



# Local Government Act 2003

## 2003 CHAPTER 26

### PART 5

#### NON-DOMESTIC RATES

#### **70 Local retention of rates**

- (1) In Schedule 8 to the 1988 Act (non-domestic rating: pooling), in paragraph 4 (rules for calculating authorities' non-domestic rating contributions), before sub-paragraph (5) there is inserted—

“(4A) The rules may include provision for such deductions as the maker of the rules thinks fit for the purpose of enabling an authority to retain part, or all, of so much of the total payable to it in respect of the year under sections 43 and 45 above as exceeds an amount determined for the authority by or under the rules.

(4B) Sub-paragraph (4A) above shall not apply in the case of a special authority.

(4C) Sub-paragraph (2) above shall have effect subject to sub-paragraph (4A) above.

(4D) The consent of the Treasury is required to the inclusion in regulations under this paragraph of provision under sub-paragraph (4A) above relating to England.”

- (2) In paragraph 5(6) of that Schedule (contribution to be calculated after end of year and certified by Audit Commission)—

(a) before the word “and” at the end of paragraph (b) there is inserted—

“(ba) if it is an authority in England notify to the Secretary of State, and if it is an authority in Wales notify to the National Assembly for Wales, the amount of any deduction that in accordance with provision under paragraph 4(4A) above is made in calculating the amount mentioned in paragraph (a) above,” and

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(b) in paragraph (c), for “and the amount” there is substituted “, and the amount or amounts notifiable under paragraphs (b) and (ba) above,”.

(3) In paragraph 5(6A) of that Schedule (Audit Commission to send copy of certification to Secretary of State or National Assembly for Wales), after “the amount” there is inserted “ or amounts ”.

<sup>F1</sup>(4) .....

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

<sup>F1</sup>(6) .....

(7) In section 38 of the Local Government (Wales) Act 1994 (c. 19) (council funds for principal councils in Wales), after subsection (9) there is inserted—

“(9A) The National Assembly for Wales may by regulations make provision for the sharing among a new principal council and major precepting authorities, in accordance with rules specified in the regulations, of an amount equal to all or part of any deduction that, in accordance with provision under paragraph 4(4A) of Schedule 8 to the Local Government Finance Act 1988 (local retention of rates), falls to be made in calculating the council’s non-domestic rating contribution for a financial year.”

(8) In subsection (10) of that section (provision that may be included in regulations under subsection (9))—

- (a) for “The regulations” there is substituted “ Regulations under subsection (9) or (9A) ”, and
- (b) in each of paragraphs (d) and (e), after “the liability mentioned in subsection (9)” there is inserted “ or any liability arising under subsection (9A) ”.

(9) In that section, after subsection (11) there is inserted—

“(12) In subsection (9A) “major precepting authority” has the meaning given by section 39(1) of the Local Government Finance Act 1992.”

**Textual Amendments**

**F1** S. 70(4)-(6) omitted (with effect in accordance with s. 5(3) of the amending Act) by virtue of [Local Government Finance Act 2012 \(c. 17\)](#), [Sch. 3 para. 33](#)

**Commencement Information**

**I1** S. 70(1)-(3) in force at 18.11.2003 for E. by [S.I. 2003/2938](#), [art. 3\(a\)](#) (with [art. 8](#), [Sch.](#))

**I2** S. 70(1)-(3) (7)-(9) in force at 27.11.2003 for W. by [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. 1](#) (with [Sch. 2 para. 6](#))

**I3** S. 70(4)-(6) in force at 18.11.2003 by [S.I. 2003/2938](#), [art. 2\(a\)](#) (with [art. 8](#), [Sch.](#))

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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. 2024/414 art. 5Sch. 1 para. 13](#)

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

- s. 18(2A) inserted by [2007 c. 28 Sch. 14 para. 5\(2\)\(b\)](#)
- s. 24(1) s. 24 renumbered as s. 24(1) by [2007 c. 28 Sch. 14 para. 5\(3\)](#)
- s. 24(2) inserted by [2007 c. 28 Sch. 14 para. 5\(3\)](#)