



Local Government and Housing Act 1989

1989 CHAPTER 42

PART VI

HOUSING FINANCE

Supplementary

85 Power to obtain information.

- (1) A local housing authority, and any officer or employee of a local housing authority concerned with their housing functions, shall supply the Secretary of State with such information as he may specify, either generally or in any particular case, for the purpose of enabling the Secretary of State to exercise his functions under section 80 or 83 above.
- (2) A local housing authority shall supply the Secretary of State with such certificates supporting the information required by him as he may specify.
- (3) If a local housing authority, or any officer or employee of a local housing authority concerned with their housing functions, fails to comply with subsection (1) or (2) above before the end of such period as the Secretary of State may specify, he may exercise his functions under section 80 or 83 above on the basis of such assumptions and estimates as he sees fit.

86 Recoupment of subsidy in certain cases.

- (1) Where Housing Revenue Account subsidy or residual debt subsidy has been paid to a local housing authority and it appears to the Secretary of State that the case falls within rules published by him, he may recover from the authority [^{F1}any or ^{F2} . . . other authority which subsequently exercises the functions of a local housing authority for any part of the same area] the whole or such part of the payment as he may determine in accordance with the rules, with interest from such time and at such rates as he may so determine.

Status: Point in time view as at 22/09/2008.

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- (2) Without prejudice to other methods of recovery, a sum recoverable under this section may be recovered by withholding or reducing subsidy.

Textual Amendments

- F1** Words in s. 86(1) inserted (28.11.1994) by [S.I. 1994/2825](#), [reg. 10](#)
F2 Words in s. 86(1) omitted (1.4.1996) by virtue of [S.I. 1996/619](#), [art. 10](#)

87 Determinations and directions.

- (1) A determination made or direction given by the Secretary of State under this Part—
- (a) may make different provision for different cases or descriptions of cases, including different provision for different areas, for different local housing authorities or for different descriptions of local housing authorities;
 - (b) may be made before, during or after the end of the year to which it relates; and
 - (c) may be varied or revoked by a subsequent determination or direction.
- (2) Before making a determination or giving a direction under this Part relating to all local housing authorities or any description of such authorities, the Secretary of State shall consult such representatives of local government and relevant professional bodies as appear to him to be appropriate; and, before making a determination or giving a direction relating to a particular local housing authority, he shall consult that authority.
- (3) As soon as practicable after making a determination under this Part, the Secretary of State shall send a copy of the determination to the local housing authority or authorities to which it relates.
- ^{F3}(4) References in this section to sending to a local housing authority a copy of a determination under this Part include references to using electronic communications for sending a copy of a determination to such address as may for the time being be notified to the Secretary of State by that authority for that purpose.
- ^{F4}(5) For the purposes of this section a copy of a determination under this Part is also to be treated as sent to a local housing authority where—
- (a) the Secretary of State and that authority have agreed to the authority instead having access to determinations on a web site;
 - (b) the determination is a determination to which that agreement applies;
 - (c) the Secretary of State has published the determination on a web site;
 - (d) that authority is notified, in a manner for the time being agreed for the purpose between that authority and the Secretary of State, of—
 - (i) the publication of the determination on a web site;
 - (ii) the address of that web site; and
 - (iii) the place on that web site where the determination may be accessed, and how it may be accessed.
- ^{F5}(6) A local housing authority which is no longer willing to accept electronic communications for the sending of copies of determinations under this Part, may withdraw a notification of an address given to the Secretary of State for the purposes of subsection (4) above and such a withdrawal shall take effect on a date specified by the authority being a date no less than one month after the date on which the authority

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informs the Secretary of State that it wants to withdraw the notification of the address given.

^{F6}(7) A local housing authority which has entered into an agreement with the Secretary of State under paragraph (a) of subsection (5) above may revoke the agreement and such a revocation shall take effect on a date specified by the authority being a date no less than one month after the date on which the authority informs the Secretary of State that it wants to revoke the agreement.]

Textual Amendments

- F3** S. 87(4)-(7) inserted (E.) (10.12.2000) by [S.I. 2000/3056, art. 3](#) and the said insertion extended to Wales (1.4.2001) by [S.I. 2001/605, art. 2\(2\)](#)
- F4** S. 87(4)-(7) inserted (E.) (10.12.2000) by [S.I. 2000/3056, art. 3](#) and the said insertion extended to Wales (1.4.2001) by [S.I. 2001/605, art. 2\(2\)](#)
- F5** S. 87(4)-(7) inserted (E.) (10.12.2000) by [S.I. 2000/3056, art. 3](#) and the said insertion extended to Wales (1.4.2001) by [S.I. 2001/605, art. 2\(2\)](#)
- F6** S. 87(4)-(7) inserted (E.) (10.12.2000) by [S.I. 2000/3056, art. 3](#) and the said insertion extended to Wales (1.4.2001) by [S.I. 2001/605, art. 2\(2\)](#)

Modifications etc. (not altering text)

- C1** S. 87 extended (W.) (1.4.2001) by [S.I. 2001/605, art. 2\(1\), Sch.](#)

[^{F7}87A Orders amending Part 6

- (1) The appropriate person may by order—
 - (a) amend, repeal or re-enact provisions of sections 74 to 76 and 78 of, and Schedule 4 to, this Act;
 - (b) provide for any such provisions—
 - (i) not to apply, whether at all or in cases specified by the order or to authorities so specified;
 - (ii) to apply, whether generally or in cases so specified or to authorities so specified, subject to modifications so specified.
- (2) An order under this section may (in particular)—
 - (a) add items to, or remove items from, Part 1 or 2 of Schedule 4 to this Act, or vary items of those Parts;
 - (b) confer discretions, or expand, curtail or repeal discretions conferred, on the appropriate person or any other person;
 - (c) be made before, during or after the end of any year to which it relates.
- (3) In subsection (2)(b) above “discretion” includes power to make a determination or give a direction.
- (4) An order under this section may—
 - (a) contain such incidental, consequential, transitional or supplementary provisions (including provisions amending or repealing enactments), and such savings, as the appropriate person considers appropriate;
 - (b) make different provision for different cases or authorities.
- (5) The power to make an order under this section is exercisable by statutory instrument.

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- (6) The Secretary of State shall not make an order under this section unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.]

Textual Amendments

F7 S. 87A inserted (18.11.2003) by [Local Government Act 2003 \(c. 26\)](#), **ss. 91(1)**, 128(2)(d)

88 Construction and application of Part VI.

- (1) In this Part—

- (a) expressions which are used in Part XIII of the ^{M1}Housing Act 1985 (general financial provisions) have the same meaning as in that Part;
- ^{F8}(aa) “the appropriate person” means—
- (i) in relation to England, the Secretary of State, and
 - (ii) in relation to Wales, ^{F9}Welsh Ministers];
- (b) references to a local housing authority’s Housing Revenue Account or Housing Repairs Account include, where the context so admits, references to the corresponding account kept by them under that Part;
- (c) references to a revenue account of a local housing authority other than their Housing Revenue Account do not include references to a Housing Repairs Account; ^{F10} and]
- (d) references to proper practices shall be construed in accordance with ^{F11}section 21 of the Local Government Act 2003^{F12}; and
- ^{F13}(e) “electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—
- ^{F14}(i) by means of ^{F15}an electronic communications network]; or
 - (ii) by other means but while in an electronic form;
- ^{F16}(f) “address”, in relation to electronic communications, includes any number or address used for the purposes of such communications.]

- (2) Sections 82 to 84 above and, so far as relating to those sections or residual debt subsidy, this section and sections 85 to 87 above, have effect for the year beginning on 1st April 1989.

- (3) Subject to subsection (2) above, this Part has effect for years beginning on or after 1st April 1990.

- (4) If, before the passing of this Act, any statement was made by or on behalf of the Secretary of State—

- (a) that, if this Part were then in force, he would make, under section 83 above, such a determination as is set out in the statement, and
- (b) that, when this Act is passed, he is to be regarded as having made under that section the determination set out in the statement,

the determination set out in the statement shall have effect as if it had been validly made under section 83 above at the time of the statement.

- (5) Any consultation undertaken—

- (a) before the passing of this Act, and

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- (b) before the making of such a statement as is referred to in subsection (4) above, and
 - (c) in connection with a determination proposed to be set out in the statement, shall be as effective, in relation to that determination, as if this Part had been in force at the time the consultation was undertaken.
- (6) Any consultation undertaken before the passing of this Act in connection with a determination proposed to be made under this Part shall be as effective, in relation to that determination, as if this Part had been in force at the time the consultation was undertaken.

Textual Amendments

- F8** S. 88(1)(aa) inserted (18.11.2003 for E. and 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004) by [Local Government Act 2003 \(c. 26\)](#), [ss. 89\(6\)](#), [128\(6\)](#); [S.I. 2003/2938](#), [art. 3\(a\)](#) (with [art. 8](#), [Sch.](#)); [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)
- F9** Words in s. 88(1)(aa)(ii) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 313\(2\)](#), [325\(2\)\(a\)](#)
- F10** Word in s. 88(1)(c) deleted (E.) (10.12.2000) by virtue of [S.I. 2000/3056](#), [art. 4\(a\)](#)
- F11** Words in s. 88(1)(d) substituted (27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004, and 1.4.2004 for E.) by [Local Government Act 2003 \(c. 26\)](#), [s. 128\(6\)](#), [Sch. 7 para. 32](#); [S.I. 2003/2938](#), [art. 7\(a\)](#) (with [art. 8](#), [Sch.](#)); [S.I. 2003/3034](#), [art. 2](#), [Sch. 1 Pt. I](#)
- F12** Word in s. 88(1)(c) deleted (E.) (10.12.2000) by virtue of [S.I. 2000/3056](#), [art. 4\(a\)](#)
- F13** S. 88(1)(e)(f) and the preceding "and" inserted (E.) (10.12.2000) by [S.I. 2000/3056](#), [art. 4\(b\)](#) and the said insertion extended to Wales (1.4.2001) by [S.I. 2001/605](#), [art. 2\(2\)](#)
- F14** [1984 c. 12](#).
- F15** Words in s. 88(1)(e)(i) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 17 para. 100](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#)); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F16** S. 88(1)(e)(f) and the preceding "and" inserted (E.) (10.12.2000) by [S.I. 2000/3056](#), [art. 4\(b\)](#) and the said insertion extended to Wales (1.4.2001) by [S.I. 2001/605](#), [art. 2\(2\)](#)

Marginal Citations

- M1** [1985 c. 68](#).

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