



# Local Government Finance Act 1992

## 1992 CHAPTER 14

### PART I

#### COUNCIL TAX: ENGLAND AND WALES

#### [<sup>F1</sup>CHAPTER IVA

#### LIMITATION OF COUNCIL TAX AND PRECEPTS

##### *Designation after previous designation*

#### [<sup>F1</sup>52P Designation after previous designation.

- (1) This section applies if—
  - (a) the [<sup>F2</sup>Welsh Ministers designate] an authority as regards a year under section 52D(2)(a) above or section 52M above or this section, and
  - (b) the amount calculated by the authority as its budget requirement for the year exceeds the target amount for the year.
- (2) [<sup>F3</sup>They] may designate the authority as regards the financial year immediately following the year mentioned in subsection (1) above, and if [<sup>F4</sup>they do] so [<sup>F5</sup>they] shall—
  - (a) determine an amount which [<sup>F6</sup>they propose] should be the maximum for the amount calculated by the authority as its budget requirement for the year as regards which the designation is made;
  - (b) determine the target amount for the year as regards which the designation is made, that is, the maximum amount which [<sup>F7</sup>they propose] the authority could calculate as its budget requirement for the year without the amount calculated being excessive.
- (3) In making the determinations under subsection (2) above [<sup>F8</sup>they] shall take into account—

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- (a) the amount calculated by the authority as its budget requirement for the year mentioned in subsection (1) above,
  - (b) the target amount for that year, and
  - (c) any information [<sup>F9</sup>they think] is relevant.
- (4) [<sup>F10</sup>They] shall notify the authority in writing of—
- (a) the designation;
  - (b) the amount determined under subsection (2)(a) above;
  - (c) the target amount determined under subsection (2)(b) above;
  - (d) any information taken into account under subsection (3)(c) above;
  - (e) the financial year as regards which [<sup>F11</sup>they expect] the amount calculated by the authority as its budget requirement for that year to be equal to or less than the target amount for that year (assuming one to be determined for that year);
  - (f) the period within which the authority may inform the [<sup>F12</sup>Welsh Ministers] that it challenges or accepts the amount stated under paragraph (b) above.
- (5) A designation under this section—
- (a) is invalid unless subsection (4) above is complied with;
  - (b) shall be treated as made at the beginning of the day on which the authority receives a notification under that subsection.
- (6) If an authority has been designated under this section as regards a financial year the [<sup>F13</sup>Welsh Ministers] may not designate it under section 52D(2)(a) above as regards that year.
- (7) If—
- (a) an authority has been designated under this section as regards a financial year, and
  - (b) after the designation is made the authority makes calculations or substitute calculations in relation to the year,
- the calculations (or substitute calculations) shall be invalid unless they are made in accordance with section 52T or 52U below (as the case may be).
- (8) Before the end of the period notified under subsection (4)(f) above an authority may inform the [<sup>F14</sup>Welsh Ministers] by notice in writing that—
- (a) for reasons stated in the notice, it believes the maximum amount stated under subsection (4)(b) above should be such as the authority states in its notice, or
  - (b) it accepts the maximum amount stated under subsection (4)(b) above.
- (9) The period notified under subsection (4)(f) above must be a period of at least 21 days beginning with the day the authority receives the notification under subsection (4) above.
- (10) In applying subsections (1)(b) and (3)(a) above the [<sup>F15</sup>Welsh Ministers] shall ignore any calculation for which another has been substituted at the time designation is proposed.
- (11) References in this section to the target amount for the year mentioned in subsection (1) above are to the amount stated (or last stated) as the target amount for the year under section 52E or 52F, or under section 52M or 52Q, or under this section or section 52Q, as the case may be.]

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### Textual Amendments

- F1** Chapter 4A (ss. 52A-52Z) inserted (27.7.1999 with effect as mentioned in s. 30(2) of the amending Act.) by 1999 c. 27, s. 30(1), **Sch. 1 para. 1**
- F2** Words in s. 52P(1)(a) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(2)**; S.I. 2011/2896, art. 2(i)
- F3** Word in s. 52P(2) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(3)(a)(i)**; S.I. 2011/2896, art. 2(i)
- F4** Words in s. 52P(2) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(3)(a)(ii)**; S.I. 2011/2896, art. 2(i)
- F5** Word in s. 52P(2) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(3)(a)(iii)**; S.I. 2011/2896, art. 2(i)
- F6** Words in s. 52P(2)(a) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(3)(b)**; S.I. 2011/2896, art. 2(i)
- F7** Words in s. 52P(2)(b) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(3)(c)**; S.I. 2011/2896, art. 2(i)
- F8** Word in s. 52P(3) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(4)(a)**; S.I. 2011/2896, art. 2(i)
- F9** Words in s. 52P(3)(c) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(4)(b)**; S.I. 2011/2896, art. 2(i)
- F10** Word in s. 52P(4) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(5)(a)**; S.I. 2011/2896, art. 2(i)
- F11** Words in s. 52P(4)(e) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(5)(b)**; S.I. 2011/2896, art. 2(i)
- F12** Words in s. 52P(4)(f) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(5)(c)**; S.I. 2011/2896, art. 2(i)
- F13** Words in s. 52P(6) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(6)**; S.I. 2011/2896, art. 2(i)
- F14** Words in s. 52P(8) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(7)**; S.I. 2011/2896, art. 2(i)
- F15** Words in s. 52P(10) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 6 para. 18(8)**; S.I. 2011/2896, art. 2(i)

**Changes to legislation:**

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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. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). The amending S.I. was revoked before ever coming into force by [S.I. 2010/1906, reg. 2](#))

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

- s. 6(2)(ea) inserted by [2012 c. 17 s. 13\(1\)](#)