

SCHEDULE

ARTICLE 2

**ELECTRONIC COMMUNICATION OF FINAL DECISION
ON AMOUNT OF HOUSING REVENUE ACCOUNT SUBSIDY**

1. In section 80A of the 1989 Act(1) (final decision on amount of Housing Revenue Account subsidy) after subsection (1), the following subsections are inserted —

“(1A) Notification in writing of a decision under this section is to be taken as given to a local housing authority where notice of the decision is sent using electronic communications to such address as may for the time being be notified by that authority to the Secretary of State for that purpose.

(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.

(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.

(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 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.”.

Electronic transmission of determinations and directions

2. In section 87 of the 1989 Act(2) (determinations and directions) after subsection (3), the following subsections are inserted —

“(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.

(1) Section 80A was inserted by paragraph 5 of Schedule 18 to the Housing Act 1996 (1996 c. 52). The Secretary of State’s functions under section 80A are exercisable in relation to Wales by the Assembly by virtue of the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(1999 No.672\)](#).

(2) The Secretary of State’s functions under section 87 are exercisable in relation to Wales by the Assembly by virtue of The National Assembly for Wales (Transfer of Functions) Order 1999.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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 then determination may be accessed, and how it may be accessed.

(6) 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 (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.

(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 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.”.

Construction and application of Part VI of the 1989 Act

3. In section 88(1) of the 1989 Act —

- (1) at the end of paragraph (c) “and” is deleted;
- (2) after paragraph (d) the following is inserted —

“; and

- (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) —
 - (i) by means of a telecommunications system (within the meaning of the Telecommunications Act 1984)⁽³⁾; or
 - (ii) by other means but while in an electronic form;
- (f) “address”, in relation to electronic communications, includes any number or address used for the purposes of such communications.”.

(3) 1984 c. 12.