

SCHEDULE 2

EXCEPTIONS TO SECTION 7

PART 4

TENANCIES AND LICENCES TO WHICH SPECIAL RULES APPLY: HOMELESSNESS

- 11 A tenancy or licence within section 7, but made with an individual by a local housing authority because of the authority's functions under Part 2 of the [Housing \(Wales\) Act 2014 \(anaw 7\)](#) (homelessness), is not an occupation contract unless the authority is satisfied that it owes a duty to the individual under section 75(1) of that Act (duty to secure availability of suitable accommodation).
- 12 (1) This paragraph applies where a local housing authority, in pursuance of any of its homelessness housing functions, makes arrangements with a relevant landlord for the provision of accommodation.
- (2) A tenancy or licence within section 7 but made with a relevant landlord in pursuance of the arrangements is not an occupation contract until immediately after the end of the notification period.
- (3) Sub-paragraph (2) does not apply if, before the end of the notification period, the landlord gives the person with whom the tenancy or licence is made notice that it is an occupation contract.
- (4) The notification period is the period of 12 months starting with—
- (a) the day on which that person was notified of—
- (i) the outcome of the authority's assessment under section 62 of the [Housing \(Wales\) Act 2014 \(anaw 7\)](#) or the authority's decision under section 80(5) of that Act, or (as the case may be)
- (ii) the authority's decision under section 184(3) or 198(5) of the [Housing Act 1996 \(c. 52\)](#), or
- (b) if there is—
- (i) a review of that decision under section 85 of the [Housing \(Wales\) Act 2014](#) or an appeal to the county court under section 88 of that Act, or (as the case may be)
- (ii) a review of that decision under section 202 of the [Housing Act 1996](#) or an appeal to the court under section 204 of that Act,
- the day on which that person is notified of the outcome of the assessment or the decision on review, or the day on which the appeal is finally determined.
- (5) In this paragraph—
- “homelessness housing functions” (“*swyddogaethau darparu tai i'r digartref*”) means—
- (a) in relation to a local housing authority for an area in Wales, its functions under sections 68, 73, 75, 82 and 88(5) of the [Housing \(Wales\) Act 2014](#), and
- (b) in relation to a local housing authority for an area in England, its functions under sections 188, 190, 200 and 204(4) of the [Housing Act 1996](#);
- “local housing authority” (“*awdurdod tai lleol*”) means—

Status: This is the original version (as it was originally enacted).

- (a) in relation to Wales, a county council for an area in Wales or a county borough council, and
 - (b) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- “relevant landlord” (“*landlord perthnasol*”) means—
- (a) a community landlord which is a registered social landlord or a private registered provider of social housing, or
 - (b) a private landlord.