



# Local Government Finance Act 1992

## 1992 CHAPTER 14

### PART IV

#### MISCELLANEOUS

#### *Scottish provisions*

#### **112 Council tax and community charges: restrictions on voting**

- (1) This section applies at any time to a member of a local authority, or a member of a committee of a local authority or of a joint committee of two or more local authorities (including in either case a sub-committee), if at that time—
- (a) a sum falling within paragraph 1(1)(a) of Schedule 8 to this Act (including a sum falling within that paragraph by virtue of paragraph 11 of Schedule 11 to this Act) has become payable by him and has remained unpaid for at least two months; or
  - (b) a sum falling within paragraph—
    - (i) 4 or 5 of Schedule 2 (collection etc. of community charges); or
    - (ii) 11 of Schedule 5 (as read with the said paragraphs 4 and 5),to the 1987 Act has become payable by him and has remained unpaid for at least three months.
- (2) Subject to subsection (4) below, if a member to whom this section applies is present at a meeting of the authority or committee at which any of the following matters is the subject of consideration, namely—
- (a) the setting of council tax under section 93(1)(a) above;
  - (b) the substitute setting of council tax under section 94(1) above;
  - (c) a reduced or deemed setting under paragraph 3 of Schedule 7 to this Act;
  - (d) the setting of council water charge under paragraph 9(a) of Schedule 11 to this Act; or

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*Status: This is the original version (as it was originally enacted).*

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- (e) the exercise of any functions under Schedule 2, 3 or 8 or paragraph 11 of Schedule 11 to this Act, or Schedule 2 or paragraph 11 of Schedule 5 to the 1987 Act,

he shall at the meeting and as soon as practicable after its commencement disclose the fact that this section applies to him and shall not vote on any question with respect to the matter.

- (3) If a person fails to comply with subsection (2) above, he shall be guilty of an offence, and shall for each offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale, unless he proves that he did not know—
  - (a) that this section applied to him at the time of the meeting; or
  - (b) that the matter in question was the subject of consideration at the meeting.
- (4) Subsections (1) to (3) of section 41 (removal or exclusion of disability) of the 1973 Act shall apply in relation to this section and any disability imposed by it as they apply in relation to section 38 (provision as to disability of members of authorities from voting) of that Act and any disability imposed by that section.