
STATUTORY INSTRUMENTS

1992 No. 2996

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Finance (Payments)
(English Authorities) Regulations 1992**

Made - - - - *30th November 1992*
Laid before Parliament *8th December 1992*
Coming into force - - *1st April 1993*

The Secretary of State for the Environment, in exercise of his powers under sections 140(4), 141, 143(1) and 146(6) of the Local Government Finance Act 1988(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Local Government Finance (Payments) (English Authorities) Regulations 1992 and shall come into force on 1 April 1993.

2.—(1) Paragraphs (2) to (4) apply in any case where—

- (a) the Secretary of State is liable to pay to an English receiving authority at any time an amount or amounts under one or more of the first relevant provisions, and
- (b) that authority is liable to pay to him at the same time an amount or amounts under one or more of the second relevant provisions.

(2) If the total of the amount or amounts mentioned in paragraph (1)(a) above exceeds the total of the amount or amounts mentioned in paragraph (1)(b) above, the Secretary of State may set off the latter in paying the former.

(3) If the total of the amount or amounts mentioned in paragraph (1)(b) above exceeds the total of the amount or amounts mentioned in paragraph (1)(a) above, the receiving authority shall set off the latter in paying the former.

(4) If the total of the amount or amounts mentioned in paragraph (1)(a) above is the same as the total of the amount or amounts mentioned in paragraph (1)(b) above, no payment need be made in respect of the former or the latter.

3.—(1) Where the Secretary of State exercises his powers under paragraph (2) of regulation 2, any liability of the receiving authority which has been set off in accordance with that paragraph, and the part of the liability of the Secretary of State against which that liability has been set off, shall be treated as discharged.

(1) 1988 c. 41; section 141 is amended by paragraph 79 of Schedule 13 to the Local Government Finance Act 1992 (c. 14).

(2) Where a receiving authority sets off any amount in accordance with paragraph (3) of regulation 2, any liability of the Secretary of State which is set off in accordance with that paragraph, and the part of the liability of the authority against which that liability has been set off, shall be treated as discharged.

(3) Where in accordance with regulation 2(4) no payment is made by the Secretary of State or the receiving authority, their respective liabilities which are taken into account shall be treated as discharged.

4.—(1) The provisions of the Local Government Finance Act 1988 (“the Act”)(2) prescribed below shall be read subject to these Regulations—

section 79(2) and (3)

section 83(1) to (5)

section 84C

section 86(2) and (3)

paragraph 5(4), (5), (7), (9), (10)(b) and (14) of Schedule 8

paragraph 12 of Schedule 8

paragraph 15 of Schedule 8.

(2) The provisions of paragraph 2 of Schedule 8 to the Act(3) shall be read as if references to sums received or payments made were to sums or payments which would have been received or made apart from these Regulations.

5. The Local Government Finance (Payments) (English Authorities) Regulations 1990(4) are hereby revoked.

30th November 1992

Michael Howard
Secretary of State for the Environment

(2) Section 84C is inserted by paragraph 15 of Schedule 10 to the Local Government Finance Act 1992; paragraph 5(9) of Schedule 8 is amended, and paragraph 5(10) and (14) of that Schedule are inserted, by paragraph 6 of Schedule 10 to that Act; and paragraphs 12 and 15 of Schedule 8 are inserted by paragraph 7 of Schedule 10 to that Act.
(3) Paragraph 2 of Schedule 8 is amended by paragraph 41 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).
(4) S.I.1990/493.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Local Government Finance (Payments) (English Authorities) Regulations 1990.

These Regulations apply where the Secretary of State is liable under the Local Government Finance Act 1988 (“the Act”) to make payments to a receiving authority in England and the receiving authority is at the same time liable under the Act to make payments to the Secretary of State.

Regulation 2 provides that where the Secretary of State and a receiving authority are liable at the same time to make payments to each other under the provisions referred to in section 141(7) or (8) of the Act, the payer may set off against the amount he pays the amount which is liable to be paid to him.