

Local Government Finance Act 1992

CHAPTER 14

Note: The material reproduced or annotated below is limited to what is relevant to this volume, comprising ss. 100, 101, 103 and 116–119; Sch. 4, paras. 1 and 6; Sch. 8, paras. 1 and 6; Schs. 9 and 14.

An Act to provide for certain local authorities to levy and collect a new tax, to be called council tax; to abolish community charges; to make further provision with respect to local government finance (including provision with respect to certain grants by local authorities); and for connected purposes

[6th March 1992]

PART III

COMMUNITY CHARGES

100.—(1) No person shall be subject to a community charge in respect of any day falling after 31st March 1993.

Abolition of community charges.

(2) In this section “community charge” means—

- (a) in relation to England and Wales, any community charge provided for by the 1988 Act;
- (b) in relation to Scotland, any community charge or community charge provided for by the 1987 Act.

101. makes textual amendments, see Annex 1, page 8.771

Transitory exemption for school leavers.

LOCAL GOVERNMENT FINANCE ACT 1992 (c. 14)

Ss 103-118

**PART IV
MISCELLANEOUS**

Social security

Council tax benefit.

103. Schedule 9 to this Act (which amends the Social Security Acts so as to make provision for benefit in respect of council tax in Great Britain) shall have effect.

**PART V
SUPPLEMENTAL**

Interpretation;
general.

1987 c. 47.
1988 c. 41.
1992 c. 4.
1992 c. 5.

116.—(1)In this Act, unless the context otherwise requires—
“the 1987 Act” means the Abolition of Domestic Rates Etc. (Scotland) Act 1987;
“the 1988 Act” means the Local Government Finance Act 1988;
“the Social Security Acts” means the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992;
“financial year” means any period of twelve months beginning with 1st April;
“information” includes accounts, estimates and returns;
“prescribed” means prescribed by regulations made by the Secretary of State.

(2) Nothing in any private or local Act (whenever passed) shall in any way affect the operation of this Act or of anything done under it.

Minor and consequential
amendments and repeals.

117.—(1)The enactments mentioned in Schedule 13 to this Act shall have effect subject to the amendments there specified (being minor amendments and amendments consequential on the provisions of this Act).

(2) The enactments mentioned in Schedule 14 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

Savings and transitional
provisions.

118.—(1)Nothing in this Act (except sections 101 and 102) shall affect the operation of the 1988 Act in relation to any community charge in respect of a day falling before 1st April 1993; and nothing in this Act (except paragraphs 1 to 4 and 6(11) of Schedule 10) shall affect the operation of that Act in relation to any financial year beginning before that date.

(2) Nothing in this Act (except section 101) shall affect the operation of the 1987 Act in relation to any community charge in respect of a day falling before 1st April 1993.

(3) The repeal by this Act of the 1987 Act shall not affect any amendment made by that Act to any other enactment; and the repeal by this Act of any enactment amending that Act shall not affect any amendment so made to that Act.

(4) Nothing in this Act shall affect the operation of the Social Security Acts in relation to any community charge benefit in respect of a day falling before 1st April 1993.

(5) In relation to any time before the commencement of the Social Security Acts, this Act and the repealed enactments shall have effect as if—

- (a) any reference in this Act to those Acts were a reference to those enactments;
- (b) any reference in this Act (except paragraph 4 of Schedule 9) to either of those Acts, or to any provision of those Acts, were a reference to the corresponding provisions or provision of those enactments;
- (c) subsection (1) to (7) of the section set out in paragraph 4 of Schedule 9 to this Act were substituted for subsection (8A), (8AA) and (8B) to (8F), and subsection (11) of that section were substituted for subsections (8G) and (8H), of section 20 of the Social Security Act 1986; and
- (d) subsections (8) and (9) of the section so set out were substituted for subsections (5A) and (5B), and paragraphs (a) and (b) of subsection (10) of that section were substituted for paragraph (c) of subsection (6), of section 21 of that Act.

1986 c. 50.

(6) The provisions of any regulations or orders relating to council tax benefit which—

- (a) are made before the commencement of the Social Security Acts; and
- (b) are expressed to come into force after that commencement,

may refer to any relevant provisions of those Acts rather than to the corresponding provisions of the repealed enactments.

(7) In this section—

- “community charge” has the same meaning as in section 100 above;
- “the repealed enactments” means the enactments repealed by the Social Security (Consequential Provisions) Act 1992;

1992 c. 6.

and any reference to an enactment includes a reference to any regulations or orders made (or having effect as if made) under that enactment.

119.—(1) This Act may be cited as the Local Government Finance Act 1992.

Short title,
commencement
and extent.

(2) The following provisions of this Act, namely—

- (a) section 99(2), 110 and 111;
- (b) paragraphs 1 to 4 of Schedule 10;
- (c) paragraphs 29(a), 30, 31(b), 32 to 37 and 38(a), (b), (c) and (e) of Schedule 11;
- (d) Schedule 13 except paragraphs 15 to 25, 31, 42, 44(c), 45 to 47, 59 to 74, 76 to 88, 92, 99 and 100; and
- (e) Schedule 14 except the repeals in the 1988 Act (other than the repeals in Schedule 12) and the repeals in the Social Security Acts,

shall not come into force until such day as the Secretary of State may by order appoint; and different days may be appointed for different provisions or for different purposes.

(3) Part I of this Act, sections 102 and 104 to 106 above and Schedule 10 to this Act extend to England and Wales only.

(4) Part II of this Act, sections 107 to 112 above and Schedules 11 and 12 to this Act extend to Scotland only.

(5) This Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 4

ENFORCEMENT; ENGLAND AND WALES

Regulations for recovery of sums payable

1.—(1) The Secretary of State may make regulations in relation to the recovery of any sum which has become payable to a billing authority under any provision included in regulations under—

- (a) paragraph 2, 3 or 6(2) or (3) of Schedule 2 to this Act; or
 - (b) paragraph 6 of Schedule 3 to this Act,
- and has not been paid.

(2) The Secretary of State may also make regulations in relation to the recovery of any sum which has become payable (by way of repayment) to a person other than a billing authority under any provision included in regulations under paragraph 2, 3 or 6(2) or (3) of Schedule 2 to this Act and has not been paid.

(3) references in sub-paragraphs (1) and (2) above to a sum which has become payable and has not been paid include references to a sum forming part of a larger sum which has become payable and the other part of which has been paid.

Deductions from income support

6.—(1) Regulations under paragraph 1(1) above may provide that where a magistrates' courts has made a liability order against a person ("the debtor") and the debtor is entitled to income support [¹or a jobseeker's allowance [², state pension credit or an employment and support allowance]]...³—

- (a) the authority concerned may apply to the Secretary of State asking him to deduct sums from any amounts payable to the debtor by way of [⁴that benefit], in order to secure the payment of any outstanding sum which is or forms part of the amount in respect of which the liability order was made; and
- (b) the Secretary of State may deduct such sums and pay them to the authority towards satisfaction of any such outstanding sum.

(2) The regulations may include—

- (a) provision allowing or requiring adjudication as regards an application, and provision as to [⁵appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act].
- (b) a scheme containing provision as to the circumstances and manner in which and times as which sums are to be deducted and paid, provision about the calculation of such sums (which may include provision to secure that amounts payable to the debtor by way of income support [⁶or a jobseeker's allowance [², state pension credit or an employment and support allowance]] do not fall below prescribed figures), and provision as to the circumstances in which the Secretary of State is to cease making deductions;
- (c) provision requiring the Secretary of State to notify the debtor, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of the notification;

¹ Words in para. 6(1) inserted (22.4.96) by para. 75(2)(a) of Sch. 2 to Jobseekers Act 1995 (c. 18).

² Words substituted (27.10.08) in para. 6(1) and (2)(b) by para. 11(2)(a) of Sch. 3 to the Welfare Reform Act 2007 (c. 5).

³ Words deleted (22.4.96) in para. 6(1) by para. 72(2)(b) of Sch. 2 to Jobseekers Act 1995 (c. 18).

⁴ Words substituted (22.4.96) in para. 6(1)(a) by para. 75(2)(c) of Sch. 2 to Jobseekers Act 1995 (c. 18).

⁵ Words substituted (29.11.99) in para. 6(2)(a) by S.S. Act 1998, Sch. 7, para. 117.

⁶ Words inserted (22.4.96) in para. 6(2)(b) by para. 75(3) of Sch. 2 to Jobseekers Act 1995 (c. 18).

- (d) provision that, where the whole amount to which the application relates has been paid, the authority shall give notice of that fact to the Secretary of State.

SCHEDULE 8

Section 97(5).

ENFORCEMENT: SCOTLAND

1.—(1) This Schedule applies to any sum which has become payable to a [1]local authority under any provision included in regulations under—

- (a) paragraph 2, 3, 6(2) or (3) of Schedule 2 to this Act; or
 (b) paragraph 6 of Schedule 3 to this Act,

and has not been paid.

(2) References in sub-paragraph (1) above to a sum which has become payable and has not been paid include references to a sum forming part of a larger sum which has become payable and the other part of which has been paid.

6.—(1) Regulations made under this paragraph may provide that where a [1]local authority has obtained a summary warrant or a decree against a person (the debtor) in respect of arrears of sums payable under paragraph 1(1) above and the debtor is entitled to income support [2]or a jobseeker's allowance [3, state pension credit or an employment and support allowance.] ...⁴—

- (a) the [1]local authority may, without prejudice to their right to pursue any other means of recovering such arrears, apply to the Secretary of State asking him to deduct sums from any amount payable to the debtor by way of [3]that benefit in order to secure the payment of any outstanding sum which forms part of the amount in respect of which the summary warrant or decree was granted; and
 (b) the Secretary of State may deduct such sums and pay them to the authority towards satisfaction of any such outstanding sum.

(2) Regulations made under this paragraph may include—

- (a) provision allowing or requiring adjudication as regards an application and provision as to appeals and reviews;
 (b) a scheme containing provision as to the circumstances and manner in which and times as which sums are to be deducted and paid, provision about the calculation of such sums (which may include provision to secure that amounts payable to the debtor by way of income support [6]or a jobseeker's allowance [3, state pension credit or an employment and support allowance] do not fall below prescribed figures), and provision as to the circumstances in which the Secretary of State is to cease making deductions;
 (c) provision requiring the Secretary of State to notify the debtor, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of the notification;
 (d) provision that, where the whole amount to which the application relates has been paid, the authority shall give notice of that fact to the Secretary of State.

¹ Word "local" substituted (1.4.96) for "levying", where occurring in paras. 1 and 6 of Sch. 8, by Local Government etc. (Scotland) Act 1994 (c. 39), Sch. 13, para. 176(18).

² Words in para. 6(1) inserted (22.4.96) by para. 76(2)(a) of Sch. 2 to Jobseekers Act 1995 (c. 18).

³ Words inserted (27.10.08) in para. 6(1) and (2)(b) by para. 11(2) of Sch. 3 to the Welfare Reform Act 2007 (c. 5).

⁴ Words deleted (22.4.96) in para. 6(1) by para. 76(2)(b) of Sch. 2 to Jobseekers Act 1995 (c. 18).

⁵ Words substituted (22.4.96) in para. 6(1)(a) by para. 76(2)(c) of Sch. 2 to Jobseekers Act 1995 (c. 18).

⁶ Words inserted (22.4.96) in para. 6(2)(b) by para. 76(3) of Sch. 2 to Jobseekers Act 1995 (c. 18).

LOCAL GOVERNMENT FINANCE ACT 1992 (c. 14)

Schs. 9, 14
Section 103.

SCHEDULE 9

SOCIAL SECURITY: COUNCIL TAX BENEFIT

1–10. *amend 1992 c. 4, see Annex 1, page 8.771*

11. A statutory instrument containing (alone or with other provisions) regulations relating to council tax benefit and made by virtue of section 123 or sections 131 to 137 of that Act* shall not be made before 1st April 1993 unless a draft of the instrument has been laid before and has been approved by a resolution of each House of Parliament.

**The Social Security Contributions and Benefits Act 1992 (c. 4)*

12–25. *amend 1992 c. 5, see Annex 1, page 8.771*

26. A statutory instrument containing (alone or with other provisions) regulations or an order relating to council tax benefit and made by virtue of section 6, 7, 63, 76, 77, 128, 138 or 139 of that Act† shall not be made before 1st April 1993 unless a draft of the instrument has been laid before and has been approved by a resolution of each House of Parliament.

†The Social Security Administration Act 1992 (c. 5)

Section 117(2).

SCHEDULE 14

REPEALS

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LOCAL GOVERNMENT FINANCE ACT 1992

Annex 1: LIST OF OMISSIONS

The following provisions have been omitted from the text for the reasons stated below:-

- s. 101(1) inserts (6.3.92) para. into Sch. 1 to L.G.F. Act 1988 (c. 41)
- s. 101(2) inserts (6.3.92) sub-para. (1A) into para. 6A of Sch. 1A to Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47)
- Sch. 9
- paras. 1-10 ... textually amend S.S.Conts. & Bens. Act 1992 (c. 4)
- paras. 12-25 ... textually amend S.S. Admin. Act 1992 (c. 5)
- Sch. 14 sets out provisions repealed by this Act, including:-
- the whole of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47)
- Parts I and II (ie. S.S. 1-40) and s. 129 of, and Schs. 1, 2 and 4 to, the L.G.F. Act 1988 (c. 41) (and other provisions of that Act)
- Various provisions in the S.S. Conts. & Bens. Act 1992 (c. 4) and the S.S. Admin. Act (c. 5), as annotated in those Acts as reproduced in this work.

Annex 2: COMMENCEMENT

In relation to council tax and council tax benefits, this act becomes operative from 1.4.93 (s. 1(1)) and s. 116(1) of this Act, and s. 131(1) of the S.S. Conts. & Bens. Act 1992 (c. 4) as substituted by para. 4 of Sch. 9 to this Act).

