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STATUTORY INSTRUMENTS

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**2004 No. 3055**

**The Local Authorities (Capital Finance and Accounting)  
(Amendment) (England) (No. 2) Regulations 2004**

**Interpretation of the Principal Regulations**

2. In regulation 1 of the Principal Regulations (citation, commencement, application and interpretation), in paragraph (5)—

- (a) before the definition of “CIPFA”, there shall be inserted—
  - ““the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993(1);
  - “associates” has the same meaning as in section 135 of the 1993 Act (disposals of dwelling-houses by local authorities)(2);”;
- (b) after the definition of “dwelling”, there shall be inserted—
  - ““dwelling-house” has the same meaning as in section 135 of the 1993 Act(3);”;
- (c) after the definition of “housing land”, there shall be inserted—
  - ““introductory tenant” has the same meaning as in Chapter 1 of Part V of the Housing Act 1996 (introductory tenancies)(4);
  - “long lease” means a lease for a term of years certain exceeding 21 years other than a lease which is terminable before the end of that term by notice given by or to the landlord;”;
- (d) in the definition of “qualifying disposal”—
  - (i) for “Leasehold Reform, Housing and Urban Development Act 1993”, there shall be substituted “1993 Act”; and
  - (ii) at the end, “and” shall be omitted; and
- (e) after the definition of “qualifying disposal”, there shall be inserted—
  - ““relevant disposal period” means the period of five years ending with the date of the disposal;
  - “secure tenant” has the same meaning as in Part IV of the Housing Act 1985 (secure tenancies and rights of secure tenants)(5);
  - “small scale disposal” means a disposal by a local authority of an interest in housing land to any person where—

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(1) 1993 c. 28.

(2) See, in particular, paragraph (b) of subsection (14) of section 135.

(3) See, in particular, subsection (13) of section 135.

(4) 1996 c. 52.

(5) 1985 c. 68.

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*Status: This is the original version (as it was originally made).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

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- (a) the Secretary of State has given consent to the disposal under section 32 (power to dispose of land held for the purposes of Part II) or 43 (consent required for certain disposals not within section 32) of the Housing Act 1985(6);
- (b) he has given that consent subject to the conditions that the local authority—
  - (i) takes reasonable steps to ascertain whether the majority of secure tenants and introductory tenants who would be affected by the disposal are not opposed to it; and
  - (ii) is satisfied that, at the time of the disposal, the majority of those tenants are not likely to be opposed to the disposal;and
- (c) the aggregate of the following, namely—
  - (i) the number of dwelling-houses included in the disposal; and
  - (ii) the number of dwelling-houses which, within the relevant disposal period, have been previously disposed of by the authority to that person, or that person and any associates of his taken together,is not more than 499,

but for the purposes of this definition, a disposal of any dwelling-house shall be disregarded if at the time of the disposal the local authority's interest in the dwelling-house is or was subject to a long lease; and".

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(6) Sections 32 and 43 were amended by S.I.1997/74 and section 43 was amended by section 132 of the Housing Act 1988 (c. 50). There are other amendments to sections 32 and 43 that are not relevant to these Regulations.