



Housing and Planning Act 2016

2016 CHAPTER 22

PART 4

SOCIAL HOUSING IN ENGLAND

CHAPTER 2

VACANT HIGHER VALUE LOCAL AUTHORITY HOUSING

Amendments and interpretation

77 Local authority disposal of housing: consent requirements

- (1) The Housing Act 1985 is amended as follows.
- (2) In section 34(4A) (consents to disposals and conditions), after paragraph (ca) (but before the “and”) insert—
 - “(cb) any reduction in the amount that the local authority may be required to pay under section 69 of the Housing and Planning Act 2016 (payments to Secretary of State in respect of vacant higher value housing in England) as a result of the disposal;”.
- (3) In section 43(4A) (consents to disposals and conditions), after paragraph (ca) (but before the “and”) insert—
 - “(cb) any reduction in the amount that the local authority may be required to pay under section 69 of the Housing and Planning Act 2016 (payments to Secretary of State in respect of vacant higher value housing in England) as a result of the disposal;”.

78 Set off under section 11 of Local Government Act 2003

- (1) Section 11 of the Local Government Act 2003 (use of capital receipts) is amended as follows.

Changes to legislation: Housing and Planning Act 2016, Cross Heading: Amendments and interpretation is up to date with all changes known to be in force on or before 27 April 2024. 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

(2) In subsection (5), after “an authority” insert “ in Wales ”.

(3) After subsection (5) insert—

“(5A) Where the Secretary of State is liable to repay an amount that has been overpaid by a local housing authority in England under this section, the Secretary of State may set off against the amount of the repayment any amount that the authority is liable to pay the Secretary of State under—

- (a) this section, or
- (b) section 69 of the Housing and Planning Act 2016 (payments in respect of vacant higher value housing).”

79 Interpretation of Chapter

(1) In this Chapter—

“becomes vacant”: housing in which a local housing authority has an interest “ becomes vacant ” when a tenancy granted by the authority comes to an end and is not renewed expressly or by operation of law (but see subsection (2));

“financial year” means a period of 12 months beginning with 1 April;

“higher value”, in relation to housing, has the meaning given by regulations under section 69;

“housing” means a building, or part of a building, which is occupied or intended to be occupied as a dwelling or as more than one dwelling;

“Housing Revenue Account” has the meaning given by section 74 of the Local Government and Housing Act 1989;

“interest” means a freehold or leasehold interest;

“local housing authority” has the meaning given by section 1 of the Housing Act 1985;

“tenancy” includes a licence to occupy.

(2) The Secretary of State may by regulations specify circumstances in which housing is to be treated as not having become vacant for the purposes of this Part even if it otherwise would be.

Changes to legislation:

Housing and Planning Act 2016, Cross Heading: Amendments and interpretation is up to date with all changes known to be in force on or before 27 April 2024. 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.

[View outstanding changes](#)

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

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

- s. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)