



# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.

### **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.

### **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).

### **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.
- (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.