2002/808, **art. 27(1)(a)**
- F2** Words in s. 106(1) repealed (W.) (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 34(9)(a), 178(2), **Sch. 4 Pt. B**
- F3** Words in s. 106(2) inserted (11.7.2001 (E.), 1.4.2002 (W.)) by S.I. 2001/2237, arts. 2(n), 28(1)(b)(i); S.I. 2002/808, **art. 27(1)(b)(i)**
- F4** Words in s. 106(2) repealed (W.) (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 34(9)(b), 178(2), **Sch. 4 Pt. B**
- F5** Words in s. 106(2) inserted (11.7.2001 (E.), 1.4.2002 (W.)) by S.I. 2001/2237, arts. 2(n), 28(1)(b)(ii); S.I. 2002/808, **art. 27(1)(b)(ii)**
- F6** Word in s. 106(2)(a) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 31**; S.I. 2011/2896, **art. 2(i)**
- F7** Word in s. 106 substituted (27.7.1999 with effect as mentioned in s. 30(2) of the amending Act.) by 1999 c. 27, s. 30(1), **Sch. 1 Pt. II para. 8**
- F8** S. 106(2A) inserted (11.7.2001 (E.), 1.4.2002 (W.)) by S.I. 2001/2237, arts. 2(n), 28(1)(c); S.I. 2002/808, **art. 27(1)(c)**
- F9** Words in s. 106(2A) inserted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 6 para. 4**; S.I. 2021/231, **art. 6(t)** (as substituted by S.I. 2021/1249, **art. 3(2)**)

Modifications etc. (not altering text)

- C1** S. 106 applied (with modifications) (8.1.1996) by 1995 c. X, ss. 1(3), 44, Sch. Pt. II

Marginal Citations

- M1** 1972 c. 70.
M2 1972 c. 70.

Changes to legislation:

Local Government Finance Act 1992, Section 106 is up to date with all changes known to be in force on or before 19 April 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). The amending S.I. was revoked before ever coming into force by [S.I. 2010/1906, reg. 2](#))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(2)(ea) inserted by [2012 c. 17 s. 13\(1\)](#)