



# Housing (Homeless Persons) Act 1977

## 1977 CHAPTER 48

### *Finance, property and staff*

#### **13 Financial and other assistance to voluntary organisations concerned with homelessness, etc.**

- (1) The Secretary of State, with the consent of the Treasury, may, upon such terms and subject to such conditions as he may determine, give to a voluntary organisation concerned with homelessness or matters relating to homelessness assistance by way of grant or by way of loan, or partly in the one way and partly in the other.
- (2) A housing authority or the Greater London Council may, upon such terms and subject to such conditions as they may determine, give to such a voluntary organisation assistance by way of grant or by way of loan, or partly in the one way and partly in the other.
- (3) A housing authority or the Greater London Council may also assist any such voluntary organisation by permitting them to use premises belonging to them upon such terms and subject to such conditions as may be agreed, and by making available furniture or other goods (whether by way of gift, or loan or otherwise) and the services of any staff who are employed by the authority.
- (4) Neither the Secretary of State nor a housing authority nor the Greater London Council shall give a voluntary organisation assistance under this section unless the organisation have first given an undertaking—
  - (a) that they will use the money, furniture or other goods or premises made available to them for such purposes as may be specified in the undertaking, and
  - (b) that if the Secretary of State, or, as the case may be, the housing authority or the Greater London Council serve notice on the organisation requiring them to do so, the organisation will, within the period of twenty-one days beginning with the date on which the notice is served, furnish a certificate giving such information as may reasonably be required by the notice with respect to the manner in which the assistance given to them is being used.
- (5) Subject to subsection (6) below, if it appears—

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- (a) to the Secretary of State, in a case where assistance has been given under subsection (1) above, or
  - (b) to a housing authority or the Greater London Council, as the case may be, in a case where assistance has been given under subsection (2) or (3) above,
- that a voluntary organisation to whom the assistance was given have failed to carry out their undertaking under subsection (4)(a) above, the Secretary of State or, as the case may be, the housing authority or the Greater London Council, shall take all reasonable steps to recover from the organisation an amount equal to the amount of the assistance.
- (6) No sum shall be recoverable under subsection (5) above unless the Secretary of State or, as the case may be, the housing authority or the Greater London Council, have first served on the voluntary organisation a notice specifying—
    - (a) the amount which in their opinion is recoverable, and
    - (b) the basis on which that amount has been calculated.
  - (7) The conditions subject to which assistance is given under subsection (1), (2) or (3) above shall in all cases include, in addition to any conditions determined or agreed under the subsection in question, conditions requiring the voluntary organisation receiving the assistance—
    - (a) to keep proper books of account and have them audited in such manner as may be specified, and
    - (b) to keep records indicating how they have used the money, furniture or other goods or premises made available to them, and
    - (c) to submit the books of account and records for inspection—
      - (i) by the Secretary of State if assistance was given to them under subsection (1) above, and
      - (ii) by the housing authority or the Greater London Council, as the case may be, if assistance was given to them under subsection (2) or (3) above.
  - (8) Any expenses incurred by the Secretary of State in the exercise of his powers under this section shall be defrayed out of money provided by Parliament.
  - (9) All sums received by the Secretary of State in repayment of loans under this section or interest on such loans shall be paid into the Consolidated Fund.
  - (10) A housing authority shall debit to the housing revenue account costs or expenses incurred in carrying out their duties under this Act only in so far as they conform to the categories of expenditure laid down in the Housing Finance Act 1972 and the Housing (Financial Provisions) (Scotland) Act 1972.

## **14 Transfers of property and staff**

- (1) The Secretary of State may by order provide, to the extent that appears to him to be expedient in consequence of any provision of this Act,—
  - (a) for the transfer from one relevant authority to another of property and of rights and liabilities,
  - (b) for the transfer of employees from one relevant authority to another, and
  - (c) without prejudice to the generality of this subsection, for any matter incidental or supplemental to paragraph (a) or (b) above.

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- (2) An order providing for the transfer of an employee from the employment of one relevant authority to that of another shall include provision for the protection of his interests.
- (3) Any such order shall also include provision—
  - (a) securing that, so long as an employee continues in the employment to which he is transferred and until he is served with a statement in writing referring to the order and specifying new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable, taken together, than those which he enjoyed as an employee of the former authority immediately before his transfer ; and
  - (b) securing that the said new terms and conditions are such that—
    - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before his transfer, the scale of his salary or remuneration, and
    - (ii) the other terms and conditions of his employment,are not less favourable, taken together, than those which he enjoyed immediately before his transfer.
- (4) The transfer of an employee shall be treated as occurring—
  - (a) for the purposes of section 13 of the Redundancy Payments Act 1965, upon a change in the ownership of a business, and
  - (b) for the purposes of Schedule 1 to the Contracts of Employment Act 1972 (as it applies for the purposes of computing an employee's period and continuity of employment for the purposes of sections 1 and 2 of that Act and any other enactment) upon the transfer of an undertaking.