

UK Parliament Acts/L/LO-LT/Local Government Act 1988 (1988 c 9)/Part III Privately Let Housing Accommodation (ss 24-26)/25 Consent required for provision of financial assistance etc

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(1) *Subject to the following provisions of this section, a local authority shall neither—*

- (a) *exercise the power conferred by section 24 above; nor*
- (b) *so exercise any other power [(whether conferred before or after the passing of this Act)] as to provide any person, for the purposes of or in connection with the matters mentioned in subsection (1) of that section, with any financial assistance or with any gratuitous benefit,*

except under and in accordance with a consent given by the Secretary of State.

(2) *Nothing in this section shall require the consent of the Secretary of State to a person's being provided by any local authority with any assistance or benefit if—*

- (a) *an obligation to provide that person with that particular assistance or benefit—*
 - (i) *is imposed on the authority by or under any enactment; or*
 - (ii) *not being an obligation arising as the result of the exercise on or after 6th February 1987 of any option conferred on the authority, has arisen by virtue of an agreement entered into by them before that date;*
- [(b) the assistance or benefit is provided in consequence of, or in connection with, the making by the authority, or by persons who include the authority, of a requirement under [section 41](#) or [98](#) of the Water Industry Act 1991] for the provision of a water main or public sewer;]*
- (c) *the assistance or benefit is provided under [section 257\(3\)](#) of the National Health Service Act 2006 or [section 195\(3\)](#) of the National Health Service (Wales) Act 2006] or [section 16A\(3\)\(b\)](#) of the National Health Service (Scotland) Act 1978 (power to make payments to voluntary organisations out of sums received from health authorities);*
- (d) *the assistance or benefit is provided in exercise of any power the expenses of exercising which are recoverable under [Schedule 10](#) to the Housing Act 1985 or Schedule 9 to the Housing (Scotland) Act 1987 (recovery of expenses of carrying out works required to be carried out by a repair notice, . . . or a notice relating to a house in multiple occupation);*
- (e) *the assistance or benefit is provided in consequence of, or in connection with, the service . . . of an improvement order under Part IV of the said Act of 1987, . . . ; or*
- (f) *the assistance or benefit is provided in exercise of any power conferred by—*
 - (i) *section 273 of the said Act of 1985 (power to cleanse premises of vermin before demolition);*
 - (ii) *sections 379 to 394 of the said Act of 1985 or sections 178 to 190 of the said Act of 1987*

(powers exercisable pursuant to the making of a control order); or

(iii) Parts XIV to XVI of the said Act of 1985 or Parts XII to XIV of the said Act of 1987 (loans and grants for, and assistance with, the acquisition, improvement, repair and conversion of housing); [or

(iv) article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (power of local housing authorities to provide assistance)].

(3) Any transaction entered into in contravention of this section shall be void.

(4) Subject to subsections (3) and (4) of section 26 below, where at any time on or after 6th February 1987 and before the passing of this Act a local authority in England and Wales has done anything which would have been a contravention of this section if it had been in force at that time, the same consequences shall follow as if this section had been in force at that time.

(5) For the purposes of this section a local authority provide a person with a gratuitous benefit if—

(a) they provide that person, or agree to provide that person, with a benefit consisting in the disposal to any person of any land or other property, in the provision to any person of any goods, services or facilities, in the carrying out for any person of any works or in the making to any person of any payment; and

(b) that benefit is or is to be provided either for no consideration or for a consideration which has a value in money or money's worth which is significantly less than the value, in money or money's worth, of the benefit which is or is to be provided by the authority.

(6) In determining for the purposes of subsection (5) above whether any benefit is or is to be provided by a local authority for no consideration, and in determining for those purposes the value of any consideration, there shall be disregarded—

(a) so much (if any) of the consideration for the benefit in question as consists—

(i) in the acquisition by any person of any such property as is mentioned in section 24(1) above or in a promise that any such property will be acquired by any person;

(ii) in the carrying out of any works by any person for the purposes of the construction, conversion, rehabilitation, improvement or maintenance of any such property or in a promise that any works will be carried out by any person for any such purposes;

(iii) in the carrying out by any person of any acts of management in relation to any such property or in a promise that any acts of management will be carried out by any person in relation to any such property; or

(iv) in the grant of a right to nominate persons to be occupiers of any such property or in a promise to grant any such right;

and

(b) without prejudice to paragraph (a) above, so much of any transaction entered into after the passing of this Act otherwise than in pursuance of another transaction entered into before that time as provides, in relation to any property which is or is intended to be occupied as housing accommodation, for an obligation which—

(i) restricts the occupation of the property as housing accommodation, or

(ii) (whether because it relates to a matter affecting the suitability of the property for particular

purposes or otherwise) has the effect of restricting its occupation as housing accommodation, to occupation by persons of a particular description or to occupation by virtue of an interest or agreement of a particular description.

(7) *In the application of this section to Scotland the references in subsection (2)(a)(ii) above to 6th February 1987 shall have effect as references to the date on which this Act is passed.*

NOTES

Initial Commencement

Royal Assent

Royal Assent: 24 March 1988: (no specific commencement provision).

Amendment

Repealed by the [Housing \(Scotland\) Act 2006, s 192\(2\), Sch 7](#).

Date in force: 1 April 2010: see [SSI 2009/122, art 3](#).

Sub-s (2): in para (c) words from “section 257(3) of” to “[National Health Service \(Wales\) Act 2006](#)” in square brackets substituted by the [National Health Service \(Consequential Provisions\) Act 2006, s 2, Sch 1, paras 102, 103](#).

Date in force: 1 March 2007: see the [National Health Service \(Consequential Provisions\) Act 2006, s 8\(2\)](#).

Sub-s (2): in para (f)(ii) word “or” in italics repealed, in relation to England and Wales, by [SI 2002/1860, art 15\(1\), Sch 6](#).

Date in force: 19 July 2002: see [SI 2002/1860, art 1\(2\)\(d\)\(i\)](#).

Sub-s (2): para (f)(iv) and word “or” immediately preceding it inserted, in relation to England and Wales, by [SI 2002/1860, art 9, Sch 1, para 3](#).

Date in force: 19 July 2002: see [SI 2002/1860, art 1\(2\)\(b\)](#).

Local Government Act 1988

Date made
24/03/1988