



Department for
Communities and
Local Government

Limits on Indebtedness Determination 2012 - Amending Determination 2013

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Limits on Indebtedness Determination 2012 – Amending Determination 2013 (No.2)

The Secretary of State as respects all local housing authorities in England, in exercise of the powers conferred by sections 171 and 173 of the Localism Act 2011, after consulting such representatives of local government and relevant professional bodies as appear to be appropriate, makes the following determination:

The Limits on Indebtedness Determination 2012 (“the Determination”) is amended as follows:

1. After paragraph 2.6, insert :

“3 Interpretation

3.1 In this Determination, references to “credit arrangements” do not include credit arrangements in connection with an HRA PFI scheme approved by the Secretary of State for Communities and Local Government.

3.2 In this Determination:

3.2.1 “provision of affordable housing” means the provision of dwellings to meet the housing needs, as identified by the local housing authority, of persons on low incomes, whether provided by the authority or a private registered provider of social housing;

3.2.2 “qualifying disposal” means a disposal of an interest in housing land (land that is or was immediately before disposal subject to the duty under section 74 of the Local Government and Housing Act 1989) where the Secretary of State has given consent to the disposal under section 32 or 43 of the Housing Act 1985 and to which Schedule 3A to Housing Act 1985 (Consultation before disposal to private sector landlord) applies;

3.2.3 “regeneration project” means any project for the carrying out of works or activities on any land where-

- (a) the land or building on the land is vacant, unused, ineffectively used, contaminated or derelict; and
- (b) the works or activities are carried out in order to secure that the land or the building will be brought into effective use.

2. In Annex A of the Determination, in the part with the heading “**The closing HRA CFR in subsequent years**”, after the paragraph that reads:

“such part of any capital receipt from the disposal of an interest in housing land which was used during the current financial year to repay the principal of any amount borrowed by the local authority or to meet any liability in respect of credit arrangements;”

insert the following paragraph:

“such part of any capital receipt from the disposal of an interest in housing land, other than a receipt to which the Schedule to the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (as amended) (“the Regulations”) applies or a qualifying disposal; which was used during the current financial year to meet capital expenditure on:

- any asset for which it does not have a duty to account in the Housing Revenue Account as required by Part VI of the Local Government and Housing Act 1989 except where the capital expenditure is used to provide affordable housing or regeneration projects; or
- the purposes set out in regulations 23(h), 23(i) or 23(j) of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (as amended), except where the obligation under regulation 23(i) relates to an asset for which it has a duty to account for in the Housing Revenue Account as required by Part VI of the Local Government Act 1989.”

3. (a) The amendment set out in paragraph 1 of this Determination shall have effect from 1 April 2012.

(b) The amendment set out in paragraph 2 of this Determination shall have effect from 1 April 2013.

Paul Downie
For and on behalf of the Secretary of State
April 2013

The Item 8 Credit and Item 8 Debit (General) Determination from 1 April 2012 – Amending Determination 2013

The Secretary of State as respects all local housing authorities in England, in exercise of the powers conferred by section 87 of and item 8 of Part I and item 8 Part II of Schedule 4 to the Local Government and Housing Act 1989 and after consulting such representatives of local government and relevant professional bodies as appear to be appropriate, hereby makes the following determination:

Citation and commencement

1. This determination may be cited as the Item 8 Credit and Item 8 Debit (General) Determination from 1 April 2012 – Amending Determination 2013. It has effect from 1 April 2014.

Amendment of Item 8 of Part I – Credit to the Account

2. The Item 8 Credit and Item 8 Debt (General) Determination from 1 April 2012 is amended so that in “Item 8 of Part I – Credit to the Account”, the definition of the “interest on notional cash balance” is replaced with:

“Interest on notional cash balance means the interest credited to the Housing Revenue Account on notional credit balances attributed to the Housing Revenue Account, the Housing Repairs Account, unapplied housing capital receipts and the Major Repairs Reserve.”

Paul Downie
For and on behalf of the Secretary of State
April 2013