



Local Government and Housing Act 1989

1989 CHAPTER 42

PART IX

MISCELLANEOUS AND GENERAL

Other provisions

182 Power to monitor activities of registered housing associations

In Part I of the Housing Associations Act 1985 (regulation of housing associations) after section 27 there shall be inserted the following section—

“27A Power of Corporation to monitor associations

- (1) If at any time required to do so by the Corporation,—
 - (a) a registered housing association shall produce to a person authorised in that behalf by the Corporation such books, accounts and other documents relating to the association’s business as may be specified by the Corporation; and
 - (b) any officer, employee or member of the committee of the registered housing association shall provide an explanation of any such books, accounts and other documents.
- (2) Where, by virtue of subsection (1), any books, accounts or other documents are produced to a person authorised in that behalf by the Corporation, he may take copies of or make extracts from them.
- (3) In the application of this section to a registered housing association which is a charity,—
 - (a) the reference in subsection (1)(a) to the association’s business shall be construed as a reference to its housing activities; and
 - (b) the reference to a member of the committee includes a reference to a trustee of the association.”

183 Extension of powers of Housing Corporation and Housing for Wales to give financial assistance

For section 87 of the Housing Associations Act 1985 (grants towards expenses in promoting or assisting registered housing associations) there shall be substituted the following section—

“87 Financial assistance with respect to formation, management, etc. of certain housing associations

- (1) The Corporation may give financial assistance to any person in respect of the following activities—
 - (a) promoting and giving advice on the formation of registered housing associations and co-operative housing associations (in this section referred to collectively as “relevant associations”);
 - (b) managing, providing services for, and giving advice on the running of, relevant associations; and
 - (c) assisting tenants and licensees of a relevant association to take part in the management of the association or of some or all of the dwellings provided by the association.
- (2) Assistance under this section may be in the form of grants, loans, guarantees or incurring expenditure for the benefit of the person assisted or in such other way as the Corporation considers appropriate, except that the Corporation may not, in giving any form of financial assistance, purchase loan or share capital in a company.
- (3) With respect to financial assistance under this section, the following—
 - (a) the procedure to be followed in relation to applications for assistance,
 - (b) the circumstances in which assistance is or is not to be given,
 - (c) the method for calculating, and any limitations on, the amount of assistance, and
 - (d) the manner in which, and the time or times at which, assistance is to be given,
 shall be such as may be specified by the Corporation, acting in accordance with such principles as it may from time to time determine.
- (4) In giving assistance under this section, the Corporation may provide that the assistance is conditional upon compliance by the person to whom the assistance is given with such conditions as it may specify.
- (5) Where assistance under this section is given in the form of a grant, subsections (1), (2) and (7) to (9) of section 52 of the Housing Act 1988 (recovery, etc. of grants) shall apply as they apply in relation to a grant to which that section applies, but with the substitution, for any reference in those subsections to the registered housing association to which the grant has been given, of a reference to the person to whom assistance is given under this section.
- (6) Section 53 of the Housing Act 1988 (determinations under Part II) shall apply in relation to a determination under this section as it applies to a determination under sections 50 to 52 of that Act.”

184 Extension of functions of Audit Commission

- (1) In Part III of the Local Government Finance Act 1982 (the Audit Commission for Local Authorities in England and Wales) after section 28 there shall be inserted the following section—

“28A Functions of Commission in relation to national health service

- (1) At the request of the Secretary of State, the Commission may—
- (a) promote or undertake studies designed to improve economy, efficiency and effectiveness in the management or operations of any of the bodies specified in section 98(1) of the National Health Service Act 1977 (accounts to be kept by Health Authorities, Family Practitioner Committees, special trustees and the Dental Practice Board);
 - (b) appoint an auditor to audit the accounts of any of those bodies for a financial year;
 - (c) make available officers of the Commission to assist with the studies referred to in paragraph (a) above;
 - (d) make available officers of the Commission to assist an auditor appointed by the Commission under paragraph (b) above or by the Secretary of State under the said section 98(1) in carrying out his audit of any of those bodies;
 - (e) provide advice to the Secretary of State on any proposal to transfer responsibility for the audit of the accounts of any of those bodies to the Commission; and
 - (f) provide training for persons in relation to the audit of the accounts of those bodies, including training for securing economy, efficiency and effectiveness in the provision of services by those bodies.
- (2) Where a request is made to the Commission to appoint an auditor as mentioned in subsection (1)(b) above, section 13 above shall apply as it applies in relation to the appointment of an auditor to audit the accounts of any body whose accounts are required to be audited in accordance with this Part of this Act subject to the following modifications—
- (a) subsections (3) and (4) shall be omitted; and
 - (b) in subsection (5) for the words “has such other qualifications as may be” there shall be substituted the words “is a person for the time being”.
- (3) Subject to subsection (2) above, references in the foregoing provisions of this Part of this Act to an audit carried out thereunder do not include an audit carried out pursuant to a request under subsection (1) above.
- (4) Where any services are to be provided pursuant to a request under subsection (1) above, the Commission shall agree with the Secretary of State, and charge him, such fees as will cover the full cost of providing the services.”
- (2) In section 29 of that Act (miscellaneous functions of Commission) in subsection (1)—
- (a) in paragraph (a) after the words “Minister of the Crown” there shall be inserted “or public authority”;
 - (b) at the end of paragraph (c) there shall be inserted the words “or

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- (d) for certifying any return by the body which, by or under any enactment, is required or authorised to be certified by the body's auditor or under arrangements made by the Commission"; and
 - (c) at the end there shall be added the words "and in paragraph (a) above "public authority" means a body established by or under the Treaties or by or under any enactment".
- (3) In section 98(1) of the National Health Service Act 1977 after the words "audited by auditors appointed by the Secretary of State" there shall be inserted "or by the Audit Commission for Local Authorities in England and Wales at his request".

185 Publication of reports of Controller of Audit: Scotland

In section 102 of the Local Government (Scotland) Act 1973 (reports to Commission for Local Authority Accounts by Controller of Audit)—

- (a) in subsections (1) and (2) there shall, in each case, be added at the end the words "and may send a copy of any report so made to any other person he thinks fit"; and
- (b) after subsection (2) there shall be inserted the following subsection—

“(2A) A local authority shall, forthwith upon their receiving a copy of a report sent to them under subsection (1) or (2) above, supply a copy of that copy report to each member of the authority and make additional copies available for public inspection.”

186 Security of tenure on ending of long residential tenancies

- (1) Schedule 10 to this Act shall have effect (in place of Part I of the Landlord and Tenant Act 1954) to confer security of tenure on certain tenants under long tenancies and, in particular, to establish assured periodic tenancies when such long tenancies come to an end.
- (2) Schedule 10 to this Act applies, and section 1 of the Landlord and Tenant Act 1954 does not apply, to a tenancy of a dwelling-house—
 - (a) which is a long tenancy at a low rent, as defined in Schedule 10 to this Act; and
 - (b) which is entered into on or after the day appointed for the coming into force of this section, otherwise than in pursuance of a contract made before that day.
- (3) If a tenancy—
 - (a) is in existence on 15th January 1999, and
 - (b) does not fall within subsection (2) above, and
 - (c) immediately before that date was, or was deemed to be, a long tenancy at a low rent for the purposes of Part I of the Landlord and Tenant Act 1954,
 then, on and after that date (and so far as concerns any notice specifying a date of termination on or after that date and any steps taken in consequence thereof), section 1 of that Act shall cease to apply to it and Schedule 10 to this Act shall apply to it unless, before that date, the landlord has served a notice under section 4 of that Act specifying a date of termination which is earlier than that date.

- (4) The provisions of Schedule 10 to this Act have effect notwithstanding any agreement to the contrary, but nothing in this subsection or that Schedule shall be construed as preventing the surrender of a tenancy.
- (5) Section 18 of the Landlord and Tenant Act 1954 (duty of tenants of residential property to give information to landlords or superior landlords) shall apply in relation to property comprised in a long tenancy at a low rent, within the meaning of Schedule 10 to this Act, as it applies to property comprised in a long tenancy at a low rent within the meaning of Part I of that Act, except that the reference in that section to subsection (1) of section 3 of that Act shall be construed as a reference to sub-paragraph (1) of paragraph 3 of Schedule 10 to this Act.
- (6) Where, by virtue of subsection (3) above, Schedule 10 to this Act applies to a tenancy which is not a long tenancy at a low rent as defined in that Schedule, it shall be deemed to be such a tenancy for the purposes of that Schedule.

187 Construction industry: grants and guarantees

- (1) The Secretary of State may, for the purpose of promoting or facilitating the carrying on of any of the activities specified in subsection (2) below, do one or both of the following, that is to say—
 - (a) make grants to any person who carries on any such activities;
 - (b) guarantee the repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with sums borrowed temporarily by any such person.
- (2) The activities mentioned in subsection (1) above are—
 - (a) the assessment of, and of applications of, materials, products, systems and techniques used or proposed for use in the construction industry; and
 - (b) the issue of certificates, promotion of common standards and publication of information with respect to any such materials, products, systems or techniques.
- (3) The consent of the Treasury shall be required for the exercise by the Secretary of State of his power under this section to make a grant or give a guarantee; but, subject to that consent and to the following provisions of this section, that power shall be a power to make a grant or give a guarantee in such manner and on such conditions as he thinks fit.
- (4) Immediately after a guarantee is given under this section, the Secretary of State shall lay a statement of the guarantee before each House of Parliament.
- (5) Where any sums are paid out in fulfilment of a guarantee given under this section in respect of any person's borrowing, that person shall make to the Secretary of State, at such times and in such manner as the Secretary of State may, with the consent of the Treasury, from time to time direct—
 - (a) payments, of such amounts as the Secretary of State may so direct, in or towards repayment of those sums; and
 - (b) payments of interest, at such rate as the Secretary of State may so direct, on what is outstanding for the time being in respect of those sums.
- (6) As soon as possible after the end of any financial year in which—
 - (a) any sums are paid out in fulfilment of a guarantee given under this section, or

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(b) any liability in respect of the principal of sums so paid out, or in respect of interest on any such sums, is outstanding,
the Secretary of State shall lay before each House of Parliament a statement relating to the sums.

188 Repeal of s. 2 of the Education (Grants and Awards) Act 1984

Section 2 of the Education (Grants and Awards) Act 1984 (limit on expenditure approved for grant purposes) shall not apply in relation to any expenditure approved for the financial year beginning with 1st April 1990 or any subsequent financial year.

189 Grants by Secretary of State towards costs of magistrates' courts etc

- (1) Section 59 of the Justices of the Peace Act 1979 (grants by Secretary of State to responsible authorities) shall be amended in accordance with this section.
- (2) In subsection (1), in paragraph (a) the words “or this Part” shall be omitted and at the end of the subsection there shall be added “and
 - (c) of their functions under this Part of this Act or, in the case of the Receiver, his corresponding functions”.
- (3) In subsection (3) after the word “section” there shall be inserted “towards the net cost to a responsible authority in any year of the matters mentioned in paragraphs (a) and (b) of subsection (1) above” and for the words from “the expenditure” onwards there shall be substituted “that net cost”.
- (4) After subsection (4) there shall be inserted the following subsection—
 - “(4A) In determining the amount of the grant towards the net cost of the functions referred to in subsection (1)(c) above, the Secretary of State may disregard, in whole or in part, such items of expenditure as he thinks fit.”