



# Housing Act 2004

## 2004 CHAPTER 34

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISIONS

##### *Information provisions*

#### **235 Power to require documents to be produced**

- (1) A person authorised in writing by a local housing authority may exercise the power conferred by subsection (2) in relation to documents reasonably required by the authority—
  - (a) for any purpose connected with the exercise of any of the authority's functions under any of Parts 1 to 4 in relation to any premises, or
  - (b) for the purpose of investigating whether any offence has been committed under any of those Parts in relation to any premises.
- (2) A person so authorised may give a notice to a relevant person requiring him—
  - (a) to produce any documents which—
    - (i) are specified or described in the notice, or fall within a category of document which is specified or described in the notice, and
    - (ii) are in his custody or under his control, and
  - (b) to produce them at a time and place so specified and to a person so specified.
- (3) The notice must include information about the possible consequences of not complying with the notice.
- (4) The person to whom any document is produced in accordance with the notice may copy the document.
- (5) No person may be required under this section to produce any document which he would be entitled to refuse to provide in proceedings in the High Court on grounds of legal professional privilege.

*Changes to legislation: Housing Act 2004, Cross Heading: Information provisions is up to date with all changes known to be in force on or before 12 May 2023. 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) View outstanding changes*

- (6) In this section “document” includes information recorded otherwise than in legible form, and in relation to information so recorded, any reference to the production of a document is a reference to the production of a copy of the information in legible form.
- (7) In this section “relevant person” means, in relation to any premises, a person within any of the following paragraphs—
  - (a) a person who is, or is proposed to be, the holder of a licence under Part 2 or 3 in respect of the premises, or a person on whom any obligation or restriction under such a licence is, or is proposed to be, imposed,
  - (b) a person who has an estate or interest in the premises,
  - (c) a person who is, or is proposing to be, managing or having control of the premises,
  - (d) a person who is, or is proposing to be, otherwise involved in the management of the premises,
  - (e) a person who occupies the premises.

#### Commencement Information

- II** S. 235 wholly in force at 16.6.2006; s. 235 not in force at Royal Assent see s. 270(4)(5); s. 235 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 235 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

## 236 Enforcement of powers to obtain information

- (1) A person commits an offence if he fails to do anything required of him by a notice under section 235.
- (2) In proceedings against a person for an offence under subsection (1) it is a defence that he had a reasonable excuse for failing to comply with the notice.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person commits an offence if he intentionally alters, suppresses or destroys any document which he has been required to produce by a notice under section 235.
- (5) A person who commits an offence under subsection (4) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (6) In this section “document” includes information recorded otherwise than in legible form, and in relation to information so recorded—
  - (a) the reference to the production of a document is a reference to the production of a copy of the information in legible form, and
  - (b) the reference to suppressing a document includes a reference to destroying the means of reproducing the information.

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#### Commencement Information

- I2** S. 236 wholly in force at 16.6.2006; s. 236 not in force at Royal Assent see s. 270(4)(5); s. 236 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 236 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

### 237 Use of information obtained for certain other statutory purposes

- (1) A local housing authority may use any information to which this section applies—
- (a) for any purpose connected with the exercise of any of the authority's functions under any of Parts 1 to 4 in relation to any premises, or
  - (b) for the purpose of investigating whether any offence has been committed under any of those Parts in relation to any premises.
- (2) This section applies to any information which has been obtained by the authority in the exercise of functions under—
- (a) section 134 of the Social Security Administration Act 1992 (c. 5) (housing benefit), or
  - (b) Part 1 of the Local Government Finance Act 1992 (c. 14) (council tax).
- [<sup>F1</sup>(3) The Secretary of State may by regulations amend this section so as to change the list of purposes for which a local housing authority in England may use information to which it applies.]

#### Textual Amendments

- F1** S. 237(3) inserted (6.4.2017) by [Housing and Planning Act 2016](#) (c. 22), [ss. 129\(2\)](#), 216(3); [S.I. 2017/281](#), [reg. 4\(g\)](#)

#### Commencement Information

- I3** S. 237 wholly in force at 25.11.2005; s. 237 not force at Royal Assent see s. 270(4)(5); s. 237 in force for E. at 15.6.2005 by [S.I. 2005/1451](#), [art. 3\(e\)](#); s. 237 in force for W. at 25.11.2005 by [S.I. 2005/3237](#), [art. 2\(h\)](#)

### 238 False or misleading information

- (1) A person commits an offence if—
- (a) he supplies any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 or this Part,
  - (b) the information is false or misleading, and
  - (c) he knows that it is false or misleading or is reckless as to whether it is false or misleading.
- (2) A person commits an offence if—
- (a) he supplies any information to another person which is false or misleading,
  - (b) he knows that it is false or misleading or is reckless as to whether it is false or misleading, and
  - (c) he knows that the information is to be used for the purpose of supplying information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 or this Part.

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(3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) In this section “false or misleading” means false or misleading in any material respect.

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**Commencement Information**

**I4** S. 238 wholly in force at 16.6.2006; s. 238 not in force at Royal Assent see s. 270(4)(5); s. 238 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 238 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172](#) Regulations

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)