



# Local Government Finance Act 1992

## 1992 CHAPTER 14

### PART I

#### COUNCIL TAX: ENGLAND AND WALES

### CHAPTER VI

#### MISCELLANEOUS AND SUPPLEMENTAL

#### **65 Duty to consult ratepayers**

- (1) A relevant authority shall consult under this section persons or bodies appearing to it to be representative of persons subject to non-domestic rates under sections 43 and 45 of the 1988 Act as regards hereditaments situated in the authority's area.
- (2) Consultations must be made as to each financial year, and must be about the authority's proposals for expenditure (including capital expenditure) in that financial year; and the Secretary of State may by regulations prescribe matters which are to be treated as expenditure for this purpose.
- (3) In this section "relevant authority" means a billing authority or a major precepting authority other than the Receiver for the Metropolitan Police District.
- (4) The duty to consult as to a financial year shall be performed—
  - (a) where the authority is a billing authority, before it makes calculations (otherwise than by way of substitute) in relation to the financial year under section 32 above;
  - (b) where the authority is a precepting authority, before it issues the first precept to be issued by it for the financial year.
- (5) In performing the duty to consult, an authority shall have regard to any guidance issued by the Secretary of State concerning—
  - (a) persons or bodies to be regarded for the purposes of this section as representative of persons subject to non-domestic rates under sections 43 and

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45 of the 1988 Act as regards hereditaments situated in the authority's area;  
 and

- (b) the timing and manner of consultations under this section.
- (6) An authority shall make available to persons or bodies it proposes to consult under this section such information as may be prescribed and is in its possession or control; and it shall do so in such form and manner, and at such time, as may be prescribed.

## **66 Judicial review**

- (1) The matters mentioned in subsection (2) below shall not be questioned except by an application for judicial review.
- (2) The matters are—
  - (a) the specification of a class of “exempt dwelling” in an order of the Secretary of State under section 4(2) above;
  - (b) a determination made under section 8(2) or 12(1) above;
  - (c) a calculation made in accordance with any of sections 32 to 37 or section 60 or any of sections 43 to 51 or section 61 above, whether originally or by way of substitute;
  - (d) the setting under Chapter III of this Part of an amount of council tax for a financial year, whether originally or by way of substitute; and
  - (e) a precept issued under Chapter IV of this Part, whether originally or by way of substitute.
- (3) If on an application for judicial review the court decides to grant relief in respect of any of the matters mentioned in subsection (2)(b) to (e) above, it shall quash the determination, calculation, setting or precept (as the case may be).

## **67 Functions to be discharged only by authority**

- (1) Subject to subsection (3) below, each of the functions of an authority mentioned in subsection (2) below shall be discharged only by the authority.
- (2) The functions are—
  - (a) making a determination under section 8(2) or 12(1) above;
  - (b) making a calculation in accordance with any of sections 32 to 37 or section 60 or any of sections 43 to 51 or section 61 above, whether originally or by way of substitute;
  - (c) setting an amount of council tax for a financial year under Chapter III of this Part, whether originally or by way of substitute; and
  - (d) issuing a precept under Chapter IV of this Part, whether originally or by way of substitute.
- (3) The functions of an authority mentioned in subsection (2)(c) above may, if the authority so directs, be exercised by a committee of the authority appointed by it for that purpose; and as respects a committee so appointed—
  - (a) the number of members and their term of office shall be fixed by the authority; and
  - (b) each member shall be a member of the authority.

- (4) Part VA (access to meetings and documents of certain authorities, committees and sub-committees) of the Local Government Act 1972 shall apply in relation to a committee appointed under subsection (3) above as it applies in relation to a committee appointed under section 102 of that Act.

## **68 Information required by Secretary of State**

- (1) Subsection (2) below applies where—
- (a) the Secretary of State serves a notice on a relevant authority or relevant officer requiring it or him to supply to the Secretary of State information specified in the notice;
  - (b) the information is required by the Secretary of State for the purpose of deciding whether to exercise his powers, and how to perform his functions, under this Part; and
  - (c) the information is not personal information.
- (2) The authority or officer shall supply the information required, and shall do so in such form and manner and at such time as the Secretary of State specifies in the notice.
- (3) If an authority or officer fails to comply with subsection (2) above the Secretary of State may assume the information required to be such as he sees fit; and in such a case the Secretary of State may decide in accordance with the assumption whether to exercise his powers, and how to perform his functions, under this Part.
- (4) In deciding whether to exercise his powers, and how to perform his functions, under this Part the Secretary of State may also take into account any other information available to him, whatever its source and whether or not obtained under a provision contained in or made under this Part or any other enactment.
- (5) In this section—
- “relevant authority” means a billing authority or a precepting authority;
  - “relevant officer” means a proper officer (within the meaning of the Local Government Act 1972) of such an authority.
- (6) For the purposes of this section personal information—
- (a) is information which relates to an individual (living or dead) who can be identified from that information or from that and other information supplied to any person by the authority or officer concerned; and
  - (b) includes any expression of opinion about the individual and any indication of the intentions of any person in respect of the individual.

## **69 Interpretation etc. of Part I**

- (1) In this Part, unless the context otherwise requires—
- “additional grant” has the meaning given by section 85(2) of the 1988 Act;
  - “billing authority” has the meaning given by section 1(2) above;
  - “the City” means the City of London;
  - “the Common Council” means the Common Council of the City;
  - “dwelling” has the meaning given by section 3 above;
  - “financial year”, except in references to earlier or preceding financial years, does not include the financial year beginning in 1992 or earlier financial years;

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“levy” means a levy under regulations made under section 74 of the 1988 Act;

“listing officer” shall be construed in accordance with section 20 above;

“local precepting authority” has the meaning given by section 39(2) above;

“major precepting authority” has the meaning given by section 39(1) above;

“owner” has the meaning given by section 6(5) above;

“particulars delivered document” means any document which, having been (whether before or after the passing of this Act)—

(a) produced to the Commissioners of Inland Revenue in pursuance of section 28 of the Finance Act 1931; or

(b) furnished to them in pursuance of Schedule 2 to that Act, is for the time being in their possession or under their control;

“precepting authority” means a major precepting authority or a local precepting authority;

“redistributed non-domestic rates” means any sums payable by the Secretary of State under paragraph 12 or 15 of Schedule 8 to the 1988 Act;

“resident” has the meaning given by section 6(5) above;

“revenue support grant” has the meaning given by section 78(1) of the 1988 Act;

“special levy” means a special levy under regulations made under section 75 of the 1988 Act;

“valuation tribunal” shall be construed in accordance with section 15 above.

(2) In this Part—

(a) any reference to dwellings listed in a particular valuation band shall be construed in accordance with section 5(6) above;

(b) any reference to an amount payable in respect of council tax for any financial year includes a reference to an amount payable in respect of council tax for any period falling within that year; and

(c) any reference to a billing authority’s general fund shall be construed in relation to the Common Council as a reference to the City fund.

(3) For the purposes of this Part the Inner Temple and the Middle Temple shall be taken to fall within the area of the Common Council.

(4) No provision of this Part which provides an express remedy shall prejudice any remedy available to a person (apart from that provision) in respect of a failure to observe a provision of this Part; and references in this subsection to this Part include references to instruments made under it.