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Local Government Finance Act 2012, Part 1. (See end of Document for details)*

SCHEDULES

SCHEDULE 3

LOCAL RETENTION OF NON-DOMESTIC RATES: FURTHER AMENDMENTS

PART 1

AMENDMENTS TO SCHEDULE 8 TO THE LGFA 1988 ETC

LGFA 1988

- 1 In section 60 of the LGFA 1988 (non-domestic rating: pooling), for “Secretary of State” substitute “ Welsh Ministers ”.
- 2 Schedule 8 to the LGFA 1988 (non-domestic rating: pooling) is amended as follows.
 - 3 (1) Paragraph 1 (non-domestic rating accounts) is amended as follows.
 - (2) In sub-paragraph (1), for “Secretary of State” substitute “ Welsh Ministers ”.
 - (3) In sub-paragraph (2)—
 - (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (b) in paragraph (b), for “Comptroller and Auditor General” substitute “ Auditor General for Wales ”.
 - (4) Omit sub-paragraph (3).
 - (5) In sub-paragraph (4), for “Assembly” substitute “ National Assembly for Wales ”.
 - 4 (1) Paragraph 2 (credits and debits to non-domestic rating accounts) is amended as follows.
 - (2) In sub-paragraph (1)—
 - (a) in paragraph (a), for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (b) in each of paragraphs (b) and (c), for “him” substitute “ them ”.
 - (3) In sub-paragraph (2)—
 - (a) in paragraph (a), for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (b) in paragraph (b), for “him” substitute “ them ”.
 - 5 In paragraph 3(1) (end of year calculations), for “Secretary of State” substitute “ Welsh Ministers ”.
 - 6 Before paragraph 4 (and after the heading to Part 2 of Schedule 8 but before the heading to that paragraph) insert—

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“Interpretation

- 3A Any reference in this Part of this Schedule to a billing authority is a reference to a billing authority in Wales.”
- 7 (1) Paragraph 4 (rules as to calculation of billing authority's non-domestic rating contribution) is amended as follows.
- (2) In sub-paragraph (1), for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) Omit sub-paragraphs (3), (4B) and (4D).
- (4) In sub-paragraph (5)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”,
 - (b) for “he thinks” in both places substitute “ they think ”, and
 - (c) for “sub-paragraphs (2) and (3)” substitute “ sub-paragraph (2) ”.
- (5) Omit sub-paragraph (5A).
- 8 (1) Paragraph 5 (calculation and payment of billing authority's non-domestic rating contribution) is amended as follows.
- (2) In sub-paragraph (2), for “Secretary of State” in both places substitute “ Welsh Ministers ”.
- (3) In sub-paragraph (3)—
- (a) for “Secretary of State believes” substitute “ Welsh Ministers believe ”,
 - (b) for “he may” substitute “ they may ”,
 - (c) for “his” substitute “ their ”,
 - (d) for “he makes” substitute “ they make ”,
 - (e) for “he shall” substitute “ they shall ”, and
 - (f) for “he has” substitute “ they have ”.
- (4) In sub-paragraph (4), for “Secretary of State” in both places substitute “ Welsh Ministers ”.
- (5) In sub-paragraph (5), for “Secretary of State” substitute “ Welsh Ministers ”.
- (6) In sub-paragraph (6)—
- (a) in paragraph (b), for “Secretary of State” substitute “ Welsh Ministers ”,
 - (b) in paragraph (ba) omit the words from “if it is” in the first place they appear to “authority in Wales”, and
 - (c) in paragraph (c), for sub-paragraphs (i) and (ii) substitute “ under arrangements made by the Auditor General for Wales ”.
- (7) In sub-paragraph (6A)—
- (a) omit “Commission or the”,
 - (b) omit “, as the case may be”, and
 - (c) for “Secretary of State” substitute “ Welsh Ministers ”.
- (8) In sub-paragraph (7)—
- (a) for “Secretary of State directs” substitute “ Welsh Ministers direct ”, and
 - (b) for “he” in both places substitute “ they ”.

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- (9) In sub-paragraph (8)—
 - (a) for “Secretary of State receives” substitute “ Welsh Ministers receive ”, and
 - (b) for “he” substitute “ they ”.
 - (10) In sub-paragraph (9)—
 - (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (b) for “he” substitute “ they ”.
 - (11) In sub-paragraph (10)—
 - (a) for “Secretary of State” substitute “ Welsh Ministers ”,
 - (b) in paragraph (a)—
 - (i) for “he believes” substitute “ they believe ”, and
 - (ii) for “his” substitute “ their ”, and
 - (c) in paragraph (b)—
 - (i) for “he is” substitute “ they are ”,
 - (ii) for “he decides” substitute “ they decide ”, and
 - (iii) omit “with the Treasury's approval”.
 - (12) In sub-paragraph (11)—
 - (a) in paragraph (a)—
 - (i) for “Secretary of State has” substitute “ Welsh Ministers have ”, and
 - (ii) for “him” substitute “ them ”, and
 - (b) in paragraph (b), for “Secretary of State” substitute “ Welsh Ministers ”.
 - (13) In sub-paragraph (12), for “Secretary of State” substitute “ Welsh Ministers ”.
 - (14) In sub-paragraph (13), for “Secretary of State makes” substitute “ Welsh Ministers make ”.
 - (15) In sub-paragraph (14)—
 - (a) in paragraph (a)—
 - (i) for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (ii) for “he” substitute “ they ”, and
 - (b) in paragraph (b)—
 - (i) for “Secretary of State” substitute “ Welsh Ministers ”,
 - (ii) for “he decides” substitute “ they decide ”, and
 - (iii) omit “with the Treasury's approval”.
 - (16) In sub-paragraph (15)—
 - (a) for “Secretary of State makes” substitute “ Welsh Ministers make ”, and
 - (b) in paragraph (a), for “Secretary of State” substitute “ Welsh Ministers ”.
- 9 (1) Paragraph 6 (further provisions as to calculation and payment of billing authority's non-domestic rating contribution) is amended as follows.
- (2) In sub-paragraph (2), for “Secretary of State” substitute “ Welsh Ministers ”.
 - (3) Omit sub-paragraph (4).
 - (4) In sub-paragraph (5), for “Secretary of State” substitute “ Welsh Ministers ”.
- 10 (1) Paragraph 8 (interpretation of Part 3 of Schedule 8) is amended as follows.

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- (2) In sub-paragraph (1), for the words from “any billing authority” to the end substitute “—
- (a) any billing authority in Wales, or
 - (b) any major precepting authority in Wales.”
- (3) In sub-paragraph (2) omit “78A or”.
- (4) Omit sub-paragraph (4).
- 11 (1) Paragraph 9 (calculation of distributable amount) is amended as follows.
- (2) In sub-paragraph (1), for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In sub-paragraph (2)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (b) for “he sees” substitute “ they see ”.
- (4) In sub-paragraphs (3) and (4), for “Secretary of State” substitute “ Welsh Ministers ”.
- 12 In paragraph 9A (application of Part 3 to years where two local government finance reports prepared for Wales), in sub-paragraphs (1)(a) and (3)(a) omit “in relation to Wales”.
- 13 (1) Paragraph 10 (requirement for local government finance report to specify basis of distribution) is amended as follows.
- (2) In sub-paragraph (1), for “Secretary of State proposes” substitute “ Welsh Ministers propose ”.
- (3) In sub-paragraph (2)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
 - (b) for “him” substitute “ them ”.
- 14 (1) Paragraph 11 (calculation of sums payable to receiving authorities out of distributable amount) is amended as follows.
- (2) In sub-paragraph (1)(b), for “House of Commons” substitute “ Assembly ”.
- (3) In sub-paragraph (2), for “House of Commons” substitute “ Assembly ”.
- (4) In sub-paragraphs (3) and (4), for “Secretary of State” substitute “ Welsh Ministers ”.
- (5) In sub-paragraph (5), for “House of Commons” substitute “ Assembly ”.
- (6) In sub-paragraph (6)—
- (a) for “Secretary of State decides” substitute “ Welsh Ministers decide ”,
 - (b) for “he” in both places substitute “ they ”, and
 - (c) for “him” substitute “ them ”.
- (7) In sub-paragraph (7)—
- (a) for “Secretary of State informs” substitute “ Welsh Ministers inform ”,
 - (b) for “his” substitute “ their ”, and
 - (c) for “he” substitute “ they ”.
- (8) In sub-paragraph (8)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and

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- (b) for “he calculates” substitute “ they calculate ”.
- 15 (1) Paragraph 12 (payment of sums to receiving authorities out of distributable amount) is amended as follows.
- (2) In sub-paragraph (1), for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In sub-paragraph (2)—
- (a) for “Secretary of State determines” substitute “ Welsh Ministers determine ”, and
- (b) omit “with the Treasury's consent”.
- (4) In sub-paragraph (3), for “Secretary of State” substitute “ Welsh Ministers ”.
- (5) In sub-paragraph (4)—
- (a) for “Secretary of State determines” substitute “ Welsh Ministers determine ”, and
- (b) omit “with the Treasury's consent”.
- (6) In sub-paragraphs (5) and (6), for “Secretary of State” substitute “ Welsh Ministers ”.
- 16 (1) Paragraph 13 (making of amending report in relation to local government finance report) is amended as follows.
- (2) In sub-paragraph (1), for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In sub-paragraph (3)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”,
- (b) for “him” substitute “ them ”, and
- (c) for “he proposes” substitute “ they propose ”.
- (4) In sub-paragraph (4), for “House of Commons” substitute “ Assembly ”.
- (5) In sub-paragraphs (5) and (6)—
- (a) for “House of Commons” substitute “ Assembly ”, and
- (b) for “Secretary of State” substitute “ Welsh Ministers ”.
- 17 (1) Paragraph 14 (calculation of sums payable to receiving authorities following amending report) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “House of Commons” substitute “ Assembly ”, and
- (b) for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In sub-paragraph (2), for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In sub-paragraph (3)(b), for “House of Commons” substitute “ Assembly ”.
- 18 (1) Paragraph 15 (payments following amending report) is amended as follows.
- (2) In sub-paragraph (2), for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In sub-paragraph (3)—
- (a) for “Secretary of State determines” substitute “ Welsh Ministers determine ”, and
- (b) omit “with the Treasury's consent”.

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- (4) In sub-paragraphs (4) and (5), for “Secretary of State” substitute “ Welsh Ministers ”.

Non-Domestic Rating Act 1992 (c. 46)

- 19 The Non-Domestic Rating Act 1992 is amended as follows.
- 20 (1) Section 4 (which modifies Schedule 8 to the LGFA 1988, and which applies with modifications for the financial year beginning in 1995 and subsequent financial years by virtue of section 3 of the Non-Domestic Rating Act 1994) is amended as follows.
- (2) In the sub-paragraph (3A) set out in subsection (1)(b)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) in paragraph (b), for “he considers” substitute “ they consider ”.
- (3) In the sub-paragraph (3B) set out in subsection (1)(b)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) for “he thinks” substitute “ they think ”.
- 21 In section 5 (which modifies Schedule 8 to the LGFA 1988, and which applies to the financial year beginning in 1995 and subsequent financial years by virtue of section 3 of the Non-Domestic Rating Act 1994), in the paragraph (d) set out in subsection (1)(b), for “him” in both places substitute “ them ”.

Consequential revocation and repeal

- 22 In consequence of the amendments made by this Part of this Schedule—
- (a) in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672), in the entry for the Local Government Finance Act 1988 omit the words from “The functions of the Comptroller and Auditor General” to “before the Assembly.”, and
- (b) in Schedule 7 to the Local Government Act 2003 omit paragraph 26(3).

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