



# Rate Support Grants Act 1988

## 1988 CHAPTER 51

An Act to make further provision about rate support grants. [15th November 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Total expenditure: 1985–86 to 1988–89.**

- (1) Where after the passing of this Act the Secretary of State does for a year for which this section applies any of the acts mentioned in subsection (3) below, and what he does involves a local authority's total expenditure in relation to the year, he shall treat that total expenditure as equal to the relevant amount.
- (2) Where after the passing of this Act he does for such a year any of those acts, and what he does involves the Receiver's total expenditure for the year, the Secretary of State shall treat that total expenditure as equal to the relevant amount.
- (3) The acts are—
  - (a) determining fresh principles for the calculation of grant-related poundages,
  - (b) making an estimate and notification under section 66(1) of the 1980 Act (estimate of grant), and
  - (c) making a calculation and notification under section 66(2) of that Act (conclusive calculation of grant).
- (4) In construing section 58 of the 1980 Act (grant-related poundage) after the passing of this Act in relation to a year for which this section applies—
  - (a) the references to a local authority's total expenditure shall be taken to be references to the relevant amount, and
  - (b) the reference to a local authority's total expenditure per head of the population of its area shall be construed accordingly.
- (5) Schedule 1 below has effect to determine—

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- (a) the relevant amount, in relation to a particular year and as regards a particular authority, for the purposes of subsections (1) and (4) above;
  - (b) the relevant amount, in relation to a particular year and as regards the Receiver, for the purposes of subsection (2) above.
- (6) After the passing of this Act no assumption as to total expenditure for a year for which this section applies may be made under section 65(4) of the 1980 Act (assumptions in absence of sufficient information) in a case where subsection (1), (2) or (4) above applies.
- (7) Where, after the passing of this Act and for a year for which this section applies, the Secretary of State makes under section 126(2) of the <sup>M1</sup>Local Government Finance Act 1988 (fresh determination of a multiplier) an assumption as to an amount of total expenditure he may assume it to be equal to the relevant amount (as determined under Schedule 1 below) or to some other amount.
- (8) Subject to subsection (9) below—
- (a) in its application to England this section applies for the years beginning in 1985, 1986, 1987 and 1988, and
  - (b) in its application to Wales this section applies for the years beginning in 1986, 1987 and 1988.
- (9) Subsection (3)(a) above shall not have effect for the <sup>M2</sup>years beginning in 1987 and 1988; but where, after the passing of this Act and for either of those years, the Secretary of State makes under section 1 of the Rate Support Grants Act 1987 (determination of principles for calculating grant-related poundages) an assumption as to an amount of total expenditure he may assume it to be equal to the relevant amount (as determined under Schedule 1 below) or to some other amount.
- (10) Part VI of the 1980 Act, Schedule 2 to the <sup>M3</sup>Local Government Finance Act 1982 and sections 1 to 5 of the <sup>M4</sup>Local Government Finance Act 1987 shall have effect subject to this section.

**Annotations:**

**Marginal Citations**

- M1** 1988 c. 41.
- M2** 1987 c. 5.
- M3** 1982 c. 32.
- M4** 1987 c. 6.

**2 Multipliers: 1985-86.**

- (1) Subsections (2) and (3) below apply where—
- (a) guidance by reference to total expenditure has been issued, for the year beginning in 1985, for the purposes of section 59(6)(cc) of the 1980 Act (multiplier for adjusting block grant by reference to expenditure guidance), and
  - (b) after the passing of this Act a determination is made under section 8(3)(c) of the Local Government Finance Act 1982 as to whether or the extent to which a local authority has or has not complied (or has or has not taken steps to comply) with the guidance.

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- (2) For the purpose of making such a determination a local authority's total expenditure in relation to the year shall be treated as equal to the relevant amount.
- (3) But the Secretary of State may provide in a supplementary report for the year that for the purpose mentioned in subsection (2) above a local authority's total expenditure in relation to the year shall be treated as equal to the relevant amount adjusted by subtracting amounts arrived at in accordance with provisions of the report.
- (4) The relevant amount, in relation to the year beginning in 1985 and as regards a particular authority, is the amount determined under Schedule 1 below.
- (5) Section 126(2) of the <sup>M5</sup>Local Government Finance Act 1988 (fresh determination of a multiplier) and section 1(7) above shall have effect subject to subsections (2) and (3) above.
- (6) Section 8(4A) of the <sup>M6</sup>Local Government Finance Act 1982 (power to provide for items to be disregarded in calculating total expenditure) shall not have effect, for the year beginning in 1985, as regards a supplementary report to be made after the passing of this Act.
- (7) This section applies only in relation to England.

**Annotations:**

**Marginal Citations**

- M5** 1988 c. 41.  
**M6** 1982 c. 32.

**3 Total expenditure: 1989–90.**

- (1) Where after the passing of this Act the Secretary of State does for the year beginning in 1989 any of the acts mentioned in subsection (3) below, and what he does involves a local authority's total expenditure in relation to the year, he shall treat that total expenditure as equal to the relevant amount.
- (2) Where after the passing of this Act he does for that year any of those acts, and what he does involves the Receiver's total expenditure for the year, the Secretary of State shall treat that total expenditure as equal to the relevant amount.
- (3) The acts are—
  - (a) making a determination or doing any other thing for the purposes of a Rate Support Grant Report,
  - (b) making a determination or doing any other thing for the purposes of a supplementary report,
  - (c) making an estimate and notification under section 66(1) of the 1980 Act (estimate of grant), and
  - (d) making a calculation and notification under section 66(2) of that Act (conclusive calculation of grant).
- (4) Schedule 2 below has effect to determine—
  - (a) the relevant amount, in relation to the year beginning in 1989 and as regards a particular authority, for the purposes of subsection (1) above;

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- (b) the relevant amount, in relation to that year and as regards the Receiver, for the purposes of subsection (2) above.
- (5) Nothing in the preceding provisions of this section affects—
- (a) the definition of grant-related expenditure in section 56(8) of the 1980 Act (definition by reference to notional total expenditure),
  - (b) the formulation and specification of principles in accordance with which grant-related expenditure is to be determined, or
  - (c) any determination of grant-related expenditure.
- (6) Section 65(4) of the 1980 Act (assumptions in absence of sufficient information) shall not have effect to allow assumptions about total expenditure to be made for the year beginning in 1989.
- (7) Section 1(1) to (4) of the <sup>M7</sup>Rate Support Grants Act 1987 (power to determine principles for calculating grant-related poundages on basis of assumptions about total expenditure) shall not have effect for the year beginning in 1989.
- (8) Section 126(2) of the <sup>M8</sup>Local Government Finance Act 1988 (fresh determination of a multiplier) shall not have effect to allow assumptions about total expenditure to be made for the year beginning in 1989.
- (9) Section 62 of the 1980 Act (adjustments for matching amount available for block grant) shall have effect for the year beginning in 1989 and section 1(5) of the Rate Support Grants Act 1987 (which disapplies it) shall not; but section 62 shall have effect for that year with the omission of the words “from information as to the expenditure incurred or to be incurred by local authorities during that year”.
- (10) References in subsection (9) above to section 62 of the 1980 Act are to that section as substituted by paragraph 11 of Schedule 1 to the <sup>M9</sup>Rate Support Grants Act 1986.
- (11) Part VI of the 1980 Act, Schedule 2 to the <sup>M10</sup>Local Government Finance Act 1982 and sections 1 to 3 of the <sup>M11</sup>Local Government Finance Act 1987 shall have effect subject to this section.

#### Annotations:

##### Marginal Citations

- M7** 1987 c. 5.  
**M8** 1988 c. 41.  
**M9** 1986 c. 54.  
**M10** 1982 c. 32.  
**M11** 1987 c. 6.

#### 4 Consultation.

- (1) Subsection (2) below applies as regards the Rate Support Grant Report for England for the year beginning in 1989 and the Rate Support Grant Report for Wales for that year.
- (2) The requirements of section 60(5) of the 1980 Act may be wholly or partly satisfied (as regards such a Report) by consultation before the passing of this Act; and the requirement in section 54(4) of that Act to consult may be wholly or partly satisfied (as regards a determination to be specified in such a Report) by consultation before the passing of this Act.

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- (3) Subsection (4) below applies as regards—
- (a) the first supplementary report proposed to be made after the passing of this Act for England for the year beginning in 1985,
  - (b) the first supplementary report proposed to be so made for England for the year beginning in 1986,
  - (c) the first supplementary report proposed to be so made for Wales for the year beginning in 1986,
  - (d) the first supplementary report proposed to be so made for England for the year beginning in 1987,
  - (e) the first supplementary report proposed to be so made for Wales for the year beginning in 1987,
  - (f) the first supplementary report proposed to be so made for England for the year beginning in 1988, and
  - (g) the first supplementary report proposed to be so made for Wales for the year beginning in 1988.
- (4) The requirements of section 60(5) of the 1980 Act (as applied by section 61(2)) may be wholly or partly satisfied (as regards such a report) by consultation before the passing of this Act; and the requirement in section 54(4) of that Act to consult may be wholly or partly satisfied (as regards a fresh determination to be specified in such a report) by consultation before the passing of this Act.
- (5) Subsection (2) above also applies as regards any Report proposed to be made in substitution (directly or indirectly) for any Report mentioned in subsection (1) above.
- (6) Subsection (4) above also applies as regards any report proposed to be made in substitution (directly or indirectly) for—
- (a) the first supplementary report made after the passing of this Act for England for the year beginning in 1985,
  - (b) the first supplementary report so made for England for the year beginning in 1986,
  - (c) the first supplementary report so made for Wales for the year beginning in 1986,
  - (d) the first supplementary report so made for England for the year beginning in 1987,
  - (e) the first supplementary report so made for Wales for the year beginning in 1987,
  - (f) the first supplementary report so made for England for the year beginning in 1988, or
  - (g) the first supplementary report so made for Wales for the year beginning in 1988.

## **5 Interpretation.**

- (1) This section applies for the purposes of this Act.
- (2) “The 1980 Act” means the <sup>M12</sup>Local Government, Planning and Land Act 1980.
- (3) “Rate Support Grant Report” and “supplementary report” have the same meanings as in Part VI of the 1980 Act.

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- (4) “Local authority” means any body which is a local authority for the purposes of Part VI of the 1980 Act.
- (5) For the purposes of this Act as it applies in relation to the year beginning in 1985—
- (a) “local authority” also includes the Greater London Council and the Inner London Education Authority within the meaning of section 30 of the <sup>M13</sup>London Government Act 1963,
  - (b) references to the Inner London Education Authority in paragraph (c) below and paragraph 1(6) of Schedule 1 below shall be construed as references to the Inner London Education Authority within the meaning of section 30 of that Act,
  - (c) the Greater London Council and the Inner London Education Authority shall be taken to be separate local authorities, and
  - (d) “local authority” does not include a joint authority or the Inner London Education Authority established by section 18 of the <sup>M14</sup>Local Government Act 1985.
- (6) “Joint authority” means any authority established by Part IV of the Local Government Act 1985.
- (7) “The Receiver” means the Receiver for the Metropolitan Police District.
- (8) “Year” means a period of 12 months beginning with 1 April.

**Annotations:**

**Marginal Citations**

- M12** 1980 c. 65.  
**M13** 1963 c. 33.  
**M14** 1985 c. 51.

**6 Expenses.**

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other Act.

**7 Citation and extent.**

- (1) This Act may be cited as the Rate Support Grants Act 1988.
- (2) This Act extends to England and Wales only.

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## SCHEDULES

### SCHEDULE 1

Sections 1 and 2.

#### TOTAL EXPENDITURE: 1985–86 TO 1988–89

##### *1985–86: England*

- 1 (1) This paragraph applies for the year beginning in 1985.
- (2) Where an amount estimated as an English local authority's total expenditure in relation to the year was submitted to the Secretary of State by the authority—
  - (a) before 7 July 1988, and
  - (b) in response to a requirement made under section 65 of the 1980 Act in April 1986,the relevant amount is (as regards the authority) the amount submitted.
- (3) Where in the case of an English local authority more than one amount was submitted as mentioned in sub-paragraph (2) above, for the purposes of that sub-paragraph the amount submitted shall be taken to be the latest to be so submitted.
- (4) Where in the case of an English local authority no amount was submitted as mentioned in sub-paragraph (2) above, the relevant amount is (as regards the authority) the amount taken by the Secretary of State as the amount of the authority's total expenditure in relation to the year for the purposes of the last estimate for the year to be notified under section 66(1) of the 1980 Act (estimate of grant) before 7 July 1988.
- (5) Where after the passing of this Act the Secretary of State concludes that sub-paragraph (4) above applies in the case of an English local authority, he shall as soon as is reasonably practicable after so concluding inform the authority of his conclusion and of the amount taken by him as mentioned in that sub-paragraph.
- (6) In relation to the Greater London Council, the Inner London Education Authority or a metropolitan county council, this paragraph applies as if the second reference to the authority in sub-paragraph (2) included a reference to the London Residuary Body or (as the case may be) the body established for the metropolitan county by section 57(1)(b) of the <sup>M15</sup>Local Government Act 1985.
- (7) In relation to the Receiver sub-paragraphs (2) to (5) above apply as if—
  - (a) “an English local authority's total expenditure in relation to the year” read “the Receiver's total expenditure for the year”,
  - (b) “the authority” (in each place) read “the Receiver”,
  - (c) “an English local authority” (in each place) read “the Receiver”, and
  - (d) “the authority's total expenditure in relation to the year” read “the Receiver's total expenditure for the year”.
- (8) For the purposes of this paragraph an amount—

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- (a) is not to be treated as submitted to the Secretary of State unless it is submitted in writing and received by him, and
- (b) is to be treated as submitted to him on the day he receives it.

**Annotations:**

**Marginal Citations**

M15 1985 c. 51.

*1986–87*

- 2 (1) This paragraph applies for the year beginning in 1986.
- (2) Where an amount estimated as a local authority’s total expenditure in relation to the year was submitted to the Secretary of State by the authority—
- (a) before 7 July 1988, and
  - (b) in response to a request made by the Secretary of State in May 1987,
- the relevant amount is (as regards the authority) the amount submitted.
- (3) Where in the case of a local authority more than one amount was submitted as mentioned in sub-paragraph (2) above, for the purposes of that sub-paragraph the amount submitted shall be taken to be the latest to be so submitted.
- (4) Where in the case of a local authority no amount was submitted as mentioned in sub-paragraph (2) above but an amount estimated as the authority’s total expenditure in relation to the year was submitted to the Secretary of State by the authority—
- (a) before 7 July 1988, and
  - (b) in response to a request made by the Secretary of State in March 1987 or a requirement made under section 8 of the <sup>M16</sup>Rates Act 1984 in October 1987,
- the relevant amount is (as regards the authority) the amount submitted.
- (5) Where in the case of a local authority more than one amount was submitted as mentioned in sub-paragraph (4) above (whether or not in response to the same request or requirement) for the purposes of that sub-paragraph the amount submitted shall be taken to be the latest to be so submitted.
- (6) Where in the case of a local authority no amount was submitted as mentioned in sub-paragraph (2) above and no amount was submitted as mentioned in sub-paragraph (4) above, the relevant amount is (as regards the authority) the amount taken by the Secretary of State as the amount of the authority’s total expenditure in relation to the year for the purposes of the last estimate for the year to be notified under section 66(1) of the 1980 Act (estimate of grant) before 7 July 1988.
- (7) Where after the passing of this Act the Secretary of State concludes that sub-paragraph (6) above applies in the case of a local authority, he shall as soon as is reasonably practicable after so concluding inform the authority of his conclusion and of the amount taken by him as mentioned in that sub-paragraph.
- (8) In relation to the Receiver sub-paragraphs (2) to (7) above apply as if—
- (a) “a local authority’s total expenditure in relation to the year” read “the Receiver’s total expenditure for the year”,
  - (b) “the authority” (in each place) read “the Receiver”,

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- (c) “a local authority” (in each place) read “the Receiver”, and
- (d) “the authority’s total expenditure in relation to the year” (in each place) read “the Receiver’s total expenditure for the year”.

(9) Sub-paragraph (8) of paragraph 1 above applies for the purposes of this paragraph as it applies for the purposes of that.

**Annotations:**

**Marginal Citations**

M16 1984 c. 33.

1987–88

- 3
- (1) This paragraph applies for the year beginning in 1987.
  - (2) Where an amount estimated as a local authority’s total expenditure in relation to the year was submitted to the Secretary of State by the authority—
    - (a) before 7 July 1988, and
    - (b) in response to a requirement made under section 65 of the 1980 Act in February 1988,the relevant amount is (as regards the authority) the amount submitted.
  - (3) Where in the case of a local authority more than one amount was submitted as mentioned in sub-paragraph (2) above, for the purposes of that sub-paragraph the amount submitted shall be taken to be the latest to be so submitted.
  - (4) Where in the case of a local authority no amount was submitted as mentioned in sub-paragraph (2) above but an amount estimated as the authority’s total expenditure in relation to the year was submitted to the Secretary of State by the authority—
    - (a) before 7 July 1988, and
    - (b) in response to a requirement made under section 65 of the 1980 Act and despatched on 4 March 1987 (or, in the case of a Welsh authority, 6 March 1987) or a requirement made under section 8 of the Rates Act 1984 in October 1987,the relevant amount is (as regards the authority) the amount submitted.
  - (5) Where in the case of a local authority more than one amount was submitted as mentioned in sub-paragraph (4) above (whether or not in response to a requirement made under the same provision) for the purposes of that sub-paragraph the amount submitted shall be taken to be the latest to be so submitted.
  - (6) Where in the case of a local authority no amount was submitted as mentioned in sub-paragraph (2) above and no amount was submitted as mentioned in sub-paragraph (4) above, the relevant amount is (as regards the authority) the amount taken by the Secretary of State as the amount of the authority’s total expenditure in relation to the year for the purposes of the last estimate for the year to be notified under section 66(1) of the 1980 Act (estimate of grant) before 7 July 1988.
  - (7) Where after the passing of this Act the Secretary of State concludes that sub-paragraph (6) above applies in the case of a local authority, he shall as soon as is reasonably practicable after so concluding inform the authority of his conclusion and of the amount taken by him as mentioned in that sub-paragraph.

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- (8) In relation to the Receiver sub-paragraphs (2) to (7) above apply as if—
- (a) “a local authority’s total expenditure in relation to the year” read “the Receiver’s total expenditure for the year”,
  - (b) “the authority” (in each place) read “the Receiver”,
  - (c) “a local authority” (in each place) read “the Receiver”,
  - (d) “the authority’s total expenditure in relation to the year” (in each place) read “the Receiver’s total expenditure for the year”, and
  - (e) “(or, in the case of a Welsh authority, 6 March 1987)” were omitted.
- (9) Sub-paragraph (8) of paragraph 1 above applies for the purposes of this paragraph as it applies for the purposes of that.

*1988-89*

- 4 (1) This paragraph applies for the year beginning in 1988.
- (2) Where an amount estimated as a local authority’s total expenditure in relation to the year was submitted to the Secretary of State by the authority—
- (a) before 7 July 1988, and
  - (b) in response to a requirement which was made under section 65 of the 1980 Act in February 1988 and was (in the case of an English authority) despatched on 29 February 1988,
- the relevant amount is (as regards the authority) the amount submitted.
- (3) Where in the case of a local authority more than one amount was submitted as mentioned in sub-paragraph (2) above, for the purposes of that sub-paragraph the amount submitted shall be taken to be the latest to be so submitted.
- (4) Where in the case of a local authority no amount was submitted as mentioned in sub-paragraph (2) above but an amount estimated as the authority’s total expenditure in relation to the year was submitted to the Secretary of State by the authority—
- (a) before 7 July 1988, and
  - (b) in response to a requirement made under section 65 of the 1980 Act and despatched on 24 February 1988 (or, in the case of a Welsh authority, 11 January 1988),
- the relevant amount is (as regards the authority) the amount submitted.
- (5) Where in the case of a local authority more than one amount was submitted as mentioned in sub-paragraph (4) above, for the purposes of that sub-paragraph the amount submitted shall be taken to be the latest to be so submitted.
- (6) Where in the case of a local authority no amount was submitted as mentioned in sub-paragraph (2) above and no amount was submitted as mentioned in sub-paragraph (4) above, the relevant amount is (as regards the authority) the amount taken by the Secretary of State as the amount of the authority’s total expenditure in relation to the year for the purposes of the last estimate for the year to be notified under section 66(1) of the 1980 Act (estimate of grant) before 7 July 1988.
- (7) Where after the passing of this Act the Secretary of State concludes that sub-paragraph (6) above applies in the case of a local authority, he shall as soon as is reasonably practicable after so concluding inform the authority of his conclusion and of the amount taken by him as mentioned in that sub-paragraph.

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- (8) In relation to the Receiver sub-paragraphs (2) to (7) above apply as if—
- (a) “a local authority’s total expenditure in relation to the year” read “the Receiver’s total expenditure for the year”,
  - (b) “the authority” (in each place) read “the Receiver”,
  - (c) “(in the case of an English authority)” were omitted,
  - (d) “a local authority” (in each place) read “the Receiver”,
  - (e) “the authority’s total expenditure in relation to the year” (in each place) read “the Receiver’s total expenditure for the year”, and
  - (f) “(or, in the case of a Welsh authority, 11 January 1988)” were omitted.
- (9) Sub-paragraph (8) of paragraph 1 above applies for the purposes of this paragraph as it applies for the purposes of that.

*Different amount agreed after submission*

- 5 (1) This paragraph applies where—
- (a) an amount submitted would, by virtue of paragraphs 1 to 4 above and apart from this paragraph, be the relevant amount in relation to a particular year and as regards a local authority,
  - (b) the Secretary of State and the authority agreed before 7 July 1988 that the authority’s total expenditure in relation to the year should be taken to be an amount different from the amount submitted, and
  - (c) their agreement was recorded in writing in a document despatched by the Secretary of State to the authority, or despatched by the authority and received by him, before 7 July 1988.
- (2) In such a case the relevant amount is (in relation to the year and as regards the authority) the different amount recorded in the document.
- (3) But where there is more than one different amount, by virtue of there being more than one agreement and document falling within sub-paragraph (1) above, the relevant amount is (in relation to the year and as regards the authority) the different amount recorded in the document which was the latest to be despatched by or received by the Secretary of State.
- (4) In relation to the Receiver sub-paragraphs (1) to (3) above apply as if—
- (a) “a local authority” read “the Receiver”,
  - (b) “the authority” (in each place) read “the Receiver”, and
  - (c) “the authority’s total expenditure in relation to the year” read “the Receiver’s total expenditure for the year”.
- 6 (1) This paragraph applies where—
- (a) an amount would, by virtue of paragraph 5 above and apart from this paragraph, be the relevant amount in relation to a particular year and as regards a local authority, and
  - (b) the Secretary of State suggested an alternative amount in writing in a document despatched by him to the authority before 7 July 1988.
- (2) In such a case the relevant amount is (in relation to the year and as regards the authority) the alternative amount suggested in the document.

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- (3) But where there is more than one alternative amount, by virtue of there being more than one suggestion and document falling within sub-paragraph (1) above, the relevant amount is (in relation to the year and as regards the authority) the alternative amount suggested in the document which was the latest to be despatched.
- (4) In relation to the Receiver sub-paragraphs (1) to (3) above apply as if—
  - (a) “a local authority” read “the Receiver”, and
  - (b) “the authority” (in each place) read “the Receiver”.

*Alternative amount suggested by Secretary of State*

- 7 (1) This paragraph applies where—
  - (a) an amount submitted would, by virtue of paragraphs 1 to 4 above and apart from this paragraph, be the relevant amount in relation to a particular year and as regards a local authority,
  - (b) neither paragraph 5 nor paragraph 6 above applies as regards the authority in relation to the year, and
  - (c) the Secretary of State suggested an alternative amount in writing in a document despatched by him to the authority before 7 July 1988.
- (2) In such a case the relevant amount is (in relation to the year and as regards the authority) the alternative amount suggested in the document.
- (3) But where there is more than one alternative amount, by virtue of there being more than one suggestion and document falling within sub-paragraph (1) above, the relevant amount is (in relation to the year and as regards the authority) the alternative amount suggested in the document which was the latest to be despatched.
- (4) In relation to the Receiver sub-paragraphs (1) to (3) above apply as if—
  - (a) “a local authority” read “the Receiver”, and
  - (b) “the authority” (in each place) read “the Receiver”.

*Alternative amount suggested by authority*

- 8 (1) This paragraph applies where—
  - (a) an amount submitted would, by virtue of paragraphs 1 to 4 above and apart from this paragraph, be the relevant amount in relation to a particular year and as regards a local authority,
  - (b) neither paragraph 5 nor paragraph 6 above applies as regards the authority in relation to the year,
  - (c) paragraph 7 above does not apply as regards the authority in relation to the year, and
  - (d) the authority suggested an alternative amount in writing in a document despatched by the authority and received by the Secretary of State before 7 July 1988.
- (2) In such a case the relevant amount is (in relation to the year and as regards the authority) the alternative amount suggested in the document.
- (3) But where there is more than one alternative amount, by virtue of there being more than one suggestion and document falling within sub-paragraph (1) above, the relevant amount is (in relation to the year and as regards the authority) the

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alternative amount suggested in the document which was the latest to be received by the Secretary of State.

- (4) In relation to the Receiver sub-paragraphs (1) to (3) above apply as if—
- (a) “a local authority” read “the Receiver”, and
  - (b) “the authority” (in each place) read “the Receiver”.

#### *Special rules*

- 9 (1) Where in the same document more than one amount has been submitted as the amount estimated as a local authority’s total expenditure in relation to the same year, for the purposes of paragraphs 1 to 4 above the amount submitted shall be taken to be whichever of the amounts the Secretary of State thinks fit.
- (2) Where in the same document more than one amount has been suggested as the amount to be taken to be the amount of a local authority’s total expenditure in relation to the same year, for the purposes of paragraph 8 above the amount suggested shall be taken to be whichever of the amounts the Secretary of State thinks fit.
- (3) Where the Secretary of State has received on the same day different documents containing submissions of the amount estimated as a local authority’s total expenditure in relation to the same year, for the purposes of paragraphs 1 to 4 above the documents shall be taken to have been submitted in whatever order the Secretary of State thinks fit.
- (4) Where the Secretary of State has received on the same day different documents suggesting alternative amounts as the amount to be taken to be the amount of a local authority’s total expenditure in relation to the same year, for the purposes of paragraph 8 above the documents shall be taken to have been received in whatever order the Secretary of State thinks fit.
- (5) In reaching a decision under this paragraph the Secretary of State—
- (a) shall leave out of account information and representations received by him after 6 July 1988;
  - (b) subject to paragraph (a) above, may take into account information and representations whether communicated in writing or orally.
- (6) As soon as is reasonably practicable after reaching a decision under this paragraph the Secretary of State shall inform the authority of his decision.
- (7) In relation to the Receiver sub-paragraphs (1) to (6) above apply as if—
- (a) “a local authority’s total expenditure in relation to the same year”(in each place) read “the Receiver’s total expenditure for the same year”, and
  - (b) “the authority” read “the Receiver”.
- 10 (1) For the purposes of paragraphs 1 to 4 and 8 above, anything submitted, suggested or despatched by a person acting on an authority’s behalf is not to be treated as submitted, suggested or despatched by the authority unless the person was at the time an officer of the authority or a person acting under arrangements made under section 9(1) of the <sup>M17</sup>Local Government Finance Act 1982 (certification of information for purposes of block grant).
- (2) For the purposes of paragraphs 1 to 4 and 8 above, anything submitted, suggested or despatched by a person acting on the Receiver’s behalf is not to be treated as submitted, suggested or despatched by the Receiver unless the person was at the

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time a member of the Receiver's staff or the Comptroller and Auditor General or a member of his staff.

- (3) For the purposes of paragraphs 5 to 7 above, anything agreed by or despatched by or to a person acting on an authority's behalf is not to be treated as agreed by or despatched by or to the authority unless the person was at the time an officer of the authority.
- (4) For the purposes of paragraphs 5 to 7 above, anything agreed by or despatched by or to a person acting on the Receiver's behalf is not to be treated as agreed by or despatched by or to the Receiver unless the person was at the time a member of the Receiver's staff.

**Annotations:**

**Marginal Citations**

**M17** 1982 c. 32.

- 11 Nothing in this Schedule shall be affected by a doubt as to the accuracy of an amount submitted, or of a different or alternative amount recorded or suggested in a document, or of an amount taken by the Secretary of State as an amount of total expenditure.

SCHEDULE 2

Section 3.

TOTAL EXPENDITURE: 1989–90

**PART I**

ENGLISH LOCAL AUTHORITIES

*Introduction*

- 1 This Part has effect to determine the relevant amount as regards an English local authority in relation to the year beginning in 1989.
- 2 (1) This paragraph applies for the purposes of this Part.
- (2) A designated authority is an authority designated before the passing of this Act under section 2 of the <sup>M18</sup>Rates Act 1984 (designation for purpose of prescribing maximum rates and precepts) in relation to the year beginning in 1989.
- (3) Each of the following is a charging authority—
- (a) a district council,
  - (b) a London borough council,
  - (c) the Common Council of the City of London, and
  - (d) the Council of the Isles of Scilly.
- (4) Each of the following is an education authority—
- (a) a county council,

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- (b) a metropolitan district council,
- (c) an outer London borough council, and
- (d) the Council of the Isles of Scilly.

**Annotations:**

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**Marginal Citations**

**M18** 1984 c. 33.

*Designated authorities*

- 3 As regards a designated authority the relevant amount is an amount equal to the level—
- (a) determined under section 3(1) of the <sup>M19</sup>Rates Act 1984 (expenditure levels) as the level for the authority's total expenditure in the year beginning in 1989, and
  - (b) stated in a notice served on the authority under section 3(3) of that Act and dated 7 July 1988.

**Annotations:**

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**Marginal Citations**

**M19** 1984 c. 33.

*Other authorities*

- 4 (1) As regards a local authority which is not a designated authority the relevant amount shall be determined by applying the appropriate formula (found in accordance with this paragraph).
- (2) In the case of an authority which is neither a charging authority nor an education authority the appropriate formula is—

$TE_{xZ}$

- (3) In the case of an authority which is a charging authority but is not an education authority the appropriate formula is—

$(TE_{xZ}) + CC$

- (4) In the case of an authority which is an education authority but is not a charging authority the appropriate formula is—

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$$(TE - T + U) \times Z$$

- (5) In the case of an authority which is both a charging authority and an education authority the appropriate formula is—

$$((TE - T + U) \times Z) + CC$$

*Interpretation of formulae*

- 5 For the purposes of paragraph 4 above TE is an amount equal to the amount which, by virtue of Schedule 1 above, is the relevant amount as regards the authority in relation to the year beginning in 1988.
- 6 (1) For the purposes of paragraph 4 above Z is a figure which is 1 or, if the Secretary of State so provides in the Rate Support Grant Report for England for the year beginning in 1989, a figure which is greater than 1 and is specified in the Report.
- (2) In deciding whether to specify a figure under sub-paragraph (1) above, and in deciding what figure to specify, the Secretary of State may take into account his estimate of what the aggregate total expenditure of authorities falling within paragraph 4 above would be (apart from this Act) in relation to the year beginning in 1989.
- (3) Section 3(3)(a) above has effect subject to sub-paragraph (2) above.
- (4) Sub-paragraph (2) above operates without prejudice to the generality of the Secretary of State's powers under sub-paragraph (1) above.
- 7 (1) For the purposes of paragraph 4 above CC is a figure expressed in pounds and determined by the Secretary of State in relation to the authority.
- (2) The Secretary of State shall secure that the aggregate of figures determined under this paragraph for relevant authorities is £53,057,231 (which represents part of the expenditure he estimates they might reasonably be expected to incur in the year beginning in 1989 in connection with Part I of the <sup>M20</sup>Local Government Finance Act 1988).
- (3) Figures shall be determined under this paragraph in accordance with principles to be applied to all relevant authorities.
- (4) In the Rate Support Grant Report for England for the year beginning in 1989 the Secretary of State shall specify—
- (a) the figures determined by him under this paragraph, and
  - (b) the principles in accordance with which they are determined.
- (5) Relevant authorities are charging authorities to which paragraph 4 above applies.

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**Annotations:**

**Marginal Citations**

**M20** 1988 c. 41.

- 8 (1) For the purposes of paragraph 4 above T is the amount shown, in a letter dated 29 March 1988 and sent by the Department of Education and Science to the authority's chief education officer, as the revised amount of the authority's contributions for the year beginning in 1988 to advanced further education pools.
- (2) No doubt as to the accuracy of that amount, and no further revision of it, shall affect the definition in this paragraph.
- 9 (1) For the purposes of paragraph 4 above U is a figure which—
- (a) is expressed in pounds and is determined by the Secretary of State in relation to the authority,
  - (b) complies with sub-paragraphs (2) to (4) below, and
  - (c) subject to paragraph (b) above, is determined so as to represent such amount (if any) as the Secretary of State thinks should be brought into the calculation of the relevant amount in relation to the authority.
- (2) U must not be more than £3,000,000 and must not be more than the amount represented by T in relation to the authority.
- (3) U must not be less than nil but it may be nil.
- (4) Figures shall be determined under this paragraph for relevant authorities in accordance with principles to be applied to all such authorities.
- (5) In the Rate Support Grant Report for England for the year beginning in 1989 the Secretary of State shall specify—
- (a) the figures determined by him under this paragraph, and
  - (b) the principles in accordance with which they are determined.
- (6) Relevant authorities are education authorities to which paragraph 4 above applies.

*Rounding*

- 10 Where (apart from this paragraph) the relevant amount as regards an authority in relation to a year would include a fraction of a pound—
- (a) the fraction shall be made up to one pound if it would be 50p or more, and
  - (b) the fraction shall be ignored if it would be less than 50p.

**PART II**

**WELSH LOCAL AUTHORITIES**

*Introduction*

- 11 This Part has effect to determine the relevant amount as regards a Welsh local authority in relation to the year beginning in 1989.

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*Formulae*

- 12 (1) The relevant amount shall be determined by applying the appropriate formula (found in accordance with this paragraph).
- (2) Where the authority is a district council not falling within sub-paragraph (3) below the appropriate formula is—

$$(TE_{xZ}) + CC$$

- (3) Where the authority is a district council which is constituted a library authority for the year beginning in 1989 but not for the year beginning in 1988 the appropriate formula is—

$$(TE_{xZ}) + V + CC$$

- (4) Where the authority is a county council not falling within sub-paragraph (5) below the appropriate formula is—

$$TE_{xZ}$$

- (5) Where the authority is a county council whose administrative area contains the area of a district council which is constituted a library authority for the year beginning in 1989 but not for the year beginning in 1988 the appropriate formula is—

$$(TE_{xZ}) - W$$

- (6) References to a district council being constituted a library authority for a year are to its being so constituted under section 207 of the <sup>M21</sup>Local Government Act 1972.

**Annotations:**

**Marginal Citations**

M21 1972 c. 20.

*Interpretation of formulae*

- 13 For the purposes of paragraph 12 above TE is an amount equal to the amount which, by virtue of Schedule 1 above, is the relevant amount as regards the authority in relation to the year beginning in 1988.

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- 14 (1) For the purposes of paragraph 12 above Z is a figure which is 1 or, if the Secretary of State so provides in the Rate Support Grant Report for Wales for the year beginning in 1989, a figure which is greater than 1 and is specified in the Report.
- (2) In deciding whether to specify a figure under sub-paragraph (1) above, and in deciding what figure to specify, the Secretary of State may take into account his estimate of what the aggregate total expenditure of Welsh local authorities would be (apart from this Act) in relation to the year beginning in 1989.
- (3) Section 3(3)(a) above has effect subject to sub-paragraph (2) above.
- (4) Sub-paragraph (2) above operates without prejudice to the generality of the Secretary of State's powers under sub-paragraph (1) above.
- 15 (1) For the purposes of paragraph 12 above CC is a figure expressed in pounds and determined by the Secretary of State in relation to the authority.
- (2) The Secretary of State shall secure that the aggregate of figures determined under this paragraph for Welsh district councils is £9,000,000 (which represents the expenditure he estimates they might reasonably be expected to incur in the year beginning in 1989 in connection with Part I of the <sup>M22</sup>Local Government Finance Act 1988).
- (3) Figures shall be determined under this paragraph in accordance with principles to be applied to all Welsh district councils.
- (4) In the Rate Support Grant Report for Wales for the year beginning in 1989 the Secretary of State shall specify—
- (a) the figures determined by him under this paragraph, and
  - (b) the principles in accordance with which they are determined.

**Annotations:**

**Marginal Citations**

M22 1988 c. 41.

- 16 (1) For the purposes of paragraph 12 above V is—
- (a) a figure expressed in pounds and specified, for the purposes of that paragraph and as regards the authority, in the Rate Support Grant Report for Wales for the year beginning in 1989, or
  - (b) if no figure is so specified, nil.
- (2) For the purposes of paragraph 12 above W is—
- (a) a figure expressed in pounds and specified, for the purposes of that paragraph and as regards the authority, in that Report, or
  - (b) if no figure is so specified, nil.

*Rounding*

- 17 Where (apart from this paragraph) the relevant amount as regards an authority in relation to a year would include a fraction of a pound—
- (a) the fraction shall be made up to one pound if it would be 50p or more, and
  - (b) the fraction shall be ignored if it would be less than 50p.

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### PART III

#### THE RECEIVER

- 18 The relevant amount as regards the Receiver in relation to the year beginning in 1989 is an amount equal to the amount shown as grant-related expenditure in relation to him for that year in the Rate Support Grant Report for England for that year.

**Changes to legislation:**

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

- Act repealed by [2004 c. 14 Sch. 1 Pt. 10](#) Group 2