



Local Government Act 1988

1988 CHAPTER 9

PART III

PRIVATELY LET HOUSING ACCOMMODATION

26 Consents under section 25.

[^{F1}(1) A consent given for the purposes of section 25 above—

- (a) may be given either unconditionally or subject to conditions;
- (b) may be given in relation to a particular case or in relation to such description of cases (including cases described by reference to a particular local authority or a particular manner of providing assistance or benefits) as may be specified in the consent; and
- (c) except in relation to anything already done or agreed to be done on the authority of the consent, may be varied or revoked by a notice given or published by the Secretary of State in such manner as he may consider appropriate.

(2) In determining whether to give a consent for the purposes of section 25 above in relation to any assistance or benefit or whether to vary or revoke a consent so given, and in determining to what (if any) conditions such a consent should be subject, the Secretary of State—

- (a) shall take into account the extent (if any) to which, and the circumstances in which, it is appropriate, in his opinion, that a local authority should bear the financial burden and risks of acquiring, constructing, converting, rehabilitating, improving, maintaining or managing any of the property in relation to which assistance or benefits might be provided by virtue of the consent; and
- (b) may take into account any other matter whatever which he considers relevant.

[^{F2}(2A) Before determining whether to consent under section 25 to the exercise of a power, the Secretary of State shall consult the Regulator of Social Housing if—

- (a) the power is to be exercised by a local authority in England, and

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1988, Section 26. (See end of Document for details)

- (b) exercise of the power would involve the disposal by the authority of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008).]
- (3) Where before the passing of this Act any statement has been made by or on behalf of the Secretary of State—
- (a) that, if an enactment were in force requiring his consent to a person's being provided by a local authority with assistance or benefits of any description, he would give his consent for the purposes of that enactment in relation to any matter or would so give his consent subject to certain conditions; and
- (b) that, if any such enactment is passed, his statement is to be treated as a consent for the purposes of that enactment,
- that statement shall have effect, both for the purposes of subsection (4) of section 25 above and after the passing of this Act, as if it were a consent given for the purposes of that section on the conditions (if any) specified in the statement.
- (4) Where a consent given for the purposes of section 25 above or a statement such as is mentioned in subsection (3) above relates, in whole or in part, to any assistance or benefits provided before the consent was given or the statement made, that consent or statement shall have effect for the purposes of this section and that section—
- (a) as if the consent had been given, or the statement made, before the assistance or benefits were provided; and
- (b) in the case of a consent relating to any assistance or benefits provided before the passing of this Act, as if the consent had been such a statement;
- but a consent or statement having effect in accordance with this subsection shall not affect any interest deriving from, or impose any liability in respect of, any disposal of property which was made before the giving of the consent or the making of the statement and was made by a person who, apart from paragraphs (a) and (b) above, had power to make it by virtue of section 25(3) or (4) above.
- (5) Where a consent to a disposal of land by a local authority has been given for the purposes of section 25 above or any such statement as is mentioned in subsection (3) above has effect as such a consent [^{F3}then, if the consent given for the purposes of section 25 above so provides], no further consent of the Secretary of State to that disposal shall (if the disposal is after the passing of this Act) be required by virtue of—
- (a) section 26(4) of the ^{M1}Town and Country Planning Act 1959 or section 74(2) of the ^{M2}Local Government (Scotland) Act 1973 (disposal of land for less than the best price etc.);
- (b) section 123(2) of the ^{M3}Local Government Act 1972 (disposal of land by certain local authorities); or
- (c) section 32(2) or 43(1) of the ^{M4}Housing Act 1985 or section 12 of the ^{M5}Housing (Scotland) Act 1987 (disposal of land held for housing purposes and of certain other land).
- (6) Subsection (3) above and, in so far as they relate to a statement such as is mentioned in that subsection, subsections (4) and (5) above shall not extend to Scotland.]

Textual Amendments

F1 Ss. 24-26 repealed (S.) (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3

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- F2** S. 26(2A) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 2 para. 20**
- F3** Words inserted by Housing Act 1988 (c. 50, SIF 61), **s. 132(7)**
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Marginal Citations

- M1** 1959 c. 53.
M2 1973 c. 65.
M3 1972 c. 70.
M4 1985 c. 68.
M5 1987 c. 26.

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