



# Housing Act 1996

## 1996 CHAPTER 52

### PART I

#### SOCIAL RENTED SECTOR

#### CHAPTER IV

#### GENERAL POWERS OF THE CORPORATION

#### *Information*

### **30 General power to obtain information**

- (1) The Corporation may for any purpose connected with the discharge of any of its functions in relation to registered social landlords serve a notice on a person requiring him—
  - (a) to give to the Corporation, at a time and place and in the form and manner specified in the notice, such information relating to the affairs of a registered social landlord as may be specified or described in the notice, or
  - (b) to produce to the Corporation or a person authorised by the Corporation, at a time and place specified in the notice, any documents relating to the affairs of the registered social landlord which are specified or described in the notice and are in his custody or under his control.
- (2) A notice under this section may be served on—
  - (a) a registered social landlord,
  - (b) any person who is, or has been, an officer, member, employee or agent of a registered social landlord,
  - (c) a subsidiary or associate of a registered social landlord,
  - (d) any person who is, or has been, an officer, member, employee or agent of a subsidiary or associate of a registered social landlord, or

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- (e) any other person whom the Corporation has reason to believe is or may be in possession of relevant information.

In this section “agent” includes banker, solicitor and auditor.

- (3) No notice shall be served on a person within paragraphs (b) to (e) of subsection (2) unless—
  - (a) a notice has been served on the registered social landlord and has not been complied with, or
  - (b) the Corporation believes that the information or documents in question are not in the possession of the landlord.
- (4) Nothing in this section authorises the Corporation to require—
  - (a) the disclosure of anything which a person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court, or
  - (b) the disclosure by a banker of anything in breach of any duty of confidentiality owed by him to a person other than a registered social landlord or a subsidiary or associate of a registered social landlord.
- (5) A notice under this section shall be given under the seal of the Corporation.
- (6) References in this section to a document are to anything in which information of any description is recorded; and in relation to a document in which information is recorded otherwise than in legible form, references to producing it are to producing it in legible form.
- (7) Where by virtue of this section documents are produced to any person, he may take copies of or make extracts from them.

### **31 Enforcement of notice to provide information, &c**

- (1) A person who without reasonable excuse fails to do anything required of him by a notice under section 30 commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) A person who intentionally alters, suppresses or destroys a document which he has been required by a notice under section 30 to produce commits an offence and is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.
- (3) Proceedings for an offence under subsection (1) or (2) may be brought only by or with the consent of the Corporation or the Director of Public Prosecutions.
- (4) If a person makes default in complying with a notice under section 30, the High Court may, on the application of the Corporation, make such order as the court thinks fit for requiring the default to be made good.

Any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a body who are responsible for its default.

### **32 Disclosure of information to the Corporation**

- (1) A body or person to whom this section applies may, subject to the following provisions, disclose to the Corporation, for the purpose of enabling the Corporation to discharge any of its functions relating to registered social landlords, any information received by that body or person under or for the purposes of any enactment.
- (2) This section applies to the following bodies and persons—
  - (a) any government department (including a Northern Ireland department);
  - (b) any local authority;
  - (c) any constable; and
  - (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).
- (3) This section has effect subject to any express restriction on disclosure imposed by or under any other enactment.
- (4) Nothing in this section shall be construed as affecting any power of disclosure exercisable apart from this section.

### **33 Disclosure of information by the Corporation**

- (1) The Corporation may disclose to a body or person to whom this section applies any information received by it relating to a registered social landlord—
  - (a) for any purpose connected with the discharge of the functions of the Corporation in relation to such landlords, or
  - (b) for the purpose of enabling or assisting that body or person to discharge any of its or his functions.
- (2) This section applies to the following bodies and persons—
  - (a) any government department (including a Northern Ireland department);
  - (b) any local authority;
  - (c) any constable; and
  - (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).

Paragraph (d) extends to any such body or person in a country or territory outside the United Kingdom.

- (3) Where any information disclosed to the Corporation under section 32 is so disclosed subject to any express restriction on the further disclosure of the information, the Corporation's power of disclosure under this section is exercisable subject to that restriction.

A person who discloses information in contravention of any such restriction commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (4) Any information disclosed by the Corporation under this section may be subject by the Corporation to any express restriction on the further disclosure of the information.

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- (5) A person who discloses information in contravention of any such restriction commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Proceedings for such an offence may be brought only by or with the consent of the Corporation or the Director of Public Prosecutions.

- (6) Nothing in this section shall be construed as affecting any power of disclosure exercisable apart from this section.