

Status: Point in time view as at 31/10/2012.

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SCHEDULES

[^{F1}SCHEDULE 7B

LOCAL RETENTION OF NON-DOMESTIC RATES

Textual Amendments

- F1** Sch. 7B inserted (with effect in accordance with s. 1(6) of the amending Act) by [Local Government Finance Act 2012 \(c. 17\)](#), s. 1(4), [Sch. 1](#)

PART 5

PRINCIPAL PAYMENTS IN CONNECTION WITH LOCAL RETENTION OF NON-DOMESTIC RATES

Determination of payments

- 12 (1) The local government finance report for a year must specify the basis (“the basis of calculation”) on which the Secretary of State intends to—
- (a) calculate which relevant authorities are to make payments under this Part of this Schedule to the Secretary of State for the year,
 - (b) calculate which relevant authorities are to receive payments under this Part of this Schedule from the Secretary of State for the year, and
 - (c) calculate the amount of each payment within paragraph (a) or (b).
- (2) Before making the local government finance report for a year, the Secretary of State must notify such representatives of local government as the Secretary of State thinks fit of the general nature of the basis of calculation.

Calculations following local government finance report

- 13 (1) This paragraph applies if a local government finance report for a year is approved by resolution of the House of Commons.
- (2) As soon as is reasonably practicable after the report has been approved, the Secretary of State must—
- (a) calculate which relevant authorities are to make payments under this Part of this Schedule to the Secretary of State for the year,
 - (b) calculate which relevant authorities are to receive payments under this Part of this Schedule from the Secretary of State for the year, and
 - (c) calculate the amount of each payment within paragraph (a) or (b).
- (3) Subject as follows, the Secretary of State may, at any time before the end of the year following the year to which the report relates, make one further set of calculations of the kind described in sub-paragraph (2).

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- (4) The power to make a further set of calculations under sub-paragraph (3) is not exercisable after the approval by the House of Commons of any amending report made under paragraph 15 in relation to the local government finance report.
- (5) Calculations under this paragraph must be made in accordance with the basis of calculation specified in the report.
- (6) As soon as is reasonably practicable after making calculations under sub-paragraph (2) or (3), the Secretary of State must notify each relevant authority of—
 - (a) whether any payments are to be made by the authority to the Secretary of State in accordance with the calculations,
 - (b) whether any payments are to be made to the authority by the Secretary of State in accordance with the calculations, and
 - (c) if any payments are to be made by or to the authority, the amount of each payment.

Payments following local government finance report

- 14 (1) Where calculations under paragraph 13(2) show that a relevant authority is to make a payment to the Secretary of State, the authority must make that payment to the Secretary of State.
- (2) Where calculations under paragraph 13(2) show that the Secretary of State is to make a payment to a relevant authority, the Secretary of State must make that payment to the authority.
- (3) The following provisions apply if calculations (“the revised calculations”) are made under paragraph 13(3) for a year.
- (4) In this paragraph “the original calculations” means the calculations for the year under paragraph 13(2).
- (5) Sub-paragraph (6) applies where—
 - (a) a payment the revised calculations show as falling to be made by a relevant authority to the Secretary of State exceeds that shown as falling to be made by the original calculations, or
 - (b) a payment the revised calculations show as falling to be made by the Secretary of State to a relevant authority is less than that shown as falling to be made by the original calculations.
- (6) The authority must make a payment to the Secretary of State of an amount equal to the difference.
- (7) Where the original calculations did not show that a relevant authority was to make a payment to the Secretary of State, but the revised calculations show that the authority is to make a payment to the Secretary of State—
 - (a) the authority must make that payment to the Secretary of State, and
 - (b) the authority must make a payment to the Secretary of State of an amount equal to the amount of the payment shown by the original calculations as falling to be made by the Secretary of State to the authority.
- (8) Sub-paragraph (9) applies where—

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- (a) a payment the revised calculations show as falling to be made by a relevant authority to the Secretary of State is less than that shown as falling to be made by the original calculations, or
 - (b) a payment the revised calculations show as falling to be made by the Secretary of State to a relevant authority exceeds that shown as falling to be made by the original calculations.
- (9) The Secretary of State must make a payment to the authority of an amount equal to the difference.
- (10) Where the original calculations did not show that the Secretary of State was to make a payment to a relevant authority, but the revised calculations show that the Secretary of State is to make a payment to the authority—
 - (a) the Secretary of State must make that payment to the authority, and
 - (b) the Secretary of State must make a payment to the authority of an amount equal to the amount of the payment shown by the original calculations as falling to be made by the authority to the Secretary of State.
- (11) A payment by a relevant authority to the Secretary of State under sub-paragraph (1)—
 - (a) must be made on or before such day in the year to which the local government finance report relates, and in such manner, as the Secretary of State may specify, and
 - (b) if not made on or before that day, is recoverable in a court of competent jurisdiction.
- (12) A payment by the Secretary of State to a relevant authority under sub-paragraph (2) must be made—
 - (a) in instalments of such amounts, and
 - (b) at such times in the year to which the local government finance report relates, as the Secretary of State determines with the Treasury's consent.
- (13) A payment by a relevant authority to the Secretary of State under sub-paragraph (6) or (7)—
 - (a) must be made on or before such day after the end of the year to which the local government finance report relates, and in such manner, as the Secretary of State may specify, and
 - (b) if not made on or before that day, is recoverable in a court of competent jurisdiction.
- (14) A payment by the Secretary of State to a relevant authority under sub-paragraph (9) or (10) must be made—
 - (a) at such time, or
 - (b) in instalments of such amounts and at such times,as the Secretary of State determines with the Treasury's consent; but any such time must fall after the end of the year to which the local government finance report relates.

Amending reports

- 15 (1) After a local government finance report has been made, the Secretary of State may, at any time before the end of the year following the year to which the report relates, make in relation to the report one or more amending reports under this paragraph.

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- (2) An amending report under this paragraph must contain amendments to the basis of calculation specified in the local government finance report.
- (3) Before making the report, the Secretary of State must notify such representatives of local government as the Secretary of State thinks fit of the general nature of the amendments the Secretary of State proposes to make.
- (4) The Secretary of State must lay, or make arrangements for laying, the report before the House of Commons.
- (5) As soon as is reasonably practicable after the report is laid before the House of Commons, the Secretary of State must send a copy of the report to each relevant authority.
- (6) Where an amending report under this paragraph has been approved by resolution of the House of Commons, the Secretary of State may not make a subsequent amending report under this paragraph in relation to the same local government finance report.

Calculations following amending report

- 16
- (1) This paragraph applies if an amending report for a year made under paragraph 15 is approved by resolution of the House of Commons.
 - (2) As soon as is reasonably practicable after the amending report has been approved, the Secretary of State must—
 - (a) calculate which relevant authorities are to make payments under this Part of this Schedule to the Secretary of State for the year,
 - (b) calculate which relevant authorities are to receive payments under this Part of this Schedule from the Secretary of State for the year, and
 - (c) calculate the amount of each payment within paragraph (a) or (b).
 - (3) Subject as follows, the Secretary of State may make one further set of calculations of the kind described in sub-paragraph (2).
 - (4) The power to make a further set of calculations under sub-paragraph (3) is not exercisable after whichever is the later of—
 - (a) the end of the year following the year to which the amending report relates, and
 - (b) the end of the period of 3 months beginning with the day on which the amending report is approved by resolution of the House of Commons.
 - (5) Calculations under this paragraph must be made in accordance with the basis of calculation specified in the local government finance report as amended by the amending report.
 - (6) As soon as is reasonably practicable after making calculations under sub-paragraph (2) or (3), the Secretary of State must notify each relevant authority of—
 - (a) whether any payments are to be made by the authority to the Secretary of State in accordance with the calculations,
 - (b) whether any payments are to be made to the authority by the Secretary of State in accordance with the calculations, and
 - (c) if any payments are to be made by or to the authority, the amount of each payment.

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Payments following amending report

- 17 (1) This paragraph applies if calculations (“the revised calculations”) are made under paragraph 16(2) or (3) for a year.
- (2) In this paragraph “the relevant previous calculations” means the last calculations of the kind referred to in paragraph 13(2) or (3) or 16(2) made for the year.
- (3) Sub-paragraph (4) applies where—
- (a) a payment shown by the revised calculations as falling to be made by a relevant authority to the Secretary of State exceeds that shown as falling to be made by the relevant previous calculations, or
 - (b) a payment shown by the revised calculations as falling to be made by the Secretary of State to a relevant authority is less than that shown as falling to be made by the relevant previous calculations.
- (4) The authority must make a payment to the Secretary of State of an amount equal to the difference.
- (5) Where the relevant previous calculations did not show that a relevant authority was to make a payment to the Secretary of State, but the revised calculations show that the authority is to make a payment to the Secretary of State—
- (a) the authority must make that payment to the Secretary of State, and
 - (b) the authority must make a payment to the Secretary of State of an amount equal to the amount of the payment shown by the relevant previous calculations as falling to be made by the Secretary of State to the authority.
- (6) Sub-paragraph (7) applies where—
- (a) a payment shown by the revised calculations as falling to be made by a relevant authority to the Secretary of State is less than that shown as falling to be made by the relevant previous calculations, or
 - (b) a payment shown by the revised calculations as falling to be made by the Secretary of State to a relevant authority exceeds that shown as falling to be made by the relevant previous calculations.
- (7) The Secretary of State must make a payment to the authority of an amount equal to the difference.
- (8) Where the relevant previous calculations did not show that the Secretary of State was to make a payment to a relevant authority, but the revised calculations show that the Secretary of State is to make a payment to the authority—
- (a) the Secretary of State must make that payment to the authority, and
 - (b) the Secretary of State must make a payment to the authority of an amount equal to the amount of the payment shown by the relevant previous calculations as falling to be made by the authority to the Secretary of State.
- (9) A payment by a relevant authority to the Secretary of State under this paragraph—
- (a) must be made on or before such day after the end of the year in which the amending report was made, and in such manner, as the Secretary of State may specify, and
 - (b) if not made on or before that day, is recoverable in a court of competent jurisdiction.
- (10) A payment by the Secretary of State to a relevant authority under this paragraph must be made—

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- (a) at such time, or
 - (b) in instalments of such amounts and at such times,
- as the Secretary of State determines with the Treasury's consent; but any such time must fall after the end of the year in which the amending report was made.

Relationship with other provisions

- 18 This Part is subject to Parts 9 (pooling of authorities) and 10 (designation of areas and classes of hereditament).]

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