
Changes to legislation: There are currently no known outstanding effects for the Local Government Finance Act 1982. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 7(3).

RATES AND PRECEPTS: TRANSITIONAL PROVISIONS

- 1 The following provisions of this Schedule apply where before the passing of this Act and whether before or after 1st April 1982—
- (a) a rating authority or precepting authority has made or issued—
 - (i) a supplementary rate or supplementary precept for or in respect of a period beginning on or after that date; or
 - (ii) a rate or precept for or in respect of any such period other than a financial year; or
 - (b) a rating authority has made a rate (other than a supplementary rate or rate falling within sub-paragraph (a) above) by reference to a supplementary precept or precept falling within that sub-paragraph.
- 2 No rate or precept shall by virtue of section 3 of this Act be substituted for a supplementary rate or precept falling within paragraph 1(a)(i) above.
- 3 Where a rating authority has made a supplementary rate falling within paragraph 1(a)(i) above any sum paid by a ratepayer to the rating authority in respect of the supplementary rate (or so much of any sum so paid in respect of rates generally as is attributable to the supplementary rate)—
- (a) shall be repaid if the ratepayer so requires; or
 - (b) if repayment is not required shall, as the rating authority may determine, either be repaid to him or credited against any liability of his for rates in respect of the hereditament in question.
- 4 Where a person as tenant or licensee of any premises—
- (a) is liable to make payments (whether as part of his rent or otherwise) which vary or may vary according to the rates chargeable in respect of those premises; or
 - (b) is entitled to make deductions from his rent in respect of those rates.
- he shall, where a rating authority has made a supplementary rate falling within paragraph 1(a)(i) above which affects those premises, be entitled to recover or, as the case may be, liable to make good any payment or deduction which he would not have been liable or entitled to make if that rate had not been made; and any sum which he is entitled to recover as aforesaid may, without prejudice to any other method of recovery, be deducted by him from any rent payable by him to the person by whom that sum was received.
- 5 Where a precepting authority has issued a supplementary precept falling within paragraph 1(a)(i) above any sum paid to that authority in respect of the precept shall be repaid if the authority to which the precept was issued so requires or, if repayment is not required, credited or otherwise dealt with as may be agreed between those authorities.

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- 6 A rating or precepting authority which has made a rate or issued a precept falling within paragraph 1(a)(ii) above shall under section 3 of this Act make a rate or issue a precept in substitution for that rate or precept as if it were a rate or precept for a financial year but the estimated product of that rate or precept shall for the purposes of subsection (2) of that section be adjusted in such manner as the Secretary of State may direct.
- 7 (1) A rating authority which has made a rate falling within paragraph 1(b) above shall under section 3 of this Act make a rate in substitution for the rate falling within that paragraph.
- (2) Where the precept by reference to which the original rate was made fell within paragraph 1(a)(i) above, the estimated product of the original rate shall for the purposes of subsection (2) of that section be calculated without reference to the precept.
- (3) Where the precept by reference to which the original rate was made fell within paragraph 1(a)(ii) above—
- (a) the rate substituted under the said section 3 shall be made by reference to the precept substituted pursuant to paragraph 6 above; and
 - (b) the estimated product of the original rate shall for the purposes of subsection (2) of that section be adjusted in such manner as the Secretary of State may direct.
- (4) Where the precept by reference to which the original rate was made fell within paragraph 1(a)(ii) above and was issued under section 150(4) of the ^{M1}Local Government Act 1972 (expenses of parish and community councils) sub-paragraph (1) above shall not require the rating authority to make a substituted rate unless it considers that a substituted rate will be required for meeting the precept substituted pursuant to paragraph 6 above.

Marginal Citations

M1 1972 c. 70.

- 8 (1) Where a rating authority has made a supplementary rate falling within paragraph 1(a)(i) above by reference to a supplementary precept falling within that provision it shall be entitled to recover from the precepting authority—
- (a) its administrative expenses in making repayments or allowing credits under paragraph 3 above in respect of the supplementary rate; and
 - (b) its rate collection expenses in respect of that rate.
- (2) Where a rating authority has made a rate falling within sub-paragraph (a)(ii) or (b) of paragraph 1 above by reference to a supplementary precept or precept falling within sub-paragraph (1)(a) of that paragraph it shall be entitled to recover from the precepting authority—
- (a) its administrative expenses in making repayments or allowing credits under section 3(5) and (6) of this Act in respect of that rate; and
 - (b) any increase attributable to paragraph 6 or 7(1) above in its rate collection expenses for the financial year.
- 9 In this Schedule any expression which is also used in Part I of this Act has the same meaning as in that Part.

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F¹SCHEDULE 2

Section 10.

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Textual Amendments

F1 Sch. 2 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 2

F²SCHEDULE 3

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Textual Amendments

F2 Sch. 3 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5

SCHEDULE 4

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Textual Amendments

F15 Sch. 4 repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. I

F¹⁶SCHEDULE 5

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Textual Amendments

F16 Sch. 5. repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5

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SCHEDULE 6

Section 38.

REPEALS

Modifications etc. (not altering text)

- C4** The text of Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

Chapter	Short title	Extent of repeal
1967 c. 9.	The General Rate Act 1967.	<p>In section 2(4)(b) the words “, or any part of the year”.</p> <p>In section 3, in subsection (3) the words “Subject to subsection (5) of this section” and the words from “and ending” onwards, in subsection (4) the words “Where a rate is made for a period exceeding three months” and subsection (5).</p> <p>In section 7, in subsection (5) the words from “but” onwards and subsection (6).</p> <p>in section 12, in subsections (6) and (9), the words “or half-year as the case may be,” wherever they occur and in subsection (9)(b) the words “or half-year” in the second place where they occur.</p> <p>Section 48(2).</p> <p>In section 115(1), in the definition of “rate period” the words “or part of a year, being a year or part”.</p> <p>In Schedule 6, in paragraph 10(b) the words “or comprising”.</p> <p>In Schedule 7, in paragraph 14(b) the words “or comprising”.</p> <p>In Schedule 10, in paragraph 5 the words</p>

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1972 c. 70.	The Local Government Act 1972.	from the beginning of sub-paragraph (a) to “in every case” in sub-paragraph (c). In section 149(1) the words from “and may at any time” onwards.
1976 c. 70.	The Land Drainage Act 1976.	Section 46(4). Section 49(4).
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Section 33(3).

PART II

Chapter	Short title	Extent of repeal
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 59, subsections (2) and (3) and in subsection (6) (c) the word “and”. In Schedule 11, paragraph 8(3) and (4).

PART III

Chapter	Short title	Extent of repeal
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 56(8), in the definition of “grant-related poundage” the words “subject to paragraph 6 of Schedule 11 below”. Section 64. Schedule 11.
1982 c. 32.	The Local Government Finance Act 1982.	In section 8, in subsection (3) the words from “and by paragraph 8” to “District”, in subsection (5) the words “and sub-paragraphs (3) and (4) of the said paragraph 8” and the words following the semi-colon, in subsection (6) the words “and paragraph 8” and “and sub-paragraphs (9) to (11) of that paragraph”, in subsection (7) the words “or paragraph 8” and subsection (11).

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^{F22}PART IV

Textual Amendments

F22 Sch. 6 Pt. IV repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5

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