



## 2011 CHAPTER 10

### PART 4

#### MISCELLANEOUS POWERS TO MAKE PAYMENTS

##### *Payments for special purposes*

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**37.** Subject to sections 38 and 40, a council may make payments for any purpose which in its opinion are in the interests of, and will bring direct benefit to—

- (a) the council;
- (b) its district or any part of its district;
- (c) the inhabitants of its district or any part of its district.

##### **Restrictions on power to make payments under section 37**

**38.—(1)** A council shall not make any payment under section 37 unless the direct benefit accruing to its district or any part of its district or to the inhabitants of its district or any part of its district will be commensurate with the payments to be made.

(2) A council shall not make any payment under section 37 for a purpose for which the council is, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required under any other statutory provision to make any payment.

- (3) In any case where—

- (a) by virtue of subsection (2) a council is prohibited from making any payment for a particular purpose; and
- (b) the power or duty of the council to make any payment for that purpose is in any respect limited or conditional (whether by being restricted to a particular group of persons or in any other way),

the prohibition in that subsection shall extend to all payments to which that power or duty would apply if it were not subject to any limitation or condition.

(4) A council may make a payment under section 37 on publicity only by way of assistance to a public body or a voluntary body where the publicity is incidental to the main purpose for which the assistance is given.

(5) In subsection (4) “publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public.

(6) Subsection (1) does not apply to a payment under paragraph (a) of section 37.