
 S T A T U T O R Y I N S T R U M E N T S

2000 No. 3056**LOCAL GOVERNMENT, ENGLAND****The Local Government and Housing Act 1989 (Electronic Communications) (England) Order 2000**

<i>Made</i> - - - - -	<i>10th November 2000</i>
<i>Laid before Parliament</i>	<i>17th November 2000</i>
<i>Coming into force</i> - -	<i>10th December 2000</i>

The Secretary of State for the Environment, Transport and the Regions, considering that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases, in exercise of the powers conferred on him by section 8 of the Electronic Communications Act 2000(a) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government and Housing Act 1989 (Electronic Communications) (England) Order 2000 and shall come into force on 10th December 2000.

(2) This Order extends to England only(b).

(3) In this Order, “the 1989 Act” means the Local Government and Housing Act 1989(c).

Electronic communication of final decision on amount of Housing Revenue Account subsidy

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

“(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;

(a) 2000 c. 7. For the definition of “the appropriate Minister” see sections 9(1) and 10(1).

(b) For the application of section 8 of the Electronic Communications Act 2000 to Wales, see section 10 of that Act.

(c) 1989 c. 42.

(d) Section 80A was inserted by paragraph 5 of Schedule 18 to the Housing Act 1996 (1996 c. 52).

- (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 a 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

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

“(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.

(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 the 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 sending of copies of determinations under this Part, 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 a 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 of Part VI of the 1989 Act

4. In section 88 of the 1989 Act (Construction and application of Part VI), in subsection (1)—

- (a) at the end of paragraph (c) delete “and”;
- (b) after paragraph (d) insert—
 - “; 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 telecommunication system (within the meaning of the Telecommunications Act 1984^(a)); 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.”

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

Chris Mullin
Parliamentary Under Secretary of State,
Department of the Environment,
Transport and the Regions

10th November 2000

^(a) 1984 c. 12.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order allows the Secretary of State, in England only, to use electronic communications to notify a local housing authority of his final decision, under section 80A of the Local Government and Housing Act 1989, as to the amount of Housing Revenue Account subsidy payable to that authority for the year, or to publish the decision on a web site and notify the authority that he has done so, where the decision may be found and how it may be accessed, if he has so agreed with the authority.

Article 3 of this Order amends section 87 of the Local Government and Housing Act 1989, in England only, to allow the Secretary of State to use electronic communications to send to a local housing authority a copy of any determination made under Part VI of that Act (a determination of the amount of Housing Revenue Account subsidy payable under section 80 of that Act, or a determination of a formula in accordance with which credits and debits should be calculated under Item 8 of Part I and Item 8 of Part II of Schedule 4 to that Act). It also allows the Secretary of State to discharge his obligation to send a copy of a determination to an authority by publishing the determination on a web site and notifying the authority that it may be found there, and how it may be accessed there, if he has so agreed with the authority.

An authority which is no longer willing to accept electronic communication of a determination or decision may give notice of its withdrawal of notification of its address to which electronic communications may be sent, and of its revocation of an agreement that it may be notified by consulting a web site. Such withdrawal or revocation shall take effect on a date specified by the authority which must be at least one month from the date on which notification of the withdrawal or revocation is given by the authority.

Article 4 of this Order amends section 88 of the 1989 Act by inserting definitions of electronic communication and address for the purposes of electronic communications.

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