

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, SCHEDULE 12. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 12

Section 38(11).

#### FUNDS

##### *The 1972 Act*

- 1 In section 148 of the 1972 Act (principal councils' funds and accounts) at the end add—

“(6) This section does not apply in relation to a Welsh county council or county borough council.”

#### Commencement Information

- II** Sch. 12 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 6(1) (with art. 6(2)-(5))

##### *The Local Government Finance Act 1988 (c. 41)*

- 2 After section 89 of the Local Government Finance Act 1988 insert—

#### “89A Principal councils in Wales.

This Part does not apply to a Welsh county council or county borough council (for whom provision as to the establishment of a council fund is made by section 38 of the Local Government (Wales) Act 1994).”

#### Commencement Information

- I2** Sch. 12 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 6(1) (with art. 6(2)-(5))

- 3 In section 111(2) of that Act (relevant authorities for purposes of provisions relating to financial administration) after paragraph (a) insert—

“(aa) a county borough council,”.

#### Commencement Information

- I3** Sch. 12 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 6(1) (with art. 6(2)-(5))

##### *The Local Government Finance Act 1992 (c. 14)*

- 4 (1) Section 32 of the Local Government Finance Act 1992 (calculation of budget requirement) is amended as follows.

(2) In subsection (3)(a), after “fund” insert “ or (as the case may be) council fund ”.

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(3) After subsection (3) insert—

“(3A) In the case of any billing authority in Wales, subsection (3)(a) above does not require the estimation of sums payable into their council fund in respect of council tax or non-domestic rates.”

(4) In subsection (7)(a)(i), after “general fund” insert “ or (as the case may be) council fund ”.

(5) After subsection (8) insert—

“(8A) Subsections (2)(e), (3)(b), (7)(a)(ii) and (8) above do not apply in relation to a Welsh county council or county borough council.

(8B) Subsection (5) above shall have effect in relation to a Welsh county council or county borough council as if for paragraphs (a) and (b) there were substituted—

- (”) payments which must be met from a trust fund;
- (b) payments to be made to the Secretary of State under paragraph 5 of Schedule 8 to the 1988 Act or regulations made under paragraph 5(15) of that Schedule;
- (c) payments to be made in respect of the amount of any precept issued by a major precepting authority under Part I of this Act (but not payments to be so made in respect of interest on such an amount); and
- (d) payments to be made to another person in repaying, under regulations under the 1988 Act or Part I of this Act, excess receipts by way of non-domestic rates or council tax.”

(6) In subsection (9)(b), for “(8)” substitute “ (8B) ”.

#### Commencement Information

**I4** Sch. 12 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 6(1) (with art. 6(2)-(5))

5 (1) Section 33 of that Act (calculation of basic amount of council tax) is amended as follows.

(2) In subsection (1), after “general fund” insert “ or (as the case may be) council fund ”.

(3) At the end of subsection (3), insert—

“This subsection does not apply in relation to a Welsh county council or county borough council.”

#### Commencement Information

**I5** Sch. 12 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 6(1) (with art. 6(2)-(5))

6 In section 35 of that Act (definition of “special items”), at the end add—

“(4) Subsection (2) above shall have effect in relation to a Welsh county council or county borough council as if for paragraphs (b) and (c) there were substituted—

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- (”) any expenses incurred by a billing authority and arising in connection with property which it holds in trust for a part of its area are its special expenses;
- (c) any expenses incurred by a billing authority which relate to a part of its area and which are of the same kind as expenses which—
- (i) relate to another part of its area; and
  - (ii) are to be met out of property held in trust for that part; are its special expenses;”.
- (5) Expenses of a billing authority are not to be treated as its special expenses for the purposes of subsection (1) above if they are expenses of meeting a levy issued to it by, or anticipated by it from—
- (a) a Welsh joint planning board constituted under section 2(1B) of the <sup>M1</sup>Town and Country Planning Act 1990 for a united district which comprises or includes the whole or part of the area of a National Park; or
  - (b) a special planning board constituted under paragraph 3A of Schedule 17 to the <sup>M2</sup>Local Government Act 1972.”

#### Commencement Information

**I6** Sch. 12 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 6(1) (with art. 6(2)-(5))

#### Marginal Citations

**M1** 1990 c. 8.

**M2** 1972 c. 70.

- 7 In sections 37 and 60 of that Act (substitute calculations), in each case in subsection (5)(a), after “general fund” insert “ or (as the case may be) council fund ”.

#### Commencement Information

**I7** Sch. 12 in force at 3.4.1995, see s. 66 and S.I. 1995/852, art. 6(1) (with art. 6(2)-(5))

- 8 In section 62 of that Act (failure to make substitute calculations), at the end add—
- “(5) Subsection (2) above does not apply in relation to a Welsh county council or county borough council.”

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