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## SCHEDULES

### SCHEDULE 6 **E+W+S**

Section 87.

#### PROCEDURE FOR DETERMINING THE AUTHORITY’S CONSOLIDATED BUDGET REQUIREMENT

##### **Modifications etc. (not altering text)**

- C1** Sch. 6 applied (with modifications) (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1992 c. 14, s. 52J (as inserted (27.7.1999 with application in relation to the limitation of council tax and precepts as regards the financial year beginning with 1.4.2000 and subsequent financial years) by 1999 c. 27, s. 30, **Sch. 1 Pt. 1 para. 1**)

##### *Preliminary*

- 1 (1) It shall be the duty of the Mayor and the Assembly, in accordance with the following provisions of this Schedule, to prepare and approve for each financial year—
- (a) a budget for each of the constituent bodies as such (a “component budget”); and
  - (b) a consolidated budget for the Authority (a “consolidated budget”).
- (2) A component budget must consist of statements of—
- (a) the amount of the component budget requirement for the constituent body concerned; and
  - (b) the calculations under section 85(4) to (7) of this Act which give rise to that amount.
- (3) A consolidated budget must consist of statements of—
- (a) the amount of the Authority’s consolidated budget requirement;
  - (b) the amount of the component budget requirement for each constituent body; and
  - (c) the calculations under section 85(4) to (8) of this Act which give rise to each of the amounts mentioned in paragraphs (a) and (b) above.
- (4) In this Schedule “public meeting”, in relation to the Assembly, means a meeting of the Assembly throughout which members of the public are entitled to be present.

##### *Mayor’s draft component budget for each constituent body*

- 2 (1) For each financial year, the Mayor shall prepare a draft of his proposed component budget for each of the constituent bodies (a “draft component budget”).
- (2) Before preparing the draft component budget for the Authority, the Mayor shall consult the Assembly.

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- (3) Before preparing the draft component budget for a functional body, the Mayor shall consult the body.

*Draft consolidated budget*

- 3 (1) After the Mayor has prepared the draft component budgets under paragraph 2 above, he shall prepare a draft of his proposed consolidated budget for the financial year (the “draft consolidated budget”).
- (2) Before finally determining the contents of the draft consolidated budget, the Mayor shall consult—
- (a) the Assembly, if paragraph (b) below does not apply, or
  - (b) if the Assembly has so resolved, such committee or other representatives of the Assembly as may be specified in, or determined in accordance with, the resolution,
- and (in either case) such other bodies or persons as appear appropriate to the Mayor.
- (3) The Mayor shall—
- (a) present the draft consolidated budget to the Assembly at a public meeting of the Assembly; and
  - (b) publish it in such manner as he may determine.
- (4) It shall be the duty of the Mayor to comply with paragraph 2 and sub-paragraphs (1) to (3) above on or before 1st February in the financial year preceding that to which the draft consolidated budget relates.

*Failure of Mayor to comply with paragraph 3(4)*

- 4 (1) If the Mayor fails to comply with paragraph 3(4) above, the Assembly shall—
- (a) prepare a draft component budget for each functional body, after consultation with that body;
  - (b) prepare a draft component budget for the Authority; and
  - (c) prepare a draft consolidated budget.
- (2) If, at a public meeting of the Assembly, the draft consolidated budget prepared under sub-paragraph (1)(c) above is approved by the Assembly—
- (a) that draft, as so approved, shall be the Authority’s consolidated budget for the financial year to which it relates; and
  - (b) the following provisions of this Schedule shall not apply in relation to the consolidated budget or the component budgets for that financial year.

*Assembly consideration of Mayor’s draft budget*

- 5 (1) This paragraph applies where the Mayor presents a draft consolidated budget to the Assembly in accordance with paragraph 3 above.
- (2) The draft consolidated budget must be considered at a public meeting of the Assembly.
- (3) The Assembly must approve the draft consolidated budget, together with the draft component budgets comprised in it, with or without amendment.

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- (4) For the purposes of sub-paragraph (3) above, the only amendments which are to be made are those agreed to by the Assembly.
- (5) If no amendments are made on consideration of the draft consolidated budget (whether to that budget or to any of the draft component budgets comprised in it) the draft consolidated budget shall be deemed to be approved without amendment.

*The Mayor’s final draft of the proposed consolidated budget*

- 6 (1) After—
  - (a) the draft consolidated budget has been approved (with or without amendment) under paragraph 5 above, or
  - (b) such period as the Mayor considers reasonable has elapsed without the draft consolidated budget having been so approved,the Mayor shall prepare a final draft of his proposed consolidated budget for the financial year (the “final draft budget”).
- (2) In a case falling within paragraph (b) of sub-paragraph (1) above—
  - (a) the Mayor shall lay before the Assembly in accordance with the standing orders of the Authority a statement that he is proceeding by virtue of that paragraph; and
  - (b) on the laying of the statement, the Assembly shall be deemed to have approved the draft consolidated budget without amendment.
- (3) Whether the Assembly have approved the draft consolidated budget with or without amendment, the final draft budget may be—
  - (a) the draft consolidated budget, as approved by the Assembly, with the amendments (if any) made under paragraph 5 above;
  - (b) the draft consolidated budget amended by the Mayor as he considers appropriate; or
  - (c) the same as the draft consolidated budget.
- (4) The Mayor shall—
  - (a) present the final draft budget to the Assembly; and
  - (b) publish it in such manner as he may determine.
- (5) If—
  - (a) the Assembly approved the draft consolidated budget with amendments under paragraph 5 above, but
  - (b) the final draft budget is anything other than the draft consolidated budget with those amendments,the Mayor, at the time when he presents the final draft budget to the Assembly, shall lay before the Assembly in accordance with standing orders of the Authority a written statement of his reasons for preparing a final draft budget which is not the draft consolidated budget with those amendments.
- (6) It shall be the duty of the Mayor (having regard to paragraph 8(7) below) to comply with sub-paragraph (4) above before the last day of February in the financial year preceding that to which the final draft budget relates.

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*Failure of Mayor to present final draft budget*

- 7
- (1) This paragraph applies if the Mayor has complied with paragraph 3(4) above but has failed to comply with paragraph 6(6) above.
  - (2) Where this paragraph applies, a public meeting of the Assembly shall be held to determine the Authority’s consolidated budget requirement.
  - (3) The component budget requirement of each of the constituent bodies shall be agreed by the Assembly.
  - (4) The Authority’s consolidated budget requirement shall be deemed to be agreed by the Assembly accordingly.
  - (5) Where this paragraph applies, the following provisions of this Schedule shall not apply in relation to the consolidated budget or the component budgets for the financial year in question.

*Approval of Mayor’s final draft budget by Assembly*

- 8
- (1) This paragraph applies where the Mayor presents a final draft budget to the Assembly in accordance with paragraph 6 above.
  - (2) The final draft budget must be considered at a public meeting of the Assembly.
  - (3) After considering the final draft budget, the Assembly must approve it with or without amendment.
  - (4) For the purposes of sub-paragraph (3) above, the only amendments which are to be made are those agreed to by at least two-thirds of the Assembly members voting.
  - (5) If no amendments are made on consideration of the final draft budget, the final draft budget shall be deemed to be approved without amendment.
  - (6) The final draft budget as approved by the Assembly with or without amendment shall be the Authority’s consolidated budget for the financial year.
  - (7) It shall be the duty of the Assembly to approve the final draft budget with or without amendment before the last day of February in the financial year preceding that to which the final draft budget relates.

*Failure of Assembly to approve final draft budget*

- 9
- If the Assembly fails to comply with paragraph 8(7) above, the final draft budget presented to the Assembly in accordance with paragraph 6 above shall be the Authority’s consolidated budget for the financial year.

*Regulations amending dates*

- 10
- The Secretary of State may by regulations modify this Schedule in its application in relation to any particular financial year, by substituting for any reference to 1st February in the preceding financial year a reference to such other day as may be specified in the regulations.

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#### Commencement Information

- II** Sch. 6 para. 10 wholly in force at 3.7.2000; by virtue of s. 425(2) it is provided that the Act comes into force at Royal Assent in regards to any power of a Minister of the Crown to make regulations or an order; Sch. 6 para. 10 in force at 3.7.2000 by [S.I. 1999/3434](#), [art. 4](#)

#### Publication

- 11 (1) The Mayor shall as soon as practicable publish each of the following documents—
- (a) the Authority’s consolidated budget for the year; and
  - (b) the component budget of each constituent body for the year.
- (2) In this paragraph “relevant document” means any document required to be published under sub-paragraph (1) above.
- (3) A copy of each relevant document shall be kept available for the appropriate period by the Mayor for inspection by any person on request free of charge at the principal offices of the Authority at reasonable hours.
- (4) A copy of any relevant document, or any part of a relevant document, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.
- (5) In this paragraph “the appropriate period” in the case of any document is the period of six years beginning with the date of publication of the document pursuant to this paragraph.

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