

*Changes to legislation:* Local Government Finance Act 1992, Part II is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 12

#### PAYMENTS TO LOCAL AUTHORITIES BY SECRETARY OF STATE: SCOTLAND

##### PART II

##### NON-DOMESTIC RATING ACCOUNTS

###### *The accounts*

6 (1) In accordance with this Part of this Schedule the Secretary of State shall keep, in respect of the financial year 1993-94 and each subsequent financial year, an account (to be called a non-domestic rating account).

[<sup>F1</sup>(2) The Scottish Ministers shall send each account kept by them in accordance with sub-paragraph (1) to the Auditor General for Scotland for auditing.]

###### Textual Amendments

**F1** Sch. 12 para. 6(2) substituted for Sch. 12 para. 6(2)(3) (1.4.2002) by [The Public Finance and Accountability \(Scotland\) Act 2000 \(Consequential Modifications\) Order 2002 \(S.S.I. 2002/176\)](#), [art. 6](#)

###### *Credits and debits*

7 (1) For each financial year there shall be credited (as items of account) to the account kept for the year any sums received by the Secretary of State in the year under paragraph 11 below.

(2) Any amounts of non-domestic rate income distributed by the Secretary of State in a financial year under—

- (a) paragraph 3 above;
- (b) paragraph 11(9) and (10) below; or
- (c) regulations made under paragraph 12(5) below,

shall be debited (as items of account) to the account kept for the year

8 (1) As soon as is reasonably practicable after the end of each financial year the Secretary of State shall calculate the following—

- (a) the aggregate of the items of account credited to the account kept for the year; and
- (b) 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—

- (a) debited (as an item of account) to the account kept for the year; and

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- (b) 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—
  - (a) credited (as an item of account) to the account kept for the year; and
  - (b) debited (as an item of account) to the account kept for the next financial year.

*Distributable amount*

- 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 that year; and
  - (b) the aggregate of the items of account which will be debited to the account kept for that year under paragraphs 7(2)(b) and (c) and 8(3)(b) above.
- (2) In making any estimate under sub-paragraph (1) above the Secretary of State may make such assumptions as he thinks 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 any local government finance order in respect of that year the Secretary of State shall specify the amount arrived at under this paragraph (the distributable amount for the year).

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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. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). The amending S.I. was revoked before ever coming into force by [S.I. 2010/1906, reg. 2](#))

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

- s. 6(2)(ea) inserted by [2012 c. 17 s. 13\(1\)](#)