



Local Government Finance Act 1988

1988 CHAPTER 41

PART VI

FUNDS

Transfers between funds

[97] ^{F1}Principal transfers between funds.

- (1) Subject to subsection (2) below, a billing authority which has made calculations in accordance with sections [^{F2}31A, 31B and 34 to 36] of the Local Government Finance Act 1992 (originally or by way of substitute) shall transfer from its collection fund to its general fund an amount which shall be calculated by applying the formula—

$$B \times T$$

where—

B is the amount calculated (or last calculated) by the authority under section [^{F3}31B(1)] of that Act as the basic amount of its council tax;

T is the amount determined for item T in section [^{F4}31B(1)] of that Act.

- (2) Where the amount given by subsection (1) above is a negative amount, the authority shall transfer the equivalent positive amount from its general fund to its collection fund.

[The Secretary of State may by regulations make provision requiring a billing authority ^{F5}(2A) to transfer from its collection fund to its general fund such amounts as may be specified in or determined in accordance with the regulations by reference to—

- (a) sums received by the authority in respect of non-domestic rates under this Act, and

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- (b) sums received by the authority under or by virtue of Schedule 7B (local retention of non-domestic rates) and required to be paid into its collection fund by virtue of provision made by or under section 90(1)(d) or (da).
- (2B) The Secretary of State may by regulations make provision requiring a billing authority to transfer from its general fund to its collection fund such amounts as may be specified in or determined in accordance with the regulations by reference to sums received by the authority in respect of non-domestic rates under this Act.]
- (3) Where in accordance with regulations under section 99(3) below a billing authority has estimated that there is a surplus in its collection fund for the preceding year, it shall transfer from its collection fund to its general fund an amount equal to so much of the surplus as, in accordance with the regulations, the authority calculates to be its share.
- (4) Where in accordance with regulations under section 99(3) below a billing authority has estimated that there is a deficit in its collection fund for the preceding year, it shall transfer from its general fund to its collection fund an amount equal to so much of the deficit as, in accordance with the regulations, the authority calculates must be borne by it.
- ^{F6}(4A)
- (5) In this section and sections 98 and 99 below, 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.]

Textual Amendments

- F1** S. 97 substituted (6.3.1992) by 1992 c. 14, s. 104, **Sch. 10 Pt. III para.22** (with s. 118(1)(2)(4))
- F2** Words in s. 97(1) substituted (3.12.2011) by **Localism Act 2011 (c. 20)**, s. 240(2), **Sch. 7 para. 4(a)**; S.I. 2011/2896, art. 2(i)
- F3** Word in s. 97(1) substituted (3.12.2011) by **Localism Act 2011 (c. 20)**, s. 240(2), **Sch. 7 para. 4(b)**; S.I. 2011/2896, art. 2(i)
- F4** Word in s. 97(1) substituted (3.12.2011) by **Localism Act 2011 (c. 20)**, s. 240(2), **Sch. 7 para. 4(c)**; S.I. 2011/2896, art. 2(i)
- F5** S. 97(2A)(2B) inserted (with effect in accordance with s. 5(3) of the amending Act) by **Local Government Finance Act 2012 (c. 17)**, **Sch. 3 para. 25(2)**
- F6** S. 97(4A) omitted (with effect in accordance with s. 5(3) of the amending Act) by virtue of **Local Government Finance Act 2012 (c. 17)**, **Sch. 3 para. 25(3)**

Modifications etc. (not altering text)

- C1** S. 97 restricted (6.3.1992) by 1992 c. 14, s. 62(2) (with s. 118(1)(2)(4))
S. 97 modified (27.7.1999) by 1992 c. 14, s. 52k(2) (as inserted by 1999 c. 27, s. 30, **Sch. 1 Pt. I para. 1**)
S. 97 modified (27.7.1999) by 1992 c. 14, s. 52V(3)(as inserted by 1999 c. 27, s. 30, **Sch. 1 Pt. I para. 1**)
- C2** Ss. 97, 98 modified by 1992 c. 14, s. 52ZI(2)(3) (as inserted (3.12.2011) by **Localism Act 2011 (c. 20)**, ss. 72(1), 240(2), **Sch. 5**; S.I. 2011/2896, art. 2(i))
- C3** Ss. 97, 98 modified by 1992 c. 14, s. 52ZW(4) (as inserted (3.12.2011) by **Localism Act 2011 (c. 20)**, ss. 72(1), 240(2), **Sch. 5**; S.I. 2011/2896, art. 2(i))

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98 Other transfers between funds.

- ^{F7}(1)
- ^{F7}(2)
- (3) Regulations under section 89(5) above may include provision that—
- (a) any sum to which they relate shall be transferred from an authority's collection fund to its general fund ^{F8} . . . ;
 - (b) the sum so transferred shall be held, invested or otherwise used in such manner as may be prescribed;
 - (c) a sum equal to the sum transferred shall be transferred to the authority's collection fund from its general fund ^{F8} . . . ;
 - ^{F9}(d)
- (4) If the Secretary of State directs it to do so, a [^{F10}billing authority] shall transfer from its collection fund to its general fund ^{F11} . . . such an amount as is specified in, or calculated in a manner specified in, the direction; and the transfer shall be made at such time as is specified in the direction.
- (5) If the Secretary of State directs it to do so, a [^{F10}billing authority] shall transfer to its collection fund from its general fund ^{F12} . . . such an amount as is specified in, or calculated in a manner specified in, the direction; and the transfer shall be made at such time as is specified in the direction.
- (6) Different directions may be given to different authorities under [^{F13}subsection (4) or (5)] above.

Textual Amendments

- F7** S. 98(1)(2) repealed (6.3.1992) by 1992 c. 14, ss. 104, 117(2), Sch. 10 Pt. III para. 23(1)(a), **Sch.14** (with s. 118(1)(2)(4))
- F8** Words in s. 98(3)(a)(c) repealed (6.3.1992) by 1992 c. 14, ss. 104, 117(2), Sch. 10 Pt. III para. 23(1)(b), **Sch.14** (with s. 118(1)(2)(4))
- F9** S. 98(3)(d) repealed (6.3.1992) by 1992 c. 14, ss. 104, 117(2), Sch. 10 Pt. III para. 23(1)(b), **Sch.14** (with s. 118(1)(2)(4))
- F10** Words in s. 98(4)(5) substituted (6.3.1992) by 1992 c. 14, s. 104, **Sch. 10 Pt. III para. 23(2)** (with s. 118(1)(2)(4))
- F11** Words in s. 98(4) repealed (6.3.1992) by 1992 c. 14, ss. 104, 117(2), Sch. 10 Pt. III para. 23(1)(c), **Sch.14** (with s. 118(1)(2)(4))
- F12** Words in s. 98(5) repealed (6.3.1992) by 1992 c. 14, ss. 104, 117(2), Sch. 10 Pt. III para. 23(1)(d), **Sch.14** (with s. 118(1)(2)(4))
- F13** Words in s. 98(6) substituted (6.3.1992) by 1992 c. 14, s. 104, **Sch. 10 Pt. III para. 23(3)** (with s. 118(1)(2)(4))

Modifications etc. (not altering text)

- C2** Ss. 97, 98 modified by 1992 c. 14, s. 52ZI(2)(3) (as inserted (3.12.2011) by Localism Act 2011 (c. 20), ss. 72(1), 240(2), **Sch. 5**; S.I. 2011/2896, art. 2(i))
- C3** Ss. 97, 98 modified by 1992 c. 14, s. 52ZW(4) (as inserted (3.12.2011) by Localism Act 2011 (c. 20), ss. 72(1), 240(2), **Sch. 5**; S.I. 2011/2896, art. 2(i))
- C4** S. 98 restricted (6.3.1992) by 1992 c. 14, s. 62(2) (with s. 118(1)(2)(4))
S. 98 modified (27.7.1999) by 1992 c. 14, s. 52K(2) (as inserted by 1999 c. 27, s. 30, **Sch. 1 Pt. I para. 1**)

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S. 98 modified (27.7.1999 by 1992 c. 14, s. 52V(3) (as inserted by 1999 c. 27, s. 30, **Sch. 1 Pt. 1 para. 1**))

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

- Act applied (with modifications) by S.I. 2024/414 art. 5Sch. 1 para. 7

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 44A(2A) inserted by 2023 c. 53 Sch. para. 2(b)
- s. 44A(5)(e) inserted by 2023 c. 53 Sch. para. 2(c)
- s. 52A inserted by 2023 c. 53 s. 8
- s. 54(7A) inserted by 2023 c. 53 Sch. para. 34
- s. 57A(7A) inserted by 2023 c. 53 Sch. para. 4(d)
- s. 63A(1A) inserted by 2023 c. 53 s. 12(1)
- s. 63E inserted by 2023 c. 53 s. 12(2)
- s. 67(1A) inserted by 2023 c. 53 Sch. para. 7(a)
- s. 67(8A)(8B) inserted by 2023 c. 53 Sch. para. 37(a)
- s. 143(7A)-(7F) inserted by 2023 c. 53 Sch. para. 8(c)
- s. 143(9AZB) inserted by 2023 c. 53 Sch. para. 39(a)
- Sch. 4ZA inserted by 2023 c. 53 s. 1(3)
- Sch. 4ZB inserted by 2023 c. 53 s. 2(4)
- Sch. 5A para. 8 inserted by 2023 c. 53 Sch. para. 38
- Sch. 5A inserted by 2023 c. 53 s. 3(3)
- Sch. 9 para. 4B-4H and cross-heading inserted by 2023 c. 53 s. 13(2)
- Sch. 9 para. 4I-4M and cross-heading inserted by 2023 c. 53 s. 13(3)
- Sch. 9 para. 5BA-5BC and cross-heading inserted by 2023 c. 53 s. 13(6)
- Sch. 9 para. 5BD-5BF and cross-heading inserted by 2023 c. 53 s. 13(7)
- Sch. 9 para. 5CA and cross-heading inserted by 2023 c. 53 Sch. para. 46
- Sch. 9 para. 5CB inserted by 2023 c. 53 Sch. para. 47
- Sch. 9 para. 5F(1A)(1B) inserted by 2023 c. 53 Sch. para. 49(c)
- Sch. 9 para. 5F(A1) inserted by 2023 c. 53 Sch. para. 49(a)
- Sch. 9 para. 5FA inserted by 2023 c. 53 Sch. para. 50
- Sch. 9 para. 5FB inserted by 2023 c. 53 Sch. para. 51
- Sch. 9 para. 5ZA5ZB and cross-heading inserted by 2023 c. 53 s. 13(4)
- Sch. 9 para. 5ZC-5ZF and cross-heading inserted by 2023 c. 53 s. 13(5)
- Sch. 9 para. 7B inserted by 2023 c. 53 s. 10