

Status: Point in time view as at 01/04/1996.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, Cross Heading: The Local Government Finance Act 1992 (c. 14). (See end of Document for details)

SCHEDULES

SCHEDULE 12

FUNDS

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 ”.
- (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

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))

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- 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

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))

- 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—
- (”) 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 ^{M1}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 ^{M2}Local Government Act 1972.”

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))

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 ”.

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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))

- 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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