



Housing Act 2004

2004 CHAPTER 34

PART 7

SUPPLEMENTARY AND FINAL PROVISIONS

Documents

244 Power to prescribe forms

- (1) The appropriate national authority may by regulations prescribe the form of any notice, statement or other document which is required or authorised to be used under, or for the purposes of, this Act.
- (2) The power conferred by this section is not exercisable where specific provision for prescribing the form of a document is made elsewhere in this Act.

245 Power to dispense with notices

- (1) The appropriate national authority may dispense with the service of a notice which is required to be served by a local housing authority under this Act if satisfied that it is reasonable to do so.
- (2) A dispensation may be given either before or after the time at which the notice is required to be served.
- (3) A dispensation may be given either unconditionally or on such conditions (whether as to the service of other notices or otherwise) as the appropriate national authority considers appropriate.
- (4) Before giving a dispensation under this section, the appropriate national authority shall, in particular, have regard to the need to ensure, so far as possible, that the interests of any person are not prejudiced by the dispensation.

Status: This is the original version (as it was originally enacted).

246 Service of documents

- (1) Subsection (2) applies where the local housing authority is, by virtue of any provision of Parts 1 to 4 or this Part, under a duty to serve a document on a person who, to the knowledge of the authority, is—
 - (a) a person having control of premises,
 - (b) a person managing premises, or
 - (c) a person having an estate or interest in premises,or a person who (but for an interim or final management order under Chapter 1 of Part 4) would fall within paragraph (a) or (b).
- (2) The local housing authority must take reasonable steps to identify the person or persons falling within the description in that provision.
- (3) A person having an estate or interest in premises may for the purposes of any provision to which subsections (1) and (2) apply give notice to the local housing authority of his interest in the premises.
- (4) The local housing authority must enter a notice under subsection (3) in its records.
- (5) A document required or authorised by any of Parts 1 to 4 or this Part to be served on a person as—
 - (a) a person having control of premises,
 - (b) a person managing premises,
 - (c) a person having an estate or interest in premises, or
 - (d) a person who (but for an interim or final management order under Chapter 1 of Part 4) would fall within paragraph (a) or (b),may, if it is not practicable after reasonable enquiry to ascertain the name or address of that person, be served in accordance with subsection (6).
- (6) A person having such a connection with any premises as is mentioned in subsection (5) (a) to (d) is served in accordance with this subsection if—
 - (a) the document is addressed to him by describing his connection with the premises (naming them), and
 - (b) delivering the document to some person on the premises or, if there is no person on the premises to whom it can be delivered, by fixing it, or a copy of it, to some conspicuous part of the premises.
- (7) Subsection (1)(c) or (5)(c) applies whether the provision requiring or authorising service of the document refers in terms to a person having an estate or interest in premises or instead refers to a class of person having such an estate or interest (such as owners, lessees or mortgagees).
- (8) Where under any provision of Parts 1 to 4 or this Part a document is to be served on—
 - (a) the person having control of premises,
 - (b) the person managing premises, or
 - (c) the owner of premises,and more than one person comes within the description in the provision, the document may be served on more than one of those persons.
- (9) Section 233 of the Local Government Act 1972 (c. 70) (service of notices by local authorities) applies in relation to the service of documents for any purposes of this Act

by the authorities mentioned in section 261(2)(d) and (e) of this Act as if they were local authorities within the meaning of section 233.

(10) In this section—

- (a) references to a person managing premises include references to a person authorised to permit persons to occupy premises; and
- (b) references to serving include references to similar expressions (such as giving or sending).

(11) In this section—

- “document” includes anything in writing;
- “premises” means premises however defined.

247 Licences and other documents in electronic form

(1) A local housing authority may, subject to subsection (3), issue a licence to a person under Part 2 or 3 by transmitting the text of the licence to him by electronic means, provided the text—

- (a) is received by him in legible form, and
- (b) is capable of being used for subsequent reference.

(2) A local housing authority may, subject to subsection (3), serve a relevant document on a person by transmitting the text of the document to him in the way mentioned in subsection (1).

(3) The recipient, or the person on whose behalf the recipient receives the document, must have indicated to the local housing authority the recipient’s willingness to receive documents transmitted in the form and manner used.

(4) An indication for the purposes of subsection (3)—

- (a) must be given to the local housing authority in such manner as they may require;
- (b) may be a general indication or one that is limited to documents of a particular description;
- (c) must state the address to be used and must be accompanied by such other information as the local housing authority require for the making of the transmission; and
- (d) may be modified or withdrawn at any time by a notice given to the local housing authority in such manner as they may require.

(5) In this section any reference to serving includes a reference to similar expressions (such as giving or sending).

(6) In this section—

- “document” includes anything in writing; and
- “relevant document” means any document which a local housing authority are, by virtue of any provision of Parts 1 to 4 or this Part, under a duty to serve on any person.

248 Timing and location of things done electronically

(1) The Secretary of State may by regulations make provision specifying, for the purposes of any of Parts 1 to 4 or this Part, the manner of determining—

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- (a) the times at which things done under any of Parts 1 to 4 or this Part by means of electronic communications networks are done;
 - (b) the places at which things done under any of Parts 1 to 4 or this Part by means of such networks are done; and
 - (c) the places at which things transmitted by means of such networks are received.
- (2) The Secretary of State may by regulations make provision about the manner of proving in any legal proceedings—
- (a) that something done by means of an electronic communications network satisfies any requirements of any of Parts 1 to 4 or this Part for the doing of that thing; and
 - (b) the matters mentioned in subsection (1)(a) to (c).
- (3) Regulations under this section may provide for such presumptions to apply (whether conclusive or not) as the Secretary of State considers appropriate.
- (4) In this section “electronic communications network” has the meaning given by section 32 of the Communications Act 2003 (c. 21).

249 Proof of designations

- (1) This subsection applies in respect of a copy of—
- (a) a designation under section 56 (designation of an area as subject to additional licensing), or
 - (b) a designation under section 80 (designation of an area as subject to selective licensing),
- which purports to be made by a local housing authority.
- (2) A certificate endorsed on such a copy and purporting to be signed by the proper officer of the authority stating the matters set out in subsection (3) is prima facie evidence of the facts so stated without proof of the handwriting or official position of the person by whom it purports to be signed.
- (3) Those matters are—
- (a) that the designation was made by the authority,
 - (b) that the copy is a true copy of the designation, and
 - (c) that the designation did not require confirmation by the confirming authority, or that on a specified date the designation was confirmed by the confirming authority.