

1990 No. 609

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Finance (Payments) (Welsh Authorities) Regulations 1990

<i>Made - - - -</i>	<i>14th March 1990</i>
<i>Laid before Parliament</i>	<i>15th March 1990</i>
<i>Coming into force</i>	<i>6th April 1990</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 140(4) and 141 of the Local Government Finance Act 1988(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:-

Citation, commencement and application

1. These Regulations may be cited as the Local Government Finance (Payments) (Welsh Authorities) Regulations 1990 and shall come into force on 6th April 1990. They apply to Wales only.

Interpretation

2. In these Regulations -

“the Act” means the Local Government Finance Act 1988;

“receiving authority” means a charging authority or a county council;

“the first relevant provisions” means sections 83 and 86 of the Act, paragraph 5(10) of Schedule 8 to the Act, regulations made under paragraph 6(5) of that Schedule, and paragraphs 12 and 13 of that Schedule;

“the second relevant provisions” means section 83 of the Act and paragraph 5 of Schedule 8 to the Act.

3.—(1) Paragraphs (2) to (4) below apply in any case where -

(a) the Secretary of State is liable to pay to a receiving authority at any time an amount or amounts under one or more of the first relevant provisions, and

(b) that receiving authority is liable to pay to him at the same time an amount or amounts under one or more of the second relevant provisions.

(2) If the total of the amount or amounts mentioned in paragraph (1)(a) above exceeds the total of the amount or amounts mentioned in paragraph (1)(b) above, the Secretary of State may set off the latter in paying the former.

(3) If the total of the amount or amounts mentioned in paragraph (1)(b) above exceeds the total of the amount or amounts mentioned in paragraph (1)(a) above, the receiving authority shall set off the latter in paying the former.

(a) 1988 c.41.

(4) If the total of the amount or amounts mentioned in paragraph (1)(a) above is the same as the total of the amount or amounts mentioned in paragraph (1)(b) above, no payment need be made in respect of the former or the latter.

4.—(1) Where the Secretary of State exercises his powers under paragraph (2) of regulation 3, any liability of the receiving authority which has been set off in accordance with that paragraph and the part of the liability of the Secretary of State against which that liability has been set off, shall be treated as discharged.

(2) Where a receiving authority sets off any amount in accordance with paragraph (3) of regulation 3, any liability of the Secretary of State which has been set off in accordance with that paragraph and the part of the liability of the authority against which that liability has been set off, shall be treated as discharged.

5.—(1) The following provisions of the Act shall be read subject to these Regulations –

section 79(2) and (3)

section 83

section 86(2) and (3)

paragraph 5(4), (5), (7), (9) and (10) of Schedule 8

paragraph 12(8) and (9) of Schedule 8

paragraph 13(6) and (7) of Schedule 8

paragraph 16 of Schedule 8.

(2) The following provisions of the Act shall be read as if references to sums received or payments made were to sums or payments which would have been received or made apart from these Regulations –

paragraph 2 of Schedule 8.

14th March 1990

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Local Government Finance Act 1988 (“the Act”) provides for the payment by the Secretary of State to receiving authorities (in Wales, county councils and charging authorities) of amounts in respect of revenue support grant and additional grant, and for the distribution by him of the distributable amount of non-domestic rates. The Act also provides for the payment by each receiving authority to the Secretary of State of any overpayment of revenue support grant and, in the case of charging authorities, amounts in respect of non-domestic rates.

These Regulations make provisions for payments due to a Welsh receiving authority from the Secretary of State and payments due to him from the same receiving authority to be set off one against the other. The Regulations also make consequential provisions flowing from the set off provisions.

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