



Rates Act 1984

1984 CHAPTER 33

PART II

GENERAL LIMITATION OF RATES AND PRECEPTS

9 Power to introduce general control

- (1) Subject to the provisions of this section, the Secretary of State may make an order bringing sections 10 and 11 below into force on such date as may be specified in the order.
- (2) Before making an order under this section the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with which consultation appears to him to be desirable.
- (3) No order shall be made under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

10 Authorities subject to general control

- (1) Section 2 above shall not apply after the date on which this section comes into force and, subject to subsections (2) and (5) below, the other provisions of Part I of this Act shall have effect as if every authority to which that Part applies were a designated authority in relation to each financial year beginning after that date.
- (2) If in any financial year it appears to the Secretary of State from the best information available to him that an authority—
 - (a) has in each of the three preceding financial years complied with subsection (3) below and is likely to comply with that subsection in that financial year ; or
 - (b) has in each of the three preceding financial years complied with subsection (4) below and is likely to comply with that subsection in that financial year,he shall by a notice in writing served on that authority exempt it from the operation of subsection (1) above in relation to the next financial year.

Status: This is the original version (as it was originally enacted).

- (3) An authority complies with this subsection in a financial year if it has not been designated in relation to that year under section 2 above and its total expenditure in that year does not exceed its grant-related expenditure for that year.
- (4) An authority complies with this subsection in a financial year if it has not been designated in relation to that year under section 2 above and complies in that year with guidance issued to it for the purposes of section 59(6)(cc) of the Local Government, Planning and Land Act 1980.
- (5) If in a case to which subsection (2) above does not apply it appears to the Secretary of State from the best information available to him that the total expenditure of an authority in any financial year is not likely to exceed such amount as may be prescribed by an order made by him for the purposes of this subsection, he may by a notice in writing served on that authority exempt it from the operation of subsection (1) above in relation to the next financial year.
- (6) The power to make an order under subsection (5) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons.

11 Expenditure levels and variation of maximum

- (1) Before determining levels of total expenditure under section 3 above for the authorities treated as designated by virtue of section 10 above the Secretary of State shall consult such associations of local authorities as appear to him to be concerned.
- (2) Section 5 above shall not apply in the case of an authority treated as designated by virtue of section 10 above but any maximum prescribed in the case of such an authority by an order under section 4(4) above may be—
 - (a) increased by a direction in writing served by the Secretary of State on that authority ; or
 - (b) reduced by an order made by the Secretary of State.
- (3) If an authority has made a rate or issued a precept by reference to a maximum which is subsequently increased under subsection (2)(a) above—
 - (a) a substituted rate or precept complying with the higher maximum may be made or issued by the authority under section 3 of the Local Government Finance Act 1982 without regard to subsection (2) of that section; and
 - (b) that subsection shall not prevent a substituted rate being made by any other authority in pursuance of subsection (4)(a) of that section for giving effect to a precept substituted in accordance with paragraph (a) above.
- (4) The power to make an order under subsection (2)(b) above shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of the House of Commons.
- (5) An order under subsection (2)(b) above may relate to two or more authorities.

12 Supplementary provisions

- (1) Separate orders may be made under this Part of this Act in relation to England and Wales respectively; and if an order under section 9 above is made in relation to only one of those countries the reference in section 10(1) above to the authorities to which

Part I of this Act applies shall be construed as a reference to such of those authorities as are in that country.

- (2) Section 8 above shall apply to the powers of the Secretary of State under this Part of this Act as it applies to his powers under Part I of this Act.