Draft Order laid before Parliament under section 235(6) of the Localism Act 2011, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

COUNCIL TAX, ENGLAND
LONDON GOVERNMENT

The Localism Act 2011 (Consequential Amendments) Order 2014

Made - - - - ***

Coming into force in accordance with article 1(2)

A draft of this instrument was laid before, and approved by a resolution of, each House of Parliament in accordance with section 235(6) of the Localism Act 2011(**1**).

The Secretary of State makes the following Order in exercise of the powers conferred by sections 235(2), (3) and 236(1) of that Act.

Citation and commencement

1.—(1) This Order may be cited as the Localism Act 2011 (Consequential Amendments) Order 2014.

(2) This Order has effect in relation to financial years beginning on or after 1st April 2014.

(3) In paragraph (2) "financial year" means a period of 12 months beginning with 1st April.

Amendments to section 31A(5) of the Local Government Finance Act 1992

2. In section 31A(5) of the Local Government Finance Act 1992(**2**) (calculation of council tax requirement by authorities in England: certain items of expenditure to be ignored)—

(a) after "ignore" insert "—(a)", and

(b) at the end of the paragraph (a) so formed insert—

", and

(**1**) 2011 c.20.

(**2**) 1992 c.14. Section 31A was inserted by section 74 of the Localism Act 2011. Section 42A was inserted by section 75 of the Localism Act 2011.

(b) subject to paragraphs (da), (e) and (f) of subsection (2) above, sums which have been or are to be transferred from its general fund to its collection fund."

Amendment to section 42A of the Local Government Finance Act 1992

3. In section 42A of the Local Government Finance Act 1992 (calculation of council tax requirement by major precepting authorities in England), after subsection (7) insert—

"(7A) In estimating under subsection (2)(a) above an authority must take into account the amount of expenditure which it estimates it will incur in the year in accordance with regulations under section 99(3) of the 1988 Act."

Amendments to the Greater London Authority Act 1999

4. The Greater London Authority Act 1999(**3**) is amended as follows.

5.—(1) Section 86 (supplementary provisions about council tax calculations by the Greater London Authority) is amended as follows.

(2) After subsection (1B) insert—

"(1C) In estimating under subsection (4)(a) of section 85 above—

(a) in the case of the Mayor, the Authority shall take into account the amount of any expenditure which it estimates will be incurred in the year by the Authority in making any repayments of grants or other sums paid to the Authority by the Secretary of State, and

(b) in the case of a functional body, the Authority shall take into account the amount of any expenditure which it estimates will be incurred in the year in making by or in respect of the body any repayments of grants or other sums paid to or for the body by the Secretary of State."

(3) In subsection (4B) omit paragraph (b) and the "and" preceding that paragraph.

(4) Omit subsection (4C).

6. In section 102 (Mayor to distribute grants etc between Authority and functional bodies) omit subsection (8) (definition of relevant special grant).

7. In Schedule 6 (procedure for determining the Authority's consolidated council tax requirement), after paragraph 9 insert—

"Failure of Assembly to approve substitute consolidated budget or council tax requirement

9ZA.—(1) This paragraph applies if—

(a) the Assembly was required to prepare a draft substitute consolidated budget for a financial year in accordance with sub-paragraph (1A) of paragraph 4 above, but has failed to approve such a draft substitute consolidated budget at a public meeting held under sub-paragraph (2) of that paragraph,

(b) the Assembly was required to agree a substitute consolidated council tax requirement for a financial year at a public meeting in accordance with paragraph 7(4A) above, but has failed to comply with that requirement, or

(**3**) 1999 c.29. Subsections (1A), (1B) and (4A) to (4F) were inserted into section 86 by section 76 of the Localism Act 2011. Section 102(2)(c) was repealed by section 79 and 237, and paragraphs 34 and 39(a) of Schedule 7 to, the Localism Act 2011.