



Local Government and Housing Act 1989

1989 CHAPTER 42

PART VI

HOUSING FINANCE

Modifications etc. (not altering text)

- C1** Pt. 6 (ss. 74-86) applied (1.4.1997) by 1992 c. 5, s. 140G (as inserted (1.4.1997) by 1996 c. 52, s. 121, Sch. 12 paras. 4; S.I. 1997/618, art. 2 (subject to transitional provisions in Sch.))
- C2** Pt. 6 modified (E.) (28.11.2008) by The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), regs. 1(1), 26 (with reg. 1(2))

Housing accounts

74 Duty to keep Housing Revenue Account.

- (1) A local housing authority shall keep, in accordance with proper practices, an account, called the “Housing Revenue Account”, of sums falling to be credited or debited in respect of—
- (a) houses and other buildings which have been provided under Part II of the ^{M1}Housing Act 1985 (provision of housing);
 - (b) land which has been acquired or appropriated for the purposes of that Part;
 - (c) houses purchased under section 192 of that Act (purchase of house found on appeal against repair notice to be unfit and beyond repair at reasonable cost);
 - (d) dwellings in respect of which a local authority have received assistance under section 1 or section 4(2A) of the ^{M2}Housing (Rural Workers) Act 1926;
 - (e) any property which—
 - (i) with the consent of the Secretary of State given under section 417(1) of the Housing Act 1985,
 - (ii) with the consent of a Minister given under section 50(1)(e) of the ^{M3}Housing (Financial Provisions) Act 1958, or

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- (iii) by virtue of section 50(2) of that Act (houses vesting in local authority on default of another person),
 was brought within the corresponding account kept under Part XIII of the Housing Act 1985 for years beginning before 1st April 1990; and
- (f) such land, houses or other buildings not within the preceding paragraphs as the Secretary of State may direct.
- (2) References in subsection (1) above and the other provisions of this Part to provisions of the Housing Act 1985 include, where the context so admits, references to the corresponding provisions of earlier enactments; and the reference in paragraph (b) of that subsection to land acquired for the purposes of Part II of that Act includes—
- (a) land which a local authority were deemed to have acquired under Part V of the ^{M4}Housing Act 1957 by virtue of section 57(6) of that Act (land acquired for re-development in pursuance of re-development plan) before the repeal of that section on 25th August 1969; and
- (b) any structures on such land which were made available to a local authority under section 1 of the ^{M5}Housing (Temporary Accommodation) Act 1944 (prefabs).
- (3) Paragraphs (a) to (e) of subsection (1) above shall not apply to—
- (a) land, houses or other buildings disposed of by the authority;
- (b) land acquired by the authority for the purpose of disposing of houses provided, or to be provided, on the land, or of disposing of the land to a person who intends to provide housing accommodation on it [^{F1}or facilities which serve a beneficial purpose in connection with the requirements of persons for whom housing accommodation is provided];
- (c) houses provided by the authority on land so acquired; or
- (d) such land, houses or other buildings as the Secretary of State may direct;
- and paragraph (a) of that subsection shall not apply to houses and other buildings provided on or before 6th February 1919.
- (4) A local housing authority not possessing property to which subsection (1) above applies shall nevertheless keep a Housing Revenue Account unless the Secretary of State consents to their not doing so and they comply with such conditions (if any) as may be specified in the consent.
- (5) In this Part—
- (a) references to the houses or other property of an authority within the authority's Housing Revenue Account are references to the houses, dwellings or other property to which subsection (1) above for the time being applies; and
- (b) references (however expressed) to a disposal are references to a conveyance of the freehold, or a grant or assignment of a lease (other than a shared ownership lease) which is a long tenancy within the meaning given by section 115 of the ^{M6}Housing Act 1985.
- (6) Sections 417 to 420 of, and Schedule 14 to, the Housing Act 1985 (which are superseded by this section, sections 75 to 78 below and Schedule 4 to this Act) shall cease to have effect.

Textual Amendments

F1 Words in s. 74(3)(b) inserted (24.9.1996) by 1996 c. 52, ss. 222, 232(2), Sch. 18 para. 24(2)

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Marginal Citations

- M1** 1985 c. 68.
- M2** 1926 c. 56.
- M3** 1958 c. 42.
- M4** 1957 c. 56.
- M5** 1944 c. 36.
- M6** 1985 c. 68.

75 The keeping of the Housing Revenue Account.

Schedule 4 to this Act shall have effect with respect to the keeping of a local housing authority's Housing Revenue Account, as follows—

- Part I - Credits to the account.
- Part II - Debits to the account.
- Part III - Special cases.
- Part IV - Supplementary provisions.

76 Duty to prevent debit balance on Housing Revenue Account.

- (1) This section applies where for any year (“the relevant year”) a local housing authority who are required to keep a Housing Revenue Account possess any houses or other property within the account.
- (2) The authority shall, during the months of January and February immediately preceding the relevant year, formulate proposals which satisfy the requirements of subsection (3) below and relate to—
 - (a) the income of the authority for the year from rents and other charges in respect of houses and other property within their Housing Revenue Account;
 - (b) the expenditure of the authority for the year in respect of the repair, maintenance, supervision and management of such property; and
 - (c) such other matters connected with the exercise of the authority's functions in relation to such property as the Secretary of State may direct.
- (3) Proposals formulated by the authority under subsection (2) above satisfy the requirements of this subsection at any time if, on the assumption that the following will prove correct, namely—
 - (a) the best assumptions that they are able to make at that time as to all matters which may affect the amounts falling to be credited or debited to their Housing Revenue Account for the relevant year; and
 - (b) the best estimates that they are able to make at that time of the amounts which, on those assumptions, will fall to be so credited or debited,implementation of the proposals will secure that the account for that year does not show a debit balance.
- (4) No assumptions shall be made under subsection (3) above as to the exercise by the Secretary of State of any power except on the basis of information published by him or on his behalf or supplied by him to the authority.
- (5) Subject to subsections (6) and (7) below, the authority shall implement the proposals formulated by them under subsection (2) above.

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- (6) The authority shall from time to time determine whether the proposals formulated under subsection (2) above satisfy the requirements of subsection(3) above; and—
- (a) termine that question in the affirmative, they may make such revisions of the proposals as they think fit, so long as the proposals (as so revised) continue to satisfy those requirements;
 - (b) if they determine that question in the negative, they shall make such revisions of the proposals as are reasonably practicable towards securing that the proposals (as so revised) satisfy those requirements.
- (7) Where the proposals formulated under subsection (2) above are revised under subsection (6) above, subsections (3) to (6) above shall apply inrelation to the proposals as so revised as they applied in relation to the proposals as originally formulated.
- (8) The authority shall, within one month of formulating their proposals under subsection (2) above, or of revising those proposals under subsection (6)above, prepare a statement setting out—
- (a) those proposals as so formulated or so revised;
 - (b) the estimates made by them under subsection (3)(b) above on the basis of which those proposals were so formulated or so revised; and
 - (c) such other particulars relating to those proposals and estimates as the Secretary of State may direct;
- and a direction under paragraph (c) above may specify the manner in which the particulars are to be set out in the statement.
- (9) The authority shall, until the end of the year next following the relevant year, keep copies of the statement which is for the time being the latest statement prepared by them under subsection (8) above available for inspection by the public without charge at all reasonable hours at one or more of their offices; and any person shall be entitled to take copies of, or extracts from,that statement when so made available.

Modifications etc. (not altering text)

C3 S. 76 modified (28.11.1994) by [S.I. 1994/2825](#), [reg. 39](#)

77 Power to keep Housing Repairs Account.

- (1) A local housing authority who are required to keep a Housing RevenueAccount may also keep, in accordance with proper practices, an account called the “Housing Repairs Account”.
- (2) An authority who keep a Housing Repairs Account shall carry to the credit of the account for any year—
- (a) sums transferred for the year from their Housing Revenue Account; and
 - (b) sums receivable by the authority for the year in connection with the repair or maintenance of houses or other property within their Housing Revenue Account (either from their tenants or from the sale of scrapped or salvaged materials).
- (3) The authority shall carry to the debit of the account for any year—

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- (a) all expenditure incurred by them for the year in connection with the repair or maintenance of houses or other property within their Housing Revenue Account;
 - (b) such expenditure incurred by them for the year in connection with the improvement or replacement of houses or other property within their Housing Revenue Account as may from time to time be determined by the Secretary of State; and
 - (c) sums transferred for the year to the Housing Revenue Account in accordance with subsection (5) below.
- (4) The authority shall secure that sufficient credits are carried to the account to secure that no debit balance is shown in the account for any year.
 - (5) The authority may carry some or all of any credit balance in the account for any year to the credit of their Housing Revenue Account.
 - (6) So much of any credit balance shown in an authority's Housing Repairs Account at the end of the year beginning 1st April 1989 as is not carried to the credit of their Housing Revenue Account for that year shall be carried forward and credited to some other revenue account of theirs for the year beginning 1st April 1990.

78 Directions to secure proper accounting.

The Secretary of State may give directions as to the accounting practices (whether actual or prospective) which are to be followed by a local housing authority in the keeping of their Housing Revenue Account or Housing Repairs Account.

[^{F2}78A Directions as to treatment of service charges, &c.

- (1) The Secretary of State may give directions as to what items or amounts are to be regarded as referable to property within a local housing authority's Housing Revenue Account where one or more parts of a building have been disposed of but the common parts remain property within that account.
- (2) Any such direction also has effect for the purposes of any Housing Repairs Account kept by the authority.
- (3) Directions under this section may give the authority a discretion as to whether items or amounts are accounted for in the Housing Revenue Account or any Housing Repairs Account or in another revenue account.
- (4) In this section "common parts" includes the structure and exterior of the building and common facilities provided, whether in the building or elsewhere, for persons who include the occupiers of one or more parts of the building.]

Textual Amendments

- F2** S. 78A inserted (1.10.1996 with effect as mentioned in [Sch. 18 para. 4\(2\)](#) of the amending Act) by 1996 c. 52, s. 222, [Sch. 18 para. 4\(1\)](#); S.I. 1996/2402, [art. 3](#) (subject to transitional provisions in [Sch.](#))

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[^{F3}78B Directions as to accounting for work subject to competitive tendering.

- (1) This section applies where work is carried out by a local housing authority which has successfully bid for the work on a competitive basis.
- (2) The Secretary of State may give directions—
 - (a) to secure that the amount debited to the Housing Revenue Account or any Housing Repairs Account of the authority in respect of the work reflects the amount of the authority’s successful bid for the work rather than expenditure actually incurred;
 - (b) allowing an authority to credit to its Housing Revenue Account any surpluses reasonably attributable to work undertaken on or in connection with property within that account.
- (3) Directions under subsection (2)(a) may make provision for determining the amount to be treated as the amount of the authority’s successful bid.

References in this Part to expenditure shall be construed as references to the amount falling to be debited in accordance with the directions.

- (4) Directions under subsection (2)(b) may make provision as to the ascertainment of the surpluses referred to and the circumstances in which a surplus is or is not to be taken to be attributable to property within an authority’s Housing Revenue Account.]

Textual Amendments

- F3** S. 78B inserted (1.10.1996 with effect as mentioned in [Sch. 18 para. 4\(2\)](#) of the amending Act) by [1996 c. 52, s. 222, Sch. 18 para. 4\(1\)](#); [S.I. 1996/2402, art. 3](#) (subject to transitional provisions in [Sch.](#))

Housing subsidies

79 Housing Revenue Account subsidy.

- (1) Housing Revenue Account subsidy shall be payable for each year to local housing authorities.
- (2) [^{F4}Housing Revenue Account subsidy shall be paid by the appropriate person—
 - (a) in such instalments, at such times and in such manner, and
 - (b) subject to such conditions as to claims, records, certificates, supply of Housing Revenue Account business plans, audit or otherwise,
 as the appropriate person may determine.]
- (3) Sections 421 to 427A of the ^{M7}Housing Act 1985 (which are superseded, in their application to local housing authorities, by this section and sections 80 and 86 below) shall cease to apply in relation to such authorities.

Textual Amendments

- F4** S. 79(2) substituted (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\(1\), 128\(6\)](#); [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#)); [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#)

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Marginal Citations

M7 1985 c. 68.

80 Calculation of Housing Revenue Account subsidy.

(1) ^{F5}The amount of Housing Revenue Account subsidy (if any) payable to a local housing authority for a year shall be calculated in such manner as the appropriate person may from time to time determine.

(1A) A determination under subsection (1) above may (in particular)—

- (a) provide for all or part of the amount to be calculated in accordance with a formula or formulae;
- (b) provide for the amount, or part of the amount, to be calculated by reference to—
 - (i) whether any Housing Revenue Account business plan that the authority are required to prepare by any time has been supplied to the appropriate person or has been supplied to the appropriate person by that time;
 - (ii) the appropriate person’s assessment of any Housing Revenue Account business plan prepared by the authority and supplied to the appropriate person;
 - (iii) whether conditions are met that relate to, or to the authority’s conduct of, the authority’s finances or any aspect of those finances;
 - (iv) an assessment of the state of, or of the authority’s conduct of, the authority’s finances or any aspect of those finances;
 - (v) whether conditions are met that relate to housing provided by the authority, to housing functions of the authority or to the authority’s performance in exercising such functions;
 - (vi) an assessment of, or of the state of, housing provided by the authority;
 - (vii) an assessment of the authority’s performance in exercising functions in relation to housing provided by the authority or in otherwise exercising housing functions;
 - (viii) whether, as respects housing provided by the authority, management functions exercisable in relation to that housing have been entrusted to a company;
 - (ix) whether, where such functions have been entrusted to a company, conditions are met that relate to the performance of the company in exercising the functions;
 - (x) an assessment, where such functions have been entrusted to a company, of the performance of the company in exercising those functions;
 - (xi) assumptions as to any matter;
- (c) have the effect that the amount, or part of the amount, is nil or a negative amount;
- (d) make different provision for different parts of the amount.]

^{F6}(2)

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- (3) In determining a formula for the purposes of this section for any year, [^{F7}the appropriate person may (in particular)] include variables framed (in whatever way he considers appropriate) by reference to—
- (a) any amounts which fall to be or were credited or debited to the authority's Housing Revenue Account for that year or any previous year;
 - (b) any amounts which, on such assumptions as the [^{F8}appropriate person] may determine (whether or not borne out or likely to be borne out by events), would fall to be or would have been so credited or debited; and
 - (c) such other matters relating to the authority, or to (or to tenants of) houses and other property which are or have been within the account, as he thinks fit;

^{F9} ...

- (4) Without prejudice to the generality of subsection (3) above, a formula may require it to be assumed that the amount for any year of the rental income or housing expenditure of each authority (or each authority in England or in Wales) is to be determined—
- (a) by taking the amount which the [^{F10}appropriate person] considers (having regard, amongst other things, to past and expected movements in incomes, costs and prices) should be or should have been the aggregate amount for that year of the rental incomes or, as the case may be, the housing expenditure of all of the authorities (or all of the authorities in England or Wales) taken together; and
 - (b) by apportioning that amount between them in such manner as the [^{F10}appropriate person] considers appropriate (which may involve, if he thinks fit, inferring the aggregate values of the houses and other property within their respective Housing Revenue Accounts from the average values of any of the houses and other property which they have disposed of);

and in this subsection “rental income” means income falling within item 1 of Part I of Schedule 4 to this Act and “housing expenditure” means expenditure falling within item 1 of Part II of that Schedule or falling to be debited to the authorities' Housing Repairs Accounts.

- [^{F11}(5) Nothing in subsections (1A) to (4) above is to be taken as limiting the appropriate person's discretion under subsection (1) above.
- (6) The appropriate person may make a determination under subsection (1) above, or a calculation under such a determination, on the basis of information received by him on or before such date as he thinks fit.]

Textual Amendments

- F5** S. 80(1)(1A) substituted for s. 80(1) (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(2)**, 128(6); S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F6** S. 80(2) repealed (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 \(c. 26\)](#), **ss. 90(2)**, 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 7(a)(e)(iii) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F7** Words in s. 80(3) substituted (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(3)(a)**, 128(6); S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F8** Words in s. 80(3)(b) substituted (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(4)**, 128(6); S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

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- F9** Words in s. 80(3) repealed (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\(3\)\(b\), 128\(6\), Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 3(a)(i)(iii) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F10** Words in s. 80(4) substituted (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\(4\), 128\(6\)](#); S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F11** S. 80(5)(6) 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\(5\), 128\(6\)](#); S.I. 2003/2938, art. 3(a) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

Modifications etc. (not altering text)

- C4** S. 80: power to restrict conferred (1.12.1998) by [1998 c. 38, s. 22\(5\), Sch. 3 Pt. II para. 8](#) (with ss. 139(2), 143(2)); S.I. 1998/2789, [art. 2](#)

[^{F12}80B Agreements to exclude certain authorities or property

- (1) Subsection (2) applies if an agreement is in force between the appropriate person and a local housing authority for sections 79 to 80A not to apply in relation to—
 - (a) the authority; or
 - (b) specified property, or specified descriptions of property, of the authority.
- (2) Sections 79 to 80A do not apply in relation to the authority or (as the case may be) property for each year provided for in the agreement.
- (3) Such an agreement may, in particular, contain terms and conditions about—
 - (a) the period of years for which sections 79 to 80A are not to apply (whether a fixed or indefinite period);
 - (b) payments to the authority by the appropriate person or by the authority to the appropriate person;
 - (c) the levels of rent for specified property or specified descriptions of property (in the case of an agreement of the kind mentioned in subsection (1)(b));
 - (d) the provision of information;
 - (e) the variation or termination of the agreement (whether on the occurrence of particular events, at the discretion of the appropriate person or otherwise).
- (4) The appropriate person may give directions about supplementary, incidental, consequential or transitional matters relating to the variation or termination of an agreement of the kind mentioned in subsection (1).
- (5) Such directions may not override any provision made on the subject by the agreement unless the directions are given with the consent of the local housing authority concerned.
- (6) The provision made by the directions or the agreement may, in particular, include transitional provision about the terms and conditions on which the authority or (as the case may be) property is to become subject to sections 79 to 80A after the termination of the agreement.
- (7) This section does not restrict the circumstances in which Housing Revenue Account subsidy is otherwise not payable to a local housing authority, or in respect of particular property, by virtue of this Part.

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(8) In this section—

“property” means land, houses, dwellings, buildings or property of a kind falling within paragraphs (a) to (f) of section 74(1) (property within the Housing Revenue Account); and includes future property;

“specified”, in relation to an agreement, means specified in the agreement.]

Textual Amendments

F12 S. 80B inserted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 313(1), 325(2)(a)**

[^{F13}**80ZANegative amounts of subsidy payable to appropriate person**

(1) If calculation in accordance with a determination under section 80(1) above of the amount of Housing Revenue Account subsidy payable to a local housing authority for a year produces a negative amount—

- (a) the authority shall for that year debit the equivalent positive amount to their Housing Revenue Account, and
- (b) pay that equivalent amount to the appropriate person.

(2) Amounts payable to the appropriate person under subsection (1)(b) above shall be paid to him in such instalments, at such times and in such manner as he may determine.

(3) A payment in respect of an amount payable under subsection (1)(b) above shall be accompanied by such information as the appropriate person may require.

(4) The appropriate person may charge a local housing authority interest, at such rates and for such periods as he may determine, on any sum payable to him under subsection (1)(b) above that is not paid by such time as may be determined under subsection (2) above for its payment.

(5) The appropriate person may charge a local housing authority an amount equal to any additional costs incurred by him as a result of any sum payable to him under subsection (1)(b) above not being paid by such time as may be determined under subsection (2) above for its payment.]

Textual Amendments

F13 S. 80ZA 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. 90(1), 128(6)**; [S.I. 2003/2938, art. 3\(a\)](#) (with [art. 8, Sch.](#)); [S.I. 2003/3034, art. 2, Sch. 1 Pt. I](#)

[^{F14}**80A Final decision on amount of Housing Revenue Account subsidy.**

(1) The Secretary of State shall, as soon as he thinks fit after the end of the year, make a final decision as to the amount (if any) of Housing Revenue Account subsidy payable to a local housing authority for that year and notify the authority in writing of his decision.

[Notification in writing of a decision under this section is to be taken as given to a local ^{F15}(1A) housing authority where notice of the decision is sent using electronic communications

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to such address as may for the time being be notified by that authority to the Secretary of State for that purpose.

- ^{F15}(1B) Notification in writing of a decision under this section is also to be treated as given to a local housing authority where—
- (a) the Secretary of State and that authority have agreed that notifications of decisions under this section required to be given in writing to that authority may instead be accessed by that authority on a web site;
 - (b) the decision is a decision to which that agreement applies;
 - (c) the Secretary of State has published the decision on a web site;
 - (d) that authority is notified, in a manner for the time being agreed for the purpose between it and the Secretary of State, of—
 - (i) the publication of the decision on a web site;
 - (ii) the address of that web site; and
 - (iii) the place on that web site where the notice may be accessed, and how it may be accessed.
- ^{F15}(1C) A local housing authority which is no longer willing to accept electronic communications for the notification of decisions under this section, may withdraw a notification of an address given to the Secretary of State for the purposes of subsection (1A) 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 informs the Secretary of State that it wants to withdraw the notification of the address given.
- ^{F15}(1D) A local housing authority which has entered into an agreement with the Secretary of State under paragraph (a) of subsection (1B) 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.]
- (2) Once notified to the authority the decision is conclusive as to the amount (if any) payable by way of subsidy and shall not be questioned in any legal proceedings.
 - (3) Where the amount of Housing Revenue Account subsidy paid to an authority is less than the amount finally decided, the authority is entitled to be paid the balance.
 - (4) Where Housing Revenue Account subsidy has been paid to an authority in excess of the amount finally decided, the Secretary of State may recover the excess, with interest from such time and at such rates as he thinks fit.
- [^{F16}(4A) Without prejudice to other methods of recovery, a sum recoverable under subsection (4) above may—
- (a) be recovered by withholding or reducing subsidy, and
 - (b) if the sum is referable to housing benefit in respect of houses or other property within the authority's Housing Revenue Account, be recovered by withholding or reducing rent rebate subsidy under Part 8 of the Social Security Administration Act 1992.]
- (5) Nothing in this section affects any power of the Secretary of State to vary a determination as to the amount of subsidy before the final decision is made.]

Status: Point in time view as at 30/04/2012.

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Textual Amendments

- F14** S. 80A inserted (1.10.1996 with effect as mentioned in [Sch. 18 para. 5\(2\)](#) of the amending Act) by [1996 c. 52, s. 222](#), [Sch. 18 para. 5\(1\)](#); [S.I. 1996/2402, art. 3](#)
- F15** S. 80A(1A)-(1D) inserted (E.) (10.12.2000) by [S.I. 2000/3056, art. 2](#) and the said insertion extended to Wales (1.4.2001) by [S.I. 2001/605, art. 2\(2\)](#)
- F16** S. 80A(4A) substituted for words (18.11.2003) by [Local Government Act 2003 \(c. 26\), s. 128\(3\)\(e\)](#), [Sch. 7 para. 31](#); [S.I. 2003/2938, art. 2\(a\)](#) (with [art. 8, Sch.](#))

Modifications etc. (not altering text)

- C5** S. 80A extended (W.) (1.4.2001) by [S.I. 2001/605, art. 2\(1\)](#), [Sch.](#)

^{F17}**81**

Textual Amendments

- F17** S. 81 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), s. 3](#), [Sch.1](#)

82 Residual debt subsidy for year 1989–90.

- (1) Where, in the case of any local housing authorities to whom no housing subsidy is payable for the year beginning 1st April 1989, houses or other property within their respective Housing Revenue Accounts—
- are disposed of in that year, or
 - are in that year the subject of such other transactions as the Secretary of State may determine,
- residual debt subsidy shall be payable for that year to those authorities in respect of costs relating to the houses or other property.
- (2) Residual debt subsidy shall be paid by the Secretary of State at such times, in such manner and subject to such conditions as to records, certificates, audit or otherwise as he may, with the agreement of the Treasury, determine.
- (3) Payment of residual debt subsidy shall be subject to the making of a claim for it in such form, and containing such particulars, as the Secretary of State may from time to time determine.
- (4) Residual debt subsidy paid to a local housing authority shall be credited to the authority's Housing Revenue Account and, accordingly, for the year beginning 1st April 1989 the reference to housing subsidy in item 3 in Part I of Schedule 14 to the ^{M8}Housing Act 1985 shall be taken to include a reference to residual debt subsidy.

Marginal Citations

- M8** [1985 c. 68](#).

Status: Point in time view as at 30/04/2012.

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83 Calculation of residual debt subsidy.

- (1) The amount of the residual debt subsidy (if any) payable to a local housing authority shall be calculated—
 - (a) in accordance with such formulae as the Secretary of State may from time to time determine; and
 - (b) by reference to such houses or other property as the Secretary of State may for the time being determine.
- (2) A determination of the Secretary of State under this section may relate to disposals or other transactions which occur before the making of the determination.

84 Adjustment of housing subsidy for year 1989-90.

- (1) In any case where, apart from this subsection and subsection (2) below, the amount of housing subsidy payable to a local housing authority for the year beginning 1st April 1989 would be reduced or extinguished as a result of the transfer from the authority to a housing action trust of housing, land or other property as mentioned in section 74 of the ^{M9}Housing Act 1988, the Secretary of State, in the exercise of his power under section 423(2) of the Housing Act 1985, may adjust the authority's base amount for that year to take account of the effect of that transfer.
- (2) If, in accordance with subsection (1) above, the Secretary of State can make an adjustment of a local housing authority's base amount for the year beginning 1st April 1989 to take account of a transfer of housing, land or other property to a housing action trust, he may, instead of or as well as making such an adjustment, take account of the effect of the transfer in the making or varying of any determination for that year under section 424 (housing costs differential) or in the making of any determination under section 425 (local contribution differential) of the Housing Act 1985.
- (3) Subsections (1) and (2) above shall be deemed to have been in force so as to be applicable for the year beginning 1st April 1989.

Marginal Citations

M9 1988 c. 50.

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

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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 [^{F18}any or ^{F19}. . . 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.
- (2) Without prejudice to other methods of recovery, a sum recoverable under this section may be recovered by withholding or reducing subsidy.

Textual Amendments

F18 Words in s. 86(1) inserted (28.11.1994) by S.I. 1994/2825, reg. 10

F19 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.
- ^{F20}(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.
- ^{F21}(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;

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- (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.

^{F22}(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 informs the Secretary of State that it wants to withdraw the notification of the address given.

^{F23}(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

- F20** 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\(2\)](#)
- F21** 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\(2\)](#)
- F22** 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\(2\)](#)
- F23** 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)

- C6** S. 87 extended (W.) (1.4.2001) by [S.I. 2001/605, art. 2\(1\), Sch.](#)
- C7** [S. 87\(4\)-\(7\)](#) applied (15.11.2011) by [Localism Act 2011 \(c. 20\), ss. 173\(5\), 240\(5\)\(n\)](#)

[^{F24}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;

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- (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.
- (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

F24 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 ^{M10}Housing Act 1985 (general financial provisions) have the same meaning as in that Part;
 - [^{F25}(aa) “the appropriate person” means—
 - (i) in relation to England, the Secretary of State, and
 - (ii) in relation to Wales,][^{F26}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; [^{F27} and]
 - (d) references to proper practices shall be construed in accordance with [^{F28}section 21 of the Local Government Act 2003][^{F29}; and
 - ^{F30}(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)—
 - ^{F31}(i) by means of [^{F32}an electronic communications network]; or
 - (ii) by other means but while in an electronic form;
 - ^{F33}(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.

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- (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
 - (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

- F25** 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](#)
- F26** Words in s. 88(1)(aa)(ii) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 313\(2\), 325\(2\)\(a\)](#)
- F27** Word in s. 88(1)(c) deleted (E.) (10.12.2000) by virtue of [S.I. 2000/3056, art. 4\(a\)](#)
- F28** 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](#)
- F29** Word in s. 88(1)(c) deleted (E.) (10.12.2000) by virtue of [S.I. 2000/3056, art. 4\(a\)](#)
- F30** 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\(2\)](#)
- F31** 1984 c. 12.
- F32** 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](#))
- F33** 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

- M10** 1985 c. 68.

Status:

Point in time view as at 30/04/2012.

Changes to legislation:

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