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SCHEDULES

SCHEDULE 8

Section 60.

NON-DOMESTIC RATING: POOLING

PART I

NON-DOMESTIC RATING ACCOUNTS

The accounts

- 1 (1) In accordance with this Schedule the Secretary of State shall keep for each chargeable financial year an account (to be called a non-domestic rating account).
- (2) The Secretary of State—
- (a) shall keep each account in such form as the Treasury may direct, and
 - (b) shall at such time as the Treasury may direct send copies of each account to the Comptroller and Auditor General.
- (3) The Comptroller and Auditor General shall examine, certify and report on any account of which copies are sent to him under sub-paragraph (2) above and shall lay copies of the account and of his report before each House of Parliament.

Credits and debits

- 2 (1) For each chargeable financial year the following shall be credited (as items of account) to the account kept for the year—
- (a) sums received by the Secretary of State in the year under section 54 above,
 - (b) sums received by him in the year under [^{F1}section 59] above, and
 - (c) sums received by him in the year under paragraph 5 below [^{F2}or regulations made under sub-paragraph (15) of that paragraph].
- (2) For each chargeable financial year the following shall be debited (as items of account) to the account kept for the year—
- (a) payments made by the Secretary of State in the year [^{F3}under paragraph 5(10) or (14) below]^{F4}, under regulations made for the purpose mentioned in paragraph 4(7) below] or under regulations made under paragraph 5(15) or 6(5) below], and
 - (b) payments made by him in the year under [^{F5}paragraph 12 or 15 below] (as the case may be).

Textual Amendments

F1 Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, [Sch. 5 para. 41](#)

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- F2** Words in Sch. 8 para. 2(1)(c) added (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 86(1)** (with s. 118(1)(2)(4))
- F3** Words in Sch. 8 para. 2(2)(a) substituted (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 86(2)(a)** (with s. 118(1)(2)(4))
- F4** Words in Sch. 8 para. 2(2)(a) inserted (18.11.2003 for E., 27.11.2003 for W.) by Local Government Act 2003 (c. 26), s. 128(6), **Sch. 7 para. 26(2)**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F5** Words in Sch. 8 para. 2(2)(b) substituted (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 86(2)(b)** (with s. 118(1)(2)(4))

Modifications etc. (not altering text)

- C1** Sch. 8 para. 2 modified by S.I. 1990/493, **reg. 8(2)**
 Sch. 8 para. 2 modified (1.4.1993) by S.I. 1992/2996, **reg. 4(2)**
 Sch. 8 para. 2 amended (1.4.1993) by S.I. 1993/613, **reg. 5(2)**
- C2** Sch. 8 para. 2 amended by S.I. 1990/609, **reg. 5(2)**
- C3** Sch. 8 para. 2(1) modified (16.7.1992) by 1992 c. 46, s. 5(1) (with s. 8(1)); S.I. 1992/1642, **art. 2**
 Sch. 8 para. 2(1) modified (24.2.1994 with effect as mentioned in s. 3(1) of the amending Act) by 1994 c. 3, s. 3

- 3 (1) As soon as is reasonably practicable after the end of each chargeable financial year the Secretary of State shall calculate the following—
- the aggregate of the items of account credited to the account kept for the year, and
 - the aggregate of the items of account debited to the account kept for the year.
- (2) If the aggregate mentioned in sub-paragraph (1)(a) above exceeds that mentioned in sub-paragraph (1)(b) above, a sum equal to the excess shall be—
- debited (as an item of account) to the account kept for the year, and
 - credited (as an item of account) to the account kept for the next financial year.
- (3) If the aggregate mentioned in sub-paragraph (1)(b) above exceeds that mentioned in sub-paragraph (1)(a) above, a sum equal to the excess shall be—
- credited (as an item of account) to the account kept for the year, and
 - debited (as an item of account) to the account kept for the next financial year.

^{F6}PART II

CONTRIBUTION

Textual Amendments

- F6** Sch. 8 Pt. II amended (28.11.1994) by S.I. 1994/2825, **regs. 28, 33(1)**

Non-domestic rating contributions

- 4 (1) The Secretary of State may make regulations containing rules for the calculation of an amount for a chargeable financial year in relation to each [^{F7}billing authority] (to be called its non-domestic rating contribution for the year).

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- (2) The rules shall be so framed that the amount calculated under them in relation to an authority is broadly the same as the total which, if the authority acted diligently, would be payable to it in respect of the year under sections 43 and 45 above.
- (3) Sub-paragraph (2) above shall not apply in the case of a special authority, but the rules shall be so framed that the amount calculated under them in relation to the authority is broadly the same as the total which would be payable to it in respect of the year under sections 43 and 45 above if—
- [^{F8}(a) the authority's non-domestic rating multiplier and small business non-domestic rating multiplier for the year were equal respectively to the non-domestic rating multiplier and the small business non-domestic rating multiplier for the year, so far as relating to England, determined in accordance with Part 1 of Schedule 7 above, and.]
- (b) the authority acted diligently.
- ^{F9}(4)
- [^{F10}(4A) The rules may include provision for such deductions as the maker of the rules thinks fit for the purpose of enabling an authority to retain part, or all, of so much of the total payable to it in respect of the year under sections 43 and 45 above as exceeds an amount determined for the authority by or under the rules.
- (4B) Sub-paragraph (4A) above shall not apply in the case of a special authority.
- (4C) Sub-paragraph (2) above shall have effect subject to sub-paragraph (4A) above.
- (4D) The consent of the Treasury is required to the inclusion in regulations under this paragraph of provision under sub-paragraph (4A) above relating to England.]
- (5) The Secretary of State may incorporate in the rules provision for deductions (of such extent as he thinks fit) as regards—
- (a) the operation of sections 47 and 49 above;
- (b) costs of collection and recovery;
- (c) such other matters (if any) as he thinks fit;
- and sub-paragraphs (2) and (3) above shall have effect subject to this.
- ^{F11}[(5A) The Secretary of State may also incorporate in the rules provision for the deduction, in the case of a special authority, of an amount determined by him for the year in relation to that authority; and sub-paragraph (3) above shall have effect subject to this.]
- (6) Regulations under this paragraph in their application to a particular financial year (including regulations amending or revoking others) shall not be effective unless they come into force before 1 January in the preceding financial year.
- [^{F12}(7) Sub-paragraph (6) above does not apply to regulations made only for the purpose of amending the rules to increase deductions as regards the operation of section 49 above for the whole or part of the financial year.]

Textual Amendments

- F7** Words in Sch. 8 Pt. II para. 4(1) substituted (6.3.1992) by 1992 c. 14, s. 104, **Sch. 10 Pt. I para. 6(2)**(with s. 118(1)(2)(4))

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- F8** Sch. 8 para. 4(3)(a) substituted (25.11.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(3)(e), [Sch. 7 para. 26\(3\)](#); [S.I. 2004/3132](#), art. 2(d) (with art. 4)
- F9** Sch. 8 para. 4(4) repealed (6.3.1992) by [1992 c. 14](#), ss. 104, 117(2), [Sch. 10 Pt. I para. 6\(4\)](#), [Sch. 14](#) (with s. 118(1)(2)(4))
- F10** Sch. 8 para. 4(4A)-(4D) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), ss. 70(1), 128(6); [S.I. 2003/2938](#), art. 3(a) (with art. 8Sch.); [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. I](#)
- F11** Sch. 8 para. 4(5A) inserted (6.3.1992) by [1992 c. 14](#), s. 104, [Sch. 10 Pt. I para. 6\(5\)](#) (with s. 118(1)(2)(4))
- F12** Sch. 8 para. 4(7) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), ss. 71(2), 128(6); [S.I. 2003/2938](#), art. 3(a) (with art. 8Sch.); [S.I. 2003/3034](#), art. 2, [Sch. 1 Pt. I](#)

- 5 (1) This paragraph applies where regulations under paragraph 4 above are in force for a chargeable financial year ^{F13} and has effect subject to any provision made by virtue of paragraph 6(2A) below].
- (2) By such time before the year begins as the Secretary of State may direct, a ^{F14} [billing authority] shall calculate the amount of its non-domestic rating contribution for the year and shall notify the amount to the Secretary of State.
- (3) If the authority fails to comply with sub-paragraph (2) above or if the Secretary of State believes the amount notified is not likely to have been calculated in accordance with the regulations he may make his own calculation of the amount; and where he makes such a calculation he shall inform the authority why he has done so and shall inform it of the amount calculated.
- (4) The authority shall be liable to pay to the Secretary of State an amount (the provisional amount) equal to—
- that calculated and notified under sub-paragraph (2) above, or
 - if sub-paragraph (3) above applies, that calculated by the Secretary of State under it.
- (5) The authority shall pay the provisional amount during the course of the year, in such instalments and at such times as the Secretary of State may direct.
- (6) After the year ends the authority shall—
- calculate the amount of its non-domestic rating contribution for the year,
 - ^{F15} (b) notify the amount so calculated to the Secretary of State
 - ^{F16} (ba) if it is an authority in England notify to the Secretary of State, and if it is an authority in Wales notify to the National Assembly for Wales, the amount of any deduction that in accordance with provision under paragraph 4(4A) above is made in calculating the amount mentioned in paragraph (a) above,] and
 - (c) arrange for the calculation ^{F17}, and the amount or amounts notifiable under paragraphs (b) and (ba) above, ^{F18} to be certified—
 - if it is an authority in England, under arrangements made by the Audit Commission for Local Authorities and the National Health Service in England and Wales (“the Commission”), and
 - if it is an authority in Wales, under arrangements made by the Auditor General for Wales.]
- ^{F19} [(6A) The Commission ^{F20} or the Auditor General for Wales, as the case may be,] shall send a copy of the certification of the calculation and the amount ^{F21} or amounts] to the Secretary of State.]

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- (7) If the authority fails to comply with sub-paragraph (6) above by such time as the Secretary of State directs, he may suspend payments which would otherwise fall to be made to the authority under the relevant provisions (within the meaning given by paragraph 6(7) below); but if the authority then complies with the sub-paragraph he shall resume payments falling to be made to the authority under the relevant provisions and make payments to it equal to those suspended.
- (8) If, at any time after the year ends, the Secretary of State receives notification from an authority under [F22sub-paragraph (6)(b) above] above he shall—
- (a) calculate the amount of the difference (if any) between the amount notified and the provisional amount, and
 - (b) if there is a difference, inform the authority of the amount of the difference.
- (9) If the amount notified under [F22sub-paragraph (6)(b) above] above exceeds the provisional amount the authority shall pay an amount equal to the difference to the Secretary of State at such time as he may direct.
- ^{F23}[(10) If the amount notified under sub-paragraph (6)(b) above is less than the provisional amount, the Secretary of State shall—
- (a) if he believes that the amount so notified is not likely to have been calculated in accordance with the regulations under paragraph 4 above, inform the authority of his reasons for that belief;
 - (b) if he is not of that belief, pay to the authority, at such time as he decides with the Treasury's approval, an amount equal to the difference between the amount so notified and the provisional amount.
- (11) Sub-paragraph (12) below applies where—
- (a) at any time after the year ends the Secretary of State has received both a notification from an authority under sub-paragraph (6)(b) above and a copy of a certification sent to him in relation to the authority under sub-paragraph (6A) above, and
 - (b) the amount which is certified by the certification to be the authority's non-domestic rating contribution for the year (the certified amount) is different from the amount notified to the Secretary of State under sub-paragraph (6) (b) above.
- (12) Where this sub-paragraph applies the Secretary of State shall—
- (a) calculate the amount of the difference (if any) between the certified amount and the provisional amount, and
 - (b) if there is a difference, inform the authority of the amount of the difference.
- (13) If at the time the Secretary of State makes the calculation required by sub-paragraph (12) above no payment has been made under sub-paragraph (9) or (10) above in relation to the amount notified under sub-paragraph (6)(b) above—
- (a) sub-paragraphs (9) and (10) above shall not apply in relation to that amount, and
 - (b) sub-paragraph (14) below shall apply.
- (14) Where this sub-paragraph applies—
- (a) if the certified amount exceeds the provisional amount the authority shall pay an amount equal to the difference to the Secretary of State at such time as he may direct, and

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- (b) if the certified amount is less than the provisional amount the Secretary of State shall pay an amount equal to the difference to the authority, and the amount shall be paid at such time as he decides with the Treasury's approval.
- (15) Regulations under this sub-paragraph may make provision for financial adjustments to be made where at the time the Secretary of State makes the calculation required by sub-paragraph (12) above a payment has already been made under sub-paragraph (9) or (10) above in relation to the amount notified under sub-paragraph (6)(b) above; and the regulations may include provision—
- (a) for the making of payments by the Secretary of State or the authority, and
- (b) as to the time at which any such payment must be made.]

Textual Amendments

- F13** Words added by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), s. 139, **Sch. 5 para. 42(2)**
- F14** Words in Sch. 8 Pt. II para. 5(2) substituted (6.3.1992) by [1992 c. 14](#), s. 104, **Sch. 10 Pt. I para. 6(6)** (with s. 118(1)(2)(4))
- F15** Sch. 8 Pt. II para. 5(6)(b)(c) substituted (6.3.1992) by [1992 c. 14](#), s. 104, **Sch. 10 Pt. I para. 6(7)** (with s. 118(1)(2)(4))
- F16** Sch. 8 para. 5(6)(ba) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), **ss. 70(2)(a)**, 128(6); [S.I. 2003/2938](#), art. 3(a) (with art. 8Sch.); [S.I. 2003/3034](#), art. 2, Sch. 1 Pt. I (with [Sch. 2 para. 6](#))
- F17** Words in Sch. 8 para. 5(6)(c) substituted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), **ss. 70(2)(b)**, 128(6); [S.I. 2003/2938](#), art. 3(a) (with art. 8Sch.); [S.I. 2003/3034](#), art. 2, Sch. 1 Pt. I (with [Sch. 2 para. 6](#))
- F18** Words in Sch. 8 para. 5(6)(c) substituted (1.4.2005) by [Public Audit \(Wales\) Act 2004](#) (c. 23), s. 73, **Sch. 2 para. 8(a)**; [S.I. 2005/558](#), art. 2, Sch. 1
- F19** Sch. 8 Pt. II para. 5(6A) inserted (6.3.1992) by [1992 c. 14](#), s. 104, **Sch. 10 Pt. I para. 6(8)** (with s. 118(1)(2)(4))
- F20** Words in Sch. 8 para. 5(6A) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004](#) (c. 23), s. 73, **Sch. 2 para. 8(b)**; [S.I. 2005/558](#), art. 2, Sch. 1
- F21** Words in Sch. 8 para. 5(6A) inserted (18.11.2003 for E., 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), **ss. 70(3)**, 128(6); [S.I. 2003/2938](#), art. 3(a) (with art. 8Sch.); [S.I. 2003/3034](#), art. 2, Sch. 1 Pt. I (with [Sch. 2 para. 6](#))
- F22** Words in Sch. 8 Pt. II para. 5(8)(9) substituted (6.3.1992) by [1992 c. 14](#), s. 104, **Sch. 10 Pt. I para. 6(9)** (with s. 118(1)(2)(4))
- F23** Sch. 8 Pt. II para. 5(10)-(15) substituted (6.3.1992) for para. 5(10) by [1992 c. 14](#), s. 104, **Sch. 10 Pt. I para. 6(10)** (with s. 118(1)(2)(4))

Modifications etc. (not altering text)

- C4** Sch. 8 para. 5(4)(5)(7)(9)(10) modified by [S.I. 1990/493](#), **reg. 8(1)** and by [S.I. 1990/609](#), **reg. 5(1)**
 Sch. 8 para. 5(4)(5)(7)(9)(10)(b)(14) modified (1.4.1993) by [S.I. 1992/2996](#), **reg. 4(1)**
 Sch. 8 para. 5(4)(5)(7)(9)(10)(b)(14) restricted (1.4.1993) by [S.I. 1993/613](#), **reg. 5(1)**

- 6 (1) Any calculation under paragraph 5 above of the amount of an authority's non-domestic rating contribution for a year shall be made in accordance with the regulations under paragraph 4 above.
- ^{F24}(2) Such a calculation shall be made on the basis of the information before the person making the calculation at the time he makes it; but the Secretary of State may make regulations—

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- (a) requiring a calculation under paragraph 5(2) or (3) above to be made on the basis of that information read subject to prescribed assumptions;
 - (b) enabling a calculation under paragraph 5(6) above to be made without taking into account any information as regards which the following conditions are satisfied—
 - (i) it is not reasonably practicable for the person making the calculation to take it into account; and
 - (ii) it was received by the authority after a prescribed date (which may be before or after the end of the year in question).]
- [^{F25}(2A) Regulations under paragraph 4 above may incorporate in the rules provision for adjustments to be made in the calculation of the amount of an authority's non-domestic rating contribution under paragraph 5(2) or 5(6) above, being adjustments to take account of relevant changes affecting the amount of the authority's non-domestic rating contribution for an earlier year.
- (2B) For the purposes of sub-paragraph (2A) above, a change is a relevant change if it results from a decision, determination or other matter which (whether by reason of the time at which it was taken, made or occurred or otherwise) was not taken into account by the authority in the calculation under paragraph 5(6) above of the amount of its non-domestic rating contribution for the earlier year in question.]
- (3) The power to give a direction under paragraph 5 above—
 - (a) includes power to revoke or amend a direction given under the power;
 - (b) may be exercised differently for different authorities.
- (4) A direction under paragraph 5(5) above is ineffective unless given with the Treasury's consent.
- (5) The Secretary of State may make regulations providing that, once the provisional amount has been arrived at under paragraph 5 above as regards an authority for a financial year and if prescribed conditions are fulfilled, the provisional amount is to be treated for the purposes of that paragraph as being an amount smaller than it would otherwise be.
- (6) Regulations under sub-paragraph (5) above may include—
 - (a) provision as to the re-calculation of the provisional amount, including provision for the procedure to be adopted for re-calculation if the prescribed conditions are fulfilled;
 - (b) provision as to financial adjustments to be made as a result of any re-calculation, including provision for the making of reduced payments under paragraph 5 above or of repayments.
- [^{F26}(6A) Regulations made for the purpose mentioned in paragraph 4(7) above may include provision—
 - (a) for or in connection with the recalculation of the provisional amount for the financial year concerned, including provision for the procedure to be adopted for recalculation, and
 - (b) as to financial adjustments to be made, including provision for the making of reduced payments under paragraph 5 above or of repayments.]
 - (7) For the purposes of paragraph 5(7) above the relevant provisions are—
 - (a) paragraph 5(10) above,

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- [^{F27}(aa) regulations made for the purpose mentioned in paragraph 4(7) above,]
- (b) regulations made under sub-paragraph (5) above, and
- (c) [^{F28}paragraphs 12 and 15 below].

Textual Amendments

- F24** Sch. 8 para. 6(2) substituted (6.3.1992) by 1992 c. 14, s. 104, **Sch. 10 Pt. I para. 6(11)** (with s. 118(1)(2)(4))
- F25** Sch. 8 para. 6(2A)(2B) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 139, **Sch. 5 para. 42(3)**
- F26** Sch. 8 para. 6(6A) inserted (18.11.2003 for E., 27.11.2003 for W.) by Local Government Act 2003 (c. 26), **ss. 71(3), 128(6); S.I. 2003/2938, art. 3(a)** (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F27** Sch. 8 para. 6(7)(aa) inserted (18.11.2003 for E., 27.11.2003 for W.) by Local Government Act 2003 (c. 26), **ss. 71(4), 128(6); S.I. 2003/2938, art. 3(a)** (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F28** Words in Sch. 8 para. 6(7)(c) substituted (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 86(3)** (with s. 118(1)(2)(4))

Modifications etc. (not altering text)

- C5** Sch. 8 Pt. II para. 6(2) amended (28.11.1994) by S.I. 1994/2825, **reg. 33(3)**
- C6** Sch. 8 para. 6(6) modified (23.6.1992) by 1992 c. 46, **s. 5(2)** (with s. 8(1)); S.I. 1992/1486, **art.2**

Recovery

- 7 Where an amount has become payable under any provision of or made under this Part of this Schedule, and it has not been paid, it shall be recoverable in a court of competent jurisdiction.

^{F29}[PART III

DISTRIBUTION

Textual Amendments

- F29** Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para.7** (with s. 118(1)(2)(4))

Modifications etc. (not altering text)

- C7** Sch. 8 Pt. III amended (1.11.1996) by 1996 c. 56, **ss. 256(6), 257, 583(2)** (with s. 1(4), Sch. 39)

^{F30}Interpretation

Textual Amendments

- F30** Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para.7** (with s. 118(1)(2)(4))

- ^{F31}8 (1) For the purposes of this Part of this Schedule a receiving authority is any billing authority or major precepting authority.

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- (2) Any reference in this Part of this Schedule to a local government finance report is a reference to a report made under section 78A [^{F32}or 84G] above.

Textual Amendments

- F31** Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para.7** (with s. 118(1)(2)(4))
- F32** Words in Sch. 8 para. 8(2) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by Local Government Act 2003 (c. 26), s. 128(4)(e), **Sch. 2 para. 2(2)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

Modifications etc. (not altering text)

- C8** Sch. 8 para. 8 modified (*temp.*) (12.1.2000) by S.I. 1999/3435, **art. 2**

^{F33}Distributable amount

Textual Amendments

- F33** Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para.7** (with s. 118(1)(2)(4))

- ^{F34}9 (1) Before a financial year begins the Secretary of State shall estimate—
- (a) the aggregate of the items of account which will be credited to the account kept for the year; and
 - (b) the aggregate of the items of account which will be debited to the account kept for the year under paragraphs 2(2)(a) and 3(3)(b) above.
- (2) In making any estimate under sub-paragraph (1) above the Secretary of State may make such assumptions as he sees fit.
- (3) If the aggregate estimated under sub-paragraph (1)(a) above exceeds the aggregate estimated under sub-paragraph (1)(b) above the Secretary of State shall calculate the amount equal to the difference.
- (4) In the local government finance report for the year the Secretary of State shall specify the amount arrived at under this paragraph (the distributable amount for the year)[^{F35}, subject to paragraph 9A below.]

Textual Amendments

- F34** Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para.7** (with s. 118(1)(2)(4))
- F35** Words in Sch. 8 para. 9(4) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by Local Government Act 2003 (c. 26), s. 128(4)(e), **Sch. 2 para. 2(3)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

Modifications etc. (not altering text)

- C9** Sch. 8 para. 9 modified (16.7.1992) by 1992 c. 46, **s.4** (with s. 8(1)); S.I. 1992/1642, **art.2** and (6.7.1993) by 1993 c. 17, **ss.2, 5(1)**; S.I. 1993/1512, **art.2**

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Sch. 8 para. 9 modified (24.2.1994 with effect as mentioned in [s. 3\(1\)](#) of the amending Act) by [1994 c. 3, s. 3](#)

^{F36}Years where two local government finance reports prepared for Wales

Textual Amendments

F36 Sch. 8 para. 9A and cross-heading inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(4\)\(e\), Sch. 2 para. 2\(4\)](#) (with [s. 40\(2\)](#)); [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#)

- 9A (1) Where the National Assembly for Wales publishes two local government finance reports for a particular financial year—
- (a) paragraph 9(4) above does not apply in relation to Wales as respects that year, and
 - (b) the Assembly shall decide whether—
 - (i) distribution among all receiving authorities of the amount arrived at under paragraph 9 above for the year is to be dealt with in just one of those reports (the chosen report), or
 - (ii) each of those reports is to deal with the distribution of so much of that amount as is for the receiving authorities to which that report relates.
- (2) If the Assembly decides as mentioned in sub-paragraph (1)(b)(i) above—
- (a) the Assembly shall specify that amount (the distributable amount for the year) in the chosen report, and
 - (b) the chosen report is the local government finance report for that year to which the requirement under paragraph 10(1) below applies.
- (3) If the Assembly decides as mentioned in sub-paragraph (1)(b)(ii) above—
- (a) paragraphs 10 and 11 below do not apply in relation to Wales as respects the year (but see paragraphs 11A to 11C below),
 - (b) the power under paragraph 13 below may (in particular) be exercised by making a single amending report relating to both of the local government finance reports for the year, and
 - (c) paragraph 14 below does not apply in relation to any report amending either of those reports (but see paragraph 14A below).]

^{F37}Distribution: local government finance reports

Textual Amendments

F37 Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by [1992 c. 14, s. 104, Sch. 10 Pt. I para. 7](#) (with [s. 118\(1\)\(2\)\(4\)](#))

Modifications etc. (not altering text)

C10 Sch. 8 Pt. III (paras. 8-15) amended (1.11.1996) by [1996 c. 56, ss. 256\(6\), 257, 583\(2\)](#)

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- ^{F38}10 (1) A local government finance report for a financial year shall specify the basis (the basis of distribution) on which the Secretary of State proposes to distribute among receiving authorities the distributable amount for the year.
- (2) Before making the report the Secretary of State shall notify to such representatives of local government as appear to him to be appropriate the general nature of the basis of distribution.

Textual Amendments

F38 Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para.7** (with s. 118(1)(2)(4))

Modifications etc. (not altering text)

C11 Sch. 8 para. 10 modified (*temp.*) (12.1.2000) by **S.I. 1999/3435, art. 2**

- ^{F39}11 (1) This paragraph applies where—
- (a) in relation to a financial year, the distributable amount for the year has been calculated and specified in a report in accordance with [^{F40}paragraphs 9 and 9A(2)] above; and
 - (b) the report has been laid before the House of Commons.
- (2) If the report is approved by resolution of the House of Commons, the distributable amount for the year shall be distributed among and paid to receiving authorities in accordance with this paragraph and paragraph 12 below.
- (3) As soon as is reasonably practicable after the report has been so approved, the Secretary of State shall calculate what sum falls to be paid to each receiving authority as its share of the distributable amount for the year in accordance with the basis of distribution specified in the report as so approved.
- (4) Subject to sub-paragraph (5) below, after making a calculation under sub-paragraph (3) above, the Secretary of State may, at any time before the end of the financial year following the financial year to which the report relates, make one further calculation of what sum falls to be paid to each receiving authority as its share of the distributable amount for the year in accordance with the basis of distribution so specified.
- (5) The power to make a calculation under sub-paragraph (4) above shall not be exercisable after the approval by resolution of the House of Commons of any amending report made under paragraph 13 below in relation to the local government finance report.
- (6) If the Secretary of State decides that he will leave out of account information received by him after a particular date in making a calculation under sub-paragraph (3) or (4) above, the calculation shall be made accordingly, and he may decide different dates for different kinds of information.
- (7) Sub-paragraph (6) above applies only if the Secretary of State informs each receiving authority in writing of his decision and of the date (or the dates and kinds of information) concerned; but he may do this at any time before the calculation is made under this paragraph (whether before or after the distributable amount for the year is calculated under paragraph 9 above).

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- (8) As soon as is reasonably practicable after making a calculation under sub-paragraph (3) or (4) above, the Secretary of State shall inform each receiving authority of the sum he calculates falls to be paid to it as its share of the distributable amount for the year.

Textual Amendments

- F39** Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by [1992 c. 14, s. 104, Sch. 10 Pt. I para.7](#) (with [s. 118\(1\)\(2\)\(4\)](#))
- F40** Words in Sch. 8 para. 11(1)(a) substituted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(4\)\(e\), Sch. 2 para. 2\(5\)](#) (with [s. 40\(2\)](#)); [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#)

Modifications etc. (not altering text)

- C12** Sch. 8 para. 11 modified (*temp.*) (12.1.2000) by [S.I. 1999/3435, art. 2](#)

- I**
F41 **11A** (1) Where the National Assembly for Wales proposes to publish two local government finance reports for a particular financial year and as respects that year decides as mentioned in paragraph 9A(1)(b)(ii) above, the Assembly shall in each of those reports—
- (a) specify the amount for the year arrived at under paragraph 9 above,
 - (b) specify how much of that amount is for the receiving authorities to which the report relates, and
 - (c) specify the basis on which the Assembly proposes to distribute among those authorities the amount specified under paragraph (b) above.
- (2) Before making such a report as is mentioned in sub-paragraph (1) above, the Assembly shall notify the general nature of the basis of distribution proposed to be specified in the report to such representatives of local government as appear to the Assembly to be appropriate.

Textual Amendments

- F41** Sch. 8 paras. 11A-11C inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by [Local Government Act 2003 \(c. 26\), s. 128\(4\)\(e\), Sch. 2 para. 2\(6\)](#) (with [s. 40\(2\)](#)); [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#)

- 11B** (1) This paragraph applies where the National Assembly for Wales—
- (a) publishes a local government finance report that is one of two being published by it for a particular financial year, and
 - (b) as respects that year decides as mentioned in paragraph 9A(1)(b)(ii) above.
- (2) The amount specified under paragraph 11A(1)(b) above in the report shall be distributed among and paid to the receiving authorities to which the report relates in accordance with this paragraph and paragraph 12 below.
- (3) As soon as is reasonably practicable after the report is published, the Assembly shall calculate in relation to each of those authorities what sum falls to be paid to the authority as its share of the amount specified under paragraph 11A(1)(b) above.
- (4) The calculation under sub-paragraph (3) above shall be in accordance with the basis of distribution specified in the report.

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- (5) The Assembly may carry out the sub-paragraph (3) calculation again at any time before the end of the financial year immediately following the one to which the report relates.
- (6) The power under sub-paragraph (5) above may only be exercised once and ceases to be exercisable if the Assembly publishes under paragraph 13 below a report amending the report.
- (7) As soon as is reasonably practicable after making a calculation under sub-paragraph (3) or (5) above, the Assembly shall inform each receiving authority to which the report relates of the outcome, so far as relating to it.

Textual Amendments

F41 Sch. 8 paras. 11A-11C inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(4)(e), **Sch. 2 para. 2(6)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 11C
- (1) The National Assembly for Wales may set a deadline for the receipt of information to be taken into account by it when making a calculation under paragraph 11B(3) or (5) above.
 - (2) Different deadlines may be set under sub-paragraph (1) above in relation to different kinds of information.
 - (3) A deadline under sub-paragraph (1) above shall only have effect if the Assembly informs each receiving authority concerned of the deadline and of the information to which it relates.
 - (4) Notification under sub-paragraph (3) above may be given at any time before the making of the calculation to which the deadline relates, including a time before the distributable amount for the year is calculated under paragraph 9 above.
 - (5) When making a calculation in relation to which a deadline under sub-paragraph (1) above has effect, the Assembly shall leave information to which the deadline applies out of account if it is received after the passing of the deadline.]

Textual Amendments

F41 Sch. 8 paras. 11A-11C inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(4)(e), **Sch. 2 para. 2(6)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- ^{F42}12
- (1) Where a calculation is made under paragraph 11(3) [^{F43}or 11B(3)] above the Secretary of State shall pay to each receiving authority any sum calculated as falling to be paid to it.
 - (2) The sum shall be paid in instalments of such amounts, and at such times in the financial year to which the report relates (the financial year concerned), as the Secretary of State determines with the Treasury's consent.
 - (3) Where a calculation is made under paragraph 11(4) [^{F44}or 11B(5)] above and the sum it shows as falling to be paid to a receiving authority exceeds that shown as falling to be paid to it by the calculation for the financial year concerned under paragraph

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11(3) [^{F45}or 11B(3)] above, the Secretary of State shall pay to the authority a sum equal to the difference.

- (4) The sum shall be paid at such time, or 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 financial year concerned.
- (5) Where a calculation is made under paragraph 11(4) [^{F46}or 11B(5)] above and the sum it shows as falling to be paid to a receiving authority is less than that shown as falling to be paid to it by the calculation for the financial year concerned under paragraph 11(3) [^{F47}or 11B(3)] above, a sum equal to the difference shall be paid by the authority to the Secretary of State.
- (6) The sum shall be paid on such day after the end of the financial year concerned as the Secretary of State may specify; and if it is not paid on or before that day it shall be recoverable in a court of competent jurisdiction.

Textual Amendments

- F42** Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para. 7** (with s. 118(1)(2)(4))
- F43** Words in Sch. 8 para. 12(1) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by **Local Government Act 2003** (c. 26), s. 128(4)(e), **Sch. 2 para. 2(7)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F44** Words in Sch. 8 para. 12(3) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by **Local Government Act 2003** (c. 26), s. 128(4)(e), **Sch. 2 para. 2(8)(a)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F45** Words in Sch. 8 para. 12(3) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by **Local Government Act 2003** (c. 26), s. 128(4)(e), **Sch. 2 para. 2(8)(b)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F46** Words in Sch. 8 para. 12(5) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by **Local Government Act 2003** (c. 26), s. 128(4)(e), **Sch. 2 para. 2(8)(a)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F47** Words in Sch. 8 para. 12(5) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by **Local Government Act 2003** (c. 26), s. 128(4)(e), **Sch. 2 para. 2(8)(b)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

Modifications etc. (not altering text)

- C13** Sch. 8 para. 12 modified (1.4.1993) by S.I. 1992/2996, **reg. 4(1)**
 Sch. 8 para. 12 restricted (1.4.1993) by S.I. 1993/613, **reg. 5(1)**
 Sch. 8 para. 12 modified (*temp.*) (12.1.2000) by S.I. 1999/3435, **art. 2**

^{F48}*Distribution: amending reports*

Textual Amendments

- F48** Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para. 7** (with s. 118(1)(2)(4))

- ^{F49}**13** (1) Subject to sub-paragraph (6) below, after a local government finance report has been made the Secretary of State may, at any time before the end of the financial year

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following the financial year concerned, make in relation to the report one or more amending reports under this paragraph.

- (2) An amending report under this paragraph shall contain amendments to the basis of distribution specified in the local government finance report.
- (3) Before making the report the Secretary of State shall notify to such representatives of local government as appear to him to be appropriate the general nature of the amendments which he proposes to make.
- (4) The report shall be laid 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 shall send a copy of it to each receiving 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.

Textual Amendments

F49 Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para.7** (with s. 118(1)(2)(4))

- ^{F50}14 (1) As soon as is reasonably practicable after an amending report made under paragraph 13 above has been approved by resolution of the House of Commons, the Secretary of State shall calculate what sum falls to be paid to each receiving authority as its share of the distributable amount for the year in accordance with the basis of distribution specified in the local government finance report as amended by the amending report.
- (2) Subject to sub-paragraph (3) below, after making a calculation under sub-paragraph (1) above the Secretary of State may make one further calculation of what sum falls to be paid to each receiving authority as its share of the distributable amount for the year in accordance with that basis of distribution.
 - (3) A calculation may not be made under sub-paragraph (2) above after whichever is the later of—
 - (a) the end of the financial year following the financial year concerned, 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.
 - (4) Sub-paragraphs (6) to (8) of paragraph 11 above apply in relation to calculations made under sub-paragraphs (1) and (2) above as they apply in relation to calculations made under sub-paragraphs (3) and (4) of that paragraph.

Textual Amendments

F50 Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para.7** (with s. 118(1)(2)(4))

- [
^{F51}14A (1) This paragraph applies where—
 - (a) a report is made under paragraph 13 above amending a report (“the original report”) that is one of two local government finance reports that the National Assembly for Wales publishes for a particular financial year, and

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- (b) as respects that year the Assembly decides as mentioned in paragraph 9A(1)(b)(ii) above.
- (2) As soon as is reasonably practicable after the amending report is published by the Assembly, the Assembly shall calculate in relation to each of the authorities to which the original report relates what sum falls to be paid to the authority as its share of the amount specified under paragraph 11A(1)(b) above in the original report.
- (3) The calculation under sub-paragraph (2) above shall be in accordance with the amended basis of distribution.
- (4) The Assembly may carry out the sub-paragraph (2) calculation again at any time before—
 - (a) the end of the financial year immediately following the one to which the original report relates, or
 - (b) if later, the end of the period of 3 months beginning with the day on which the Assembly publishes the amending report.
- (5) The power under sub-paragraph (4) above may only be exercised once.
- (6) Paragraphs 11B(7) and 11C above apply in relation to calculations made under sub-paragraphs (2) and (4) above as they apply in relation to calculations made under paragraph 11B(3) and (5) above.]

Textual Amendments

F51 Sch. 8 para. 14A inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), s. 128(4)(e), [Sch. 2 para. 2\(9\)](#) (with s. 40(2)); [S.I. 2003/3034](#), art. 2, Sch. 1 Pt. I

- ^{F52}15 (1) This paragraph applies where a calculation (the relevant calculation) is made under paragraph 14(1) or (2) [^{F53}or 14A(2) or (4)] above in relation to an amending report.
- (2) Where the sum shown by the relevant calculation as falling to be paid to a receiving authority for the financial year concerned exceeds that shown as falling to be paid to it by the relevant previous calculation, the Secretary of State shall pay to the authority a sum equal to the difference.
 - (3) The sum shall be paid at such times, or 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 financial year in which the amending report was made.
 - (4) Where the sum shown by the relevant calculation as falling to be paid to a receiving authority for the financial year concerned is less than that shown as falling to be paid to it by the relevant previous calculation, a sum equal to the difference shall be paid by the authority to the Secretary of State.
 - (5) The sum shall be paid on such day after the end of the financial year in which the amending report was made as the Secretary of State may specify; and if it is not paid on or before that day it shall be recoverable in a court of competent jurisdiction.
 - (6) In this paragraph “the relevant previous calculation” means—
 - (a) in relation to a calculation made under paragraph 14(1) [^{F54}or 14A(2)] above, the calculation under paragraph 11(3) [^{F55}or 11B(3)] above or, where a

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- further calculation has been made under paragraph 11(4) [^{F56}or 11B(5)] above, that further calculation;
- (b) in relation to a calculation made under paragraph 14(2) [^{F57}or 14A(4)] above, the calculation made under paragraph 14(1) [^{F54}or 14A(2)] above.]

Textual Amendments

- F52** Sch. 8 Pt. III (paras. 8-15) substituted (6.3.1992) for paras. 8-16 by 1992 c. 14, s. 104, **Sch. 10 Pt. I para.7** (with s. 118(1)(2)(4))
- F53** Words in Sch. 8 para. 15(1) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by Local Government Act 2003 (c. 26), s. 128(4)(e), **Sch. 2 para. 2(10)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F54** Words in Sch. 8 para. 15(6) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by Local Government Act 2003 (c. 26), s. 128(4)(e), **Sch. 2 para. 2(11) (a)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F55** Words in Sch. 8 para. 15(6) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by Local Government Act 2003 (c. 26), s. 128(4)(e), **Sch. 2 para. 2(11) (b)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F56** Words in Sch. 8 para. 15(6) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by Local Government Act 2003 (c. 26), s. 128(4)(e), **Sch. 2 para. 2(11) (c)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F57** Words in Sch. 8 para. 15(6) inserted (27.11.2003 for the purpose of and in relation to financial years beginning on or after 1.4.2004) by Local Government Act 2003 (c. 26), s. 128(4)(e), **Sch. 2 para. 2(11) (d)** (with s. 40(2)); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

Modifications etc. (not altering text)

- C14** Sch. 8 para. 15 modified (1.4.1993) by S.I. 1992/2996, **reg. 4(1)**
Sch. 8 para. 15 restricted (1.4.1993) by S.I. 1993/613, **reg. 5(1)**

[^{F58}Source of payments by Welsh Ministers

Textual Amendments

- F58** Sch. 8 para. 16 inserted (1.4.2007) by Government of Wales Act 2006 (c. 32), s. 161(3), **Sch. 10 para. 21** (with Sch. 11 para. 22)

- 16 Sums required for the making of payments by the Welsh Ministers under this Part of this Schedule are to be charged on the Welsh Consolidated Fund.]

Recovery

- 16 Where an amount has become payable under any provision of this Part of this Schedule, and it has not been paid, it shall be recoverable in a court of competent jurisdiction.

Modifications etc. (not altering text)

- C15** Sch. 8 para. 16 modified by S.I. 1990/493, **reg. 8(1)** and by S.I. 1990/609, **reg. 5(1)**

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C16 Sch. 8 para. 16 modified (temp.) (25.7.2006) by [Government of Wales Act 2006 \(c. 32\), s. 161\(2\)](#), [Sch. 11 para. 59\(b\)](#)

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