



# Local Government Finance Act 1988

## 1988 CHAPTER 41

### PART VI

#### FUNDS

##### *Funds*

#### 91 General funds.

- (1) For the purposes of this section each of the following is a relevant authority—
    - (a) a district council,
    - <sup>[F1]</sup>(aa) a county council to which have been transferred, by or in consequence of an order under section 17 of the Local Government Act 1992 <sup>[F2F3]</sup>... or Part 1 of the Local Government and Public Involvement in Health Act 2007, the functions of district councils in relation to the county council's area,]
    - <sup>[F4]</sup>(ab) the Greater London Authority,]
    - (b) a London borough council, and
    - (c) the Council of the Isles of Scilly.
  - (2) Every relevant authority shall establish, and then maintain, a fund (to be called its general fund) in accordance with this Part.
  - (3) <sup>[F5]</sup>Subject to <sup>[F6]</sup>subsections (3A) <sup>[F7]</sup>to (3D)] below,] An authority's general fund must be established on 1 April 1990.
- <sup>[F8]</sup>(3A) In the case of a district council which is established for an area by an order under section 17 of the Local Government Act 1992 <sup>[F9]</sup>or section 17 of the Regional Assemblies (Preparations) Act 2003], the general fund must be established on the date on which by virtue of the order the structural or boundary change affecting the area comes into force.
- <sup>F8</sup>(3B) In the case of—

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- (a) a county council which is established by such an order and to which are transferred by or in consequence of the order the functions of district councils in relation to the county council's area, or
- (b) an existing county council to which are transferred by or in consequence of such an order the functions of district councils in relation to the county council's area,

the general fund must be established on the date on which by virtue of the order the structural change comes into force <sup>F10</sup>....]

[<sup>F11</sup>(3C) In the case of the Greater London Authority, the general fund must be established on a date specified in regulations.]

[<sup>F12</sup>(3D) In the case of—

- (a) a district council or London borough council established by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, or
- (b) a county council to which the functions of district councils in relation to the county council's area are transferred by or in consequence of such an order,

the general fund must be established on a date specified in the order or in regulations made under section 14 of that Act.]

(4) Any sum received by a relevant authority [<sup>F13</sup>on or after the date on which it is required by this section to establish its general fund shall be paid into that fund]; but this does not apply to a sum which is to be paid into its collection fund or a trust fund.

(5) Any payment to be made by a relevant authority [<sup>F14</sup>on or after the date on which it is required by this section to establish its general fund shall be met from that fund]; but this does not apply to a payment which is to be met from its collection fund or a trust fund.

(6) After 31 March 1990 no district council or London borough council shall be required to keep a general rate fund; and the assets held in the general rate fund of such an authority immediately before 1 April 1990 (other than assets forming part of a trust fund) shall be transferred to its general fund on that date.

(7) After 31 March 1990 the Council of the Isles of Scilly shall not be required to keep any fund known as its general fund and required (apart from this subsection) to be kept under any order made under section 265 of the <sup>M1</sup>Local Government Act 1972; and the assets held in that fund immediately before 1 April 1990 (other than assets forming part of a trust fund) shall be transferred on that date to the Council's general fund established under this section.

[<sup>F15</sup>(8) The assets held in the county fund of a [<sup>F16</sup>relevant county council] immediately before the reorganisation date (other than assets forming part of a trust fund) shall be transferred on that date to its general fund established under this section.]

[<sup>F17</sup>(9) In subsection (8)—

“relevant county council” means—

- (a) a county council such as is referred to in subsection (3B)(b) above, or
- (b) an existing county council to which the functions of district councils in relation to the county council's area are transferred by or in consequence of an order under Part 1 of the Local Government and Public Involvement in Health Act 2007, and

“the reorganisation date” means the date on which the council is required by this section to establish its general fund.]

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### Textual Amendments

- F1** S. 91(1)(aa) inserted (28.11.1994) by S.I. 1994/2825, **reg. 7(1)**
- F2** Words in s. 91(1)(aa) substituted (1.11.2007 for E.) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 1 para. 16(4)(a)**; S.I. 2007/3136, art. 2(b)
- F3** Words in s. 91(1)(aa) repealed (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 146(3), 148(5), **Sch. 7 Pt. 4**; S.I. 2009/3318, art. 4(ii)
- F4** S. 91(1)(ab) inserted (12.1.2000) by 1999 c. 29, s. **106(1)(2)**; S.I. 1999/3434, **art. 2**
- F5** Words in s. 91(3) inserted (28.11.1994) by S.I. 1994/2825, **reg. 7(2)**
- F6** Words in s. 91(3) substituted (12.1.2000) by 1999 c. 29, s. **106(1)(3)**; S.I. 1999/3434, **art. 2**
- F7** Words in s. 91(3) substituted (1.11.2007 for E.) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 1 para. 16(4)(b)**; S.I. 2007/3136, art. 2(b)
- F8** S. 91(3A)(3B) inserted (28.11.1994) by S.I. 1994/2825, **reg. 7(3)**
- F9** Words in s. 91(3A) inserted (8.5.2003) by Regional Assemblies (Preparations) Act 2003 (c. 10), s. 27(2), **Sch. para. 3(4)(b)**
- F10** Words in s. 91(3B) repealed (1.11.2007 for E.) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 1 para. 16(4)(c)**, **Sch. 18 Pt. 1**; S.I. 2007/3136, art. 2(b)(c)
- F11** S. 91(3C) inserted (12.1.2000) by 1999 c. 29, s. **106(1)(4)**; S.I. 1999/3434, **art. 2**
- F12** S. 91(3D) inserted (1.11.2007 for E.) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 1 para. 16(4)(d)**; S.I. 2007/3136, art. 2(b)
- F13** Words in s. 91(4) substituted (28.11.1994) by S.I. 1994/2825, **reg. 7(4)**
- F14** Words in s. 91(5) substituted (28.11.1994) by S.I. 1994/2825, **reg. 7(5)**
- F15** S. 91(8) added (28.11.1994) by S.I. 1994/2825, **reg. 7(6)**
- F16** Words in s. 91(8) substituted (1.11.2007 for E.) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 1 para. 16(4)(e)**; S.I. 2007/3136, art. 2(b)
- F17** S. 91(9) inserted (1.11.2007 for E.) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 1 para. 16(4)(f)**; S.I. 2007/3136, art. 2(b)

### Modifications etc. (not altering text)

- C1** S. 91 applied (28.11.1994) by S.I. 1994/2825, **reg. 16(1)(a)**
- C2** S. 91(3) applied with modifications (28.11.1994) by S.I. 1994/2825, **reg. 16(1)(a)**
- C3** S. 91(4)(5) applied with modifications (28.11.1994) by S.I. 1994/2825, **reg. 16(1)(a)**

### Marginal Citations

- M1** 1972 c. 70.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

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

- s. 44A(2A) inserted by [2023 c. 53 Sch. para. 2\(b\)](#)
- s. 44A(5)(e) inserted by [2023 c. 53 Sch. para. 2\(c\)](#)
- s. 52A inserted by [2023 c. 53 s. 8](#)
- s. 54(7A) inserted by [2023 c. 53 Sch. para. 34](#)
- s. 57A(7A) inserted by [2023 c. 53 Sch. para. 4\(d\)](#)
- s. 63A(1A) inserted by [2023 c. 53 s. 12\(1\)](#)
- s. 63E inserted by [2023 c. 53 s. 12\(2\)](#)
- s. 67(1A) inserted by [2023 c. 53 Sch. para. 7\(a\)](#)
- s. 67(8A)(8B) inserted by [2023 c. 53 Sch. para. 37\(a\)](#)
- s. 143(7A)-(7F) inserted by [2023 c. 53 Sch. para. 8\(c\)](#)
- s. 143(9AZB) inserted by [2023 c. 53 Sch. para. 39\(a\)](#)
- Sch. 4ZA inserted by [2023 c. 53 s. 1\(3\)](#)
- Sch. 4ZB inserted by [2023 c. 53 s. 2\(4\)](#)
- Sch. 5A para. 8 inserted by [2023 c. 53 Sch. para. 38](#)
- Sch. 5A inserted by [2023 c. 53 s. 3\(3\)](#)
- Sch. 9 para. 4B-4H and cross-heading inserted by [2023 c. 53 s. 13\(2\)](#)
- Sch. 9 para. 4I-4M and cross-heading inserted by [2023 c. 53 s. 13\(3\)](#)
- Sch. 9 para. 5BA-5BC and cross-heading inserted by [2023 c. 53 s. 13\(6\)](#)
- Sch. 9 para. 5BD-5BF and cross-heading inserted by [2023 c. 53 s. 13\(7\)](#)
- Sch. 9 para. 5CA and cross-heading inserted by [2023 c. 53 Sch. para. 46](#)
- Sch. 9 para. 5CB inserted by [2023 c. 53 Sch. para. 47](#)
- Sch. 9 para. 5F(1A)(1B) inserted by [2023 c. 53 Sch. para. 49\(c\)](#)
- Sch. 9 para. 5F(A1) inserted by [2023 c. 53 Sch. para. 49\(a\)](#)
- Sch. 9 para. 5FA inserted by [2023 c. 53 Sch. para. 50](#)
- Sch. 9 para. 5FB inserted by [2023 c. 53 Sch. para. 51](#)
- Sch. 9 para. 5ZA5ZB and cross-heading inserted by [2023 c. 53 s. 13\(4\)](#)
- Sch. 9 para. 5ZC-5ZF and cross-heading inserted by [2023 c. 53 s. 13\(5\)](#)
- Sch. 9 para. 7B inserted by [2023 c. 53 s. 10](#)