



Local Government Act 2003

2003 CHAPTER 26

PART 1

CAPITAL FINANCE ETC AND ACCOUNTS

CHAPTER 1

CAPITAL FINANCE ETC

Capital receipts

11 Use of capital receipts

- (1) The Secretary of State may by regulations make provision about the use of capital receipts by a local authority.
- (2) Regulations under subsection (1) may, in particular—
 - (a) make provision requiring an amount equal to the whole or any part of a capital receipt to be used only to meet—
 - (i) capital expenditure, or
 - (ii) debts or other liabilities;
 - (b) make provision requiring an amount equal to the whole or any part of a capital receipt to be paid to the Secretary of State.
- (3) The power under subsection (1), so far as relating to provision of the kind mentioned in subsection (2)(b), shall only apply to receipts which a local authority derives from the disposal of an interest in housing land.
- (4) The reference in subsection (3) to housing land is to any land, house or other building in relation to which the local authority is, or has been, subject to the duty under section 74 of the Local Government and Housing Act 1989 (c. 42) (duty to keep Housing Revenue Account).

Status: Point in time view as at 12/05/2016.

Changes to legislation: Local Government Act 2003, Section 11 is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Regulations under subsection (1) may include provision authorising the Secretary of State to set off any amount which an authority [^{F1}in Wales] is liable to pay to him under this section against any amount which he is liable to pay to it.
- [^{F2}(5A) Where the Secretary of State is liable to repay an amount that has been overpaid by a local housing authority in England under this section, the Secretary of State may set off against the amount of the repayment any amount that the authority is liable to pay the Secretary of State under—
- (a) this section, or
 - (b) section 69 of the Housing and Planning Act 2016 (payments in respect of vacant higher value housing).]
- [^{F3}(6) The Secretary of State and a local authority in England may enter into an agreement with the effect that a requirement imposed under subsection (2)(b) does not apply to, or is modified in its application to, capital receipts of the authority that are specified or described in the agreement.]

Textual Amendments

- F1** Words in s. 11(5) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 78(2)**, 216(1)(b)
- F2** S. 11(5A) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 78(3)**, 216(1)(b)
- F3** S. 11(6) inserted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), **ss. 174**, 240(5)(n)

Commencement Information

- I1** S. 11 in force at 18.11.2003 for E. by [S.I. 2003/2938](#), **art. 3(a)** (with [art. 8](#), [Sch.](#))
- I2** S. 11 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by [S.I. 2003/3034](#), **art. 2**, **Sch. 1 Pt. 1** (with [Sch. 2 para. 3](#))

Status:

Point in time view as at 12/05/2016.

Changes to legislation:

Local Government Act 2003, Section 11 is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.