

*Status: Point in time view as at 15/01/2012.*

**Changes to legislation:** Localism Act 2011, Cross Heading: Local Government Finance Act 1992 (c. 14) is up to date with all changes known to be in force on or before 22 May 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)

## SCHEDULES

### SCHEDULE 6

#### COUNCIL TAX REFERENDUMS: FURTHER AMENDMENTS

##### *Local Government Finance Act 1992 (c. 14)*

1 The Local Government Finance Act 1992 is amended as follows.

#### **Commencement Information**

**II** Sch. 6 para. 1 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 2 (1) Section 31 (substituted amounts) is amended as follows.
- (2) In subsection (1) for the “or” at the end of paragraph (a) substitute—  
“(aa) substitute calculations it has made under section 52ZF below have effect by virtue of section 52ZH or 52ZI below; or”.
- (3) After subsection (4) insert—  
“(4A) Subject to any provision made by regulations under subsection (6) below, where an authority sets amounts in substitution under subsection (1)(a) above in the circumstances described in section 52ZO(6) or 52ZP(6) or (8) below, it may recover from the local precepting authority in question administrative expenses incurred by it in, or in consequence of, so doing.”
- (4) In subsection (5) at the beginning insert “ Subject to any provision made by regulations under subsection (6) below, ”.
- (5) After subsection (5) insert—  
“(6) The Secretary of State may by regulations make provision for cases in which—  
(a) subsection (4A) or (5) above does not apply, or  
(b) that subsection applies with modifications.”

#### **Commencement Information**

**I2** Sch. 6 para. 2 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

3 In section 42(1) (substituted precepts) before “52J” insert “ 52ZU, ”.

#### **Commencement Information**

**I3** Sch. 6 para. 3 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

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- 4 In section 52A (interpretation of Chapter 4A) in each of paragraphs (a) and (b) after “authority” insert “ in Wales ”.

**Commencement Information**

**I4** Sch. 6 para. 4 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 5 (1) Section 52B (power to designate authorities) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State’s” substitute “Welsh Ministers”;
  - (b) for “he” substitute “ they ”, and
  - (c) for “his” substitute “ their ”.
- (3) In subsection (2) for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In subsection (5)—
- (a) for “Secretary of State determines” substitute “ Welsh Ministers determine ”, and
  - (b) in paragraph (b) for “Secretary of State” substitute “ Welsh Ministers ” and for “his” substitute “ their ”.
- (5) In subsection (6) for “he does” substitute “ they do ”.
- (6) In subsection (7)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
  - (b) for “he thinks” substitute “ they think ”.
- (7) In subsection (8) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**I5** Sch. 6 para. 5 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 6 (1) Section 52C (alternative notional amounts) is amended as follows.
- (2) In subsection (1)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
  - (b) for “his” substitute “ their ”.
- (3) In subsection (3)—
- (a) in paragraph (c)—
    - (i) for “Secretary of State thinks” substitute “ Welsh Ministers think ”, and
    - (ii) for “him” substitute “ them ”, and
  - (b) in paragraph (d) for “House of Commons” substitute “ National Assembly for Wales ”.
- (4) In subsection (4) for “House of Commons” substitute “ National Assembly for Wales ”.

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#### Commencement Information

**I6** Sch. 6 para. 6 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 7 (1) Section 52D (designation or nomination) is amended as follows.
- (2) In subsection (1) for “Secretary of State’s” substitute “Welsh Ministers”.
- (3) In subsection (2) for “he” substitute “ they ”.
- (4) In subsection (3) for “Secretary of State” substitute “ Welsh Ministers ”.

#### Commencement Information

**I7** Sch. 6 para. 7 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 8 (1) Section 52E (designation) is amended as follows.
- (2) In subsection (1) for “Secretary of State designates” substitute “ Welsh Ministers designate ”.
- (3) In subsection (2)—
- (a) in the opening words for “He” substitute “ They ”,
- (b) in paragraph (c) for “he determines” substitute “ they determine ”,
- (c) in each of paragraphs (d) and (e) for “he proposes” substitute “ they propose ”, and
- (d) in paragraph (f) for “he expects” substitute “ they expect ”.
- (4) In subsection (5) for “Secretary of State” substitute “ Welsh Ministers ”.

#### Commencement Information

**I8** Sch. 6 para. 8 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 9 (1) Section 52F (challenge of maximum amount) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsection (2) for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In subsection (3)—
- (a) in paragraph (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) in paragraph (b) for “he thinks” substitute “ they think ”.
- (5) In subsection (4)—
- (a) for “he proceeds” substitute “ they proceed ”, and
- (b) for “Secretary of State” substitute “ Welsh Ministers ”.
- (6) In subsection (5)—
- (a) in paragraph (a) for “Secretary of State’s” substitute “Welsh Ministers”’, and
- (b) in paragraph (c) for “Secretary of State” substitute “ Welsh Ministers ”.
- (7) Omit subsection (6).

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- (8) In subsection (7)(a) for “House of Commons” substitute “ National Assembly for Wales ”.
- (9) In subsection (8)—
  - (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
  - (b) in paragraph (b) for “he alters” substitute “ they alter ”.
- (10) In subsection (9)—
  - (a) for “he serves” substitute “ they serve ”, and
  - (b) for “Secretary of State” substitute “ Welsh Ministers ”.
- (11) In subsection (10) for “Secretary of State” substitute “ Welsh Ministers ”.
- (12) In subsection (11)—
  - (a) for “Secretary of State proceeds” substitute “ Welsh Ministers proceed ”, and
  - (b) for “he” substitute “ they ”.

**Commencement Information**

**I9** Sch. 6 para. 9 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 10 (1) Section 52G (acceptance of maximum amount) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsection (2)—
  - (a) for “he receives” substitute “ they receive ”, and
  - (b) for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In subsection (3)—
  - (a) for “he serves” substitute “ they serve ”, and
  - (b) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**I10** Sch. 6 para. 10 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 11 (1) Section 52H (no challenge or acceptance) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsection (2) for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In subsection (3)(a) for “House of Commons” substitute “ National Assembly for Wales ”.
- (5) In subsection (4) for “Secretary of State” substitute “ Welsh Ministers ”.
- (6) In subsection (5)—
  - (a) for “he serves” substitute “ they serve ”, and
  - (b) for “Secretary of State” substitute “ Welsh Ministers ”.

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**I11** Sch. 6 para. 11 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 12 In section 52I(5)(a) (duty of designated billing authority) for “general” substitute “council”.

**Commencement Information**

**I12** Sch. 6 para. 12 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 13 (1) Section 52J (duty of designated precepting authority) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (a), and
  - (b) in paragraph (b) omit “(in any other case)”.
- (3) Omit subsection (3).
- (4) Omit subsection (6).
- (5) Omit subsections (8) to (10).

**Commencement Information**

**I13** Sch. 6 para. 13 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 14 (1) Section 52K (failure to substitute) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (a), and
  - (b) in paragraph (b) omit “(in any other case)”.
- (3) For subsection (2) substitute—
- “(2) In the case of a billing authority, the Welsh Ministers may direct the authority to comply with section 52I.
- (2A) A direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.”
- (4) In subsection (4)(b) omit “52I or”.

**Commencement Information**

**I14** Sch. 6 para. 14 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 15 (1) Section 52L (nomination) is amended as follows.
- (2) In subsection (1) for “Secretary of State nominates” substitute “ Welsh Ministers nominate ”.
- (3) In subsection (2)—
- (a) in the opening words for “He” substitute “ They ”,

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- (b) in paragraph (c) for “he determines” substitute “ they determine ”, and
- (c) in paragraph (d) for “he” in both places substitute “ they ”.

(4) In subsection (4)—

- (a) for “he intends” substitute “ they intend ”, and
- (b) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**I15** Sch. 6 para. 15 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

16 (1) Section 52M (designation after nomination) is amended as follows.

(2) In subsection (1)—

- (a) in the opening words for “Secretary of State” substitute “ Welsh Ministers ”,
- (b) in paragraph (a) for “nominates” substitute “ nominate ”, and
- (c) in paragraph (b) for “decides” substitute “ decide ”.

(3) In subsection (2)—

- (a) in the opening words for “He” substitute “ They ”,
- (b) in paragraph (b) for “he proposes” substitute “ they propose ”, and
- (c) in paragraph (c) for “he proposes” substitute “ they propose ”.

(4) In subsection (3)—

- (a) in the opening words for “he” substitute “ they ”,
- (b) in paragraph (a) for “he” in both places substitute “ they ”, and
- (c) in paragraph (b) for “he thinks” substitute “ they think ”.

(5) In subsection (4)—

- (a) in the opening words for “He” substitute “ They ”,
- (b) in paragraph (e) for “he expects” substitute “ they expect ”, and
- (c) in paragraph (f) for “Secretary of State” substitute “ Welsh Ministers ”.

(6) In subsection (6) for “Secretary of State” substitute “ Welsh Ministers ”.

(7) In subsection (8) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**I16** Sch. 6 para. 16 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

17 (1) Section 52N (no designation after nomination) is amended as follows.

(2) In subsection (1)—

- (a) in the opening words for “Secretary of State” substitute “ Welsh Ministers ”,
- (b) in paragraph (a) for “nominates” substitute “ nominate ”, and
- (c) in paragraph (b) for “decides” substitute “ decide ”.

(3) In subsection (2)—

- (a) for the first “He” substitute “ They ”, and
- (b) for “he proposes” substitute “ they propose ”.

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- (4) In subsection (3)—
  - (a) in the opening words for “he” substitute “ they ”,
  - (b) in paragraph (a) for “he” in both places substitute “ they ”, and
  - (c) in paragraph (b) for “he thinks” substitute “ they think ”.
- (5) In subsection (4) for “He” substitute “ They ”.
- (6) In subsection (5) for “Secretary of State” substitute “ Welsh Ministers ”.
- (7) In subsection (6)—
  - (a) in the opening words for “Secretary of State” substitute “ Welsh Ministers ”, and
  - (b) in paragraph (a)—
    - (i) for “he receives” substitute “ they receive ”, and
    - (ii) for “his” substitute “ their ”.

**Commencement Information**

**I17** Sch. 6 para. 17 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 18 (1) Section 52P (designation after previous designation) is amended as follows.
- (2) In subsection (1)(a) for “Secretary of State designates” substitute “ Welsh Ministers designate ”.
  - (3) In subsection (2)—
    - (a) in the opening words—
      - (i) for the first “He” substitute “ They ”,
      - (ii) for “he does” substitute “ they do ”, and
      - (iii) for the third “he” substitute “ they ”,
    - (b) in paragraph (a) for “he proposes” substitute “ they propose ”, and
    - (c) in paragraph (b) for “he proposes” substitute “ they propose ”.
  - (4) In subsection (3)—
    - (a) in the opening words for “he” substitute “ they ”, and
    - (b) in paragraph (c) for “he thinks” substitute “ they think ”.
  - (5) In subsection (4)—
    - (a) in the opening words for “He” substitute “ They ”,
    - (b) in paragraph (e) for “he expects” substitute “ they expect ”, and
    - (c) in paragraph (f) for “Secretary of State” substitute “ Welsh Ministers ”.
  - (6) In subsection (6) for “Secretary of State” substitute “ Welsh Ministers ”.
  - (7) In subsection (8) for “Secretary of State” substitute “ Welsh Ministers ”.
  - (8) In subsection (10) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**I18** Sch. 6 para. 18 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

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- 19 (1) Section 52Q (challenge of maximum amount) is amended as follows.
- (2) In subsection (1) for “Secretary of State” in each of paragraphs (a) and (b) substitute “ Welsh Ministers ”.
- (3) In subsection (2) for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In subsection (3)—
- (a) in paragraph (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) in paragraph (b) for “he thinks” substitute “ they think ”.
- (5) In subsection (4)—
- (a) in paragraph (a) for “Secretary of State's” substitute “Welsh Ministers”, and
- (b) in paragraph (c) for “Secretary of State” substitute “ Welsh Ministers ”.
- (6) Omit subsection (5).
- (7) In subsection (6) for “House of Commons” substitute “ National Assembly for Wales ”.
- (8) In subsection (7)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) in paragraph (b) for “he alters” substitute “ they alter ”.
- (9) In subsection (8)—
- (a) for “he serves” substitute “ they serve ”, and
- (b) for “Secretary of State” substitute “ Welsh Ministers ”.
- (10) In subsection (9) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**119** Sch. 6 para. 19 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 20 (1) Section 52R (acceptance of maximum amount) is amended as follows.
- (2) In subsection (1) for “Secretary of State” in each of paragraphs (a) and (b) substitute “ Welsh Ministers ”.
- (3) In subsection (2)—
- (a) for “he receives” substitute “ they receive ”, and
- (b) for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In subsection (3)—
- (a) for “he serves” substitute “ they serve ”, and
- (b) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**120** Sch. 6 para. 20 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 21 (1) Section 52S (no challenge or acceptance) is amended as follows.



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- (2) In subsection (1) for “Secretary of State” in each of paragraphs (a) and (b) substitute “ Welsh Ministers ”.
- (3) In subsection (2) for “Secretary of State” substitute “ Welsh Ministers ”.
- (4) In subsection (3) for “House of Commons” substitute “ National Assembly for Wales ”.
- (5) In subsection (4) for “Secretary of State” substitute “ Welsh Ministers ”.
- (6) In subsection (5)—
  - (a) for “he serves” substitute “ they serve ”, and
  - (b) for “Secretary of State” substitute “ Welsh Ministers ”.

**Commencement Information**

**I21** Sch. 6 para. 21 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 22 In section 52T(7)(a) (duty of designated billing authority) for “general” substitute “ council ”.

**Commencement Information**

**I22** Sch. 6 para. 22 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 23 (1) Section 52U (duty of designated precepting authority) is amended as follows.
- (2) In subsection (2)—
    - (a) omit paragraph (a), and
    - (b) in paragraph (b) omit “(in any other case)”.
  - (3) Omit subsection (3).
  - (4) In subsection (4) omit “is not the Greater London Authority and it”.
  - (5) In subsection (5) omit “(3) or”.
  - (6) Omit subsection (6).
  - (7) Omit subsection (9).
  - (8) Omit subsections (11) to (13).

**Commencement Information**

**I23** Sch. 6 para. 23 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

- 24 (1) Section 52V (failure to make or substitute calculation) is amended as follows.
- (2) For subsection (3) substitute—

“(3) In the case of a billing authority, the Welsh Ministers may direct the authority to comply with section 52T.

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(3A) A direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.”

(3) In subsection (5)(b) omit “52T or”.

**Commencement Information**

**I24** Sch. 6 para. 24 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

25 (1) Section 52W (meaning of budget requirement) is amended as follows.

(2) In subsection (1) omit “other than the Greater London Authority”.

(3) Omit subsection (2).

**Commencement Information**

**I25** Sch. 6 para. 25 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

26 (1) Section 52X (calculations to be net of precepts) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (a) for “Secretary of State proposes” substitute “ Welsh Ministers propose ”,

(b) in paragraph (b) for “he proposes” substitute “ they propose ”,

(c) in paragraph (d) for “he proposes” substitute “ they propose ”, and

(d) in paragraph (e) for “he expects” substitute “ they expect ”.

(3) In subsection (6) for “Secretary of State” substitute “ Welsh Ministers ”.

(4) In subsection (7) for “House of Commons” substitute “ National Assembly for Wales ”.

**Commencement Information**

**I26** Sch. 6 para. 26 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

27 (1) Section 52Y (information for purposes of Chapter 4A) is amended as follows.

(2) In subsection (1) for “Secretary of State” substitute “ Welsh Ministers ”.

(3) In subsection (2) for “Secretary of State” substitute “ Welsh Ministers ”.

(4) In subsection (4)—

(a) for “Secretary of State” substitute “ Welsh Ministers ”,

(b) for “him” in both places substitute “ them ”, and

(c) for “his” in both places substitute “ their ”.

(5) In subsection (5) for “Secretary of State specifies” substitute “ Welsh Ministers specify ”.

(6) In subsection (7)—

(a) for “Secretary of State” substitute “ Welsh Ministers ”,

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- (b) for “his” in both places substitute “ their ”, and
- (c) for “he thinks” substitute “ they think ”.

(7) In subsection (8)—

- (a) for “his” in both places substitute “ their ”,
- (b) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (c) for “him” substitute “ them ”.

**Commencement Information**

**I27** Sch. 6 para. 27 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

28 Omit section 52Z (separate administration of Chapter 4A for England and Wales).

**Commencement Information**

**I28** Sch. 6 para. 28 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

29 In section 66(2)(c) (matters that may not be questioned except by an application for judicial review)—

- (a) before “52I” insert “ 52ZF, ”, and
- (b) before “52J” insert “ 52ZJ, ”.

**Commencement Information**

**I29** Sch. 6 para. 29 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

30 In section 67(2)(b) (functions to be discharged only by authority)—

- (a) before “52I” insert “ 52ZF, ”, and
- (b) before “52J” insert “ 52ZJ, ”.

**Commencement Information**

**I30** Sch. 6 para. 30 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

31 In section 106(2)(a) (council tax: restrictions on voting) after “IV” insert “ , 4ZA ”.

**Commencement Information**

**I31** Sch. 6 para. 31 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

32 In section 113(3) (orders and regulations to be subject to annulment by either House of Parliament, except in certain cases) after “except in the case of” insert “ regulations under section 52ZQ above or ”.

**Commencement Information**

**I32** Sch. 6 para. 32 in force at 3.12.2011 by S.I. 2011/2896, art. 2(i)

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