



Local Government Finance Act 1988

1988 CHAPTER 41

PART VII

LIMITATION OF CHARGES ETC

104 Challenge of maximum amount

- (1) This section applies where a designated authority informs the Secretary of State by notice in writing under section 102(5)(a) above.
- (2) If the authority is a charging authority, after considering any information he thinks is relevant the Secretary of State shall (subject to subsection (8) below) make an order stating the amount which the amount calculated by it in relation to the year under section 95(4) above is not to exceed.
- (3) Subject to subsection (4) below, the amount stated under subsection (2) above may be the same as, or greater or smaller than, that stated in the notice under section 102(1)(c) above.
- (4) The amount stated under subsection (2) above may not exceed the amount already calculated by the authority in relation to the year under section 95(4) above unless, in the Secretary of State's opinion, the authority failed to comply with section 95 above in making the calculation.
- (5) If the authority is a precepting authority, after considering any information he thinks is relevant the Secretary of State shall (subject to subsection (8) below) make an order stating the amount which the aggregate amount of precepts issued by it for the year is not to exceed.
- (6) Subject to subsection (7) below, the amount stated under subsection (5) above may be the same as, or greater or smaller than, that stated in the notice under section 102(1)(c) above.
- (7) The amount stated under subsection (5) above may not exceed the aggregate amount of precepts already issued by the authority for the year unless, in the Secretary of State's

Status: This is the original version (as it was originally enacted).

opinion, the authority failed to fulfil section 68(3) or 69(3) or (4) above in issuing any precept.

- (8) The power to make an order under this section shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of the House of Commons.
- (9) An order under this section may relate to two or more authorities.
- (10) As soon as is reasonably practicable after an order under this section is made the Secretary of State shall serve on the authority (or each authority) a notice stating the amount stated in the case of the authority in the order.
- (11) When he serves a notice under subsection (10) above on a precepting authority the Secretary of State shall also serve a copy of it on each charging authority to which the precepting authority has power to issue a precept.
- (12) In construing subsection (4) above any calculation for which another has been substituted at the time of designation shall be ignored.
- (13) In construing subsection (7) above any precept for which another has been substituted at the time of designation shall be ignored.