

*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 ”.

<sup>F1</sup>(5) .....

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

**Textual Amendments**

**F1** Sch. 12 para. 4(5) repealed (15.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 25 Pt. 13; S.I. 2012/57, art. 4(1)(ee)(iii)

**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 ”.

<sup>F2</sup>(3) .....

**Textual Amendments**

**F2** Sch. 12 para. 5(3) repealed (15.1.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 25 Pt. 13; S.I. 2012/57, art. 4(1)(ee)(iii)

**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—

(”) 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—

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- (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 <sup>F3</sup> . . . of that Act (substitute calculations), <sup>F3</sup> . . . in subsection (5)(a), after “general fund” insert “ or (as the case may be) council fund ”.

**Textual Amendments**

**F3** Words in Sch. 12 para. 7 repealed (27.7.1999 with application as mentioned in s. 30(2)) by 1999 c. 27, ss. 30, 34, Sch. 2(2)

<sup>F4</sup>8 . . . . .

**Textual Amendments**

**F4** Sch. 12 para. 8 repealed (27.7.1999 with application as mentioned in s. 30(2)) by 1999 c. 27, ss. 30, 34, Sch. 2(2)

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