

## SCHEDULE 3

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### HOMELESSNESS

##### *Housing Act 1985*

- 1 In paragraph 4 of Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies), after “(homelessness)” insert “or Part 2 of the Housing (Wales) Act 2014 (homelessness)”.

##### *Housing Act 1996*

- 2 The Housing Act 1996 is amended as follows.
- 3 In section 167 (allocation of housing accommodation in accordance with allocation scheme: Wales)—
  - (a) in subsection (2)—
    - (i) in paragraph (a), for “(within the meaning of Part 7)” substitute “(within the meaning of Part 2 of the Housing (Wales) Act 2014)”;
    - (ii) for paragraph (b) substitute—
      - “(b) people who are owed any duty by a local housing authority under section 66, 73 or 75 of the Housing (Wales) Act 2014;”
  - (b) in subsection (2ZA), for “Part 7” substitute “Part 2 of the Housing (Wales) Act 2014”;
  - (c) in subsection (2A)(c), for “section 199” substitute “section 81 of the Housing (Wales) Act 2014”.
- 4 In the Part title of Part 7 (homelessness), after “Homelessness” insert “: England”.
- 5 In subsection (1) of section 179 (duty of local housing authority to provide advisory services), after “local housing authority” insert “in England”.
- 6 In subsection (1) of section 180 (assistance for voluntary organisations), after “local housing authority” insert “in England”.
- 7 In subsection (1) of section 182 (guidance by the Secretary of State), after “social services authority” insert “in England”.
- 8 In subsection (1) of section 183 (application for assistance), after “local housing authority” insert “in England”.
- 9 In subsection (1) of section 187 (provision of information by Secretary of State), after “local housing authority” insert “in England”.
- 10 In section 193 (duty to persons with priority need who are not homeless intentionally)—
  - (a) in subsection (10), for “appropriate authority” substitute “Secretary of State”;
  - (b) omit subsection (12).

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*Status: This is the original version (as it was originally enacted).*

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- 11 In section 198 (referral of case to another local housing authority)—
- (a) after subsection (4) insert—
    - “(4A) Subsection (4) is to be construed, in a case where the other authority is an authority in Wales, as if the reference to “this Part” were a reference to Part 2 of the Housing (Wales) Act 2014.”
  - (b) in subsection (5), after “case” insert “which does not involve a referral to a local housing authority in Wales”;
  - (c) after that subsection, insert—
    - “(5A) The question whether the conditions for referral of a case involving a referral to a local housing authority in Wales shall be decided by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State and the Welsh Ministers may jointly direct by order.”;
  - (d) in subsection (6)(b), after “Secretary of State” insert “or, in the case of an order under subsection (5A), to the Secretary of State and the Welsh Ministers”;
  - (e) in subsection (7)—
    - (i) for “No such order shall” substitute “An order under this section shall not”; and
    - (ii) at the end, insert “and, in the case of a joint order, a resolution of the National Assembly for Wales”.
- 12 In subsection (4) of section 200 (duties to applicant whose case is considered for referral or referred)—
- (a) after “met” insert “and the notified authority is not an authority in Wales”, and
  - (b) at the end, insert “; for provision about cases where it is decided that those conditions are met and the notified authority is an authority in Wales, see section 83 of the Housing (Wales) Act 2014 (cases referred from a local housing authority in England)”.
- 13 After section 201 (application of referral provisions to cases arising in Scotland) insert—

**“201A Cases referred from a local housing authority in Wales**

- (1) This section applies where an application has been referred by a local housing authority in Wales to a local housing authority in England under section 80 of the Housing (Wales) Act 2014 (referral of case to another local housing authority).
- (2) If it is decided that the conditions in that section for referral of the case are met, the notified authority are subject to the duty under section 193 of this Act in respect of the person whose case is referred (the main housing duty); for provision about cases where it is decided that the conditions for referral are not met, see section 82 of the Housing (Wales) Act 2014 (duties to applicant whose case is considered for referral or referred).
- (3) References in this Part to an applicant include a reference to a person to whom a duty is owed by virtue of subsection (2).”

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

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- 14 In subsection (1) of section 213 (co-operation between relevant housing authorities and bodies), after “local housing authority” insert “in England”.

#### *Homelessness Act 2002*

- 15 The Homelessness Act 2002 is amended as follows.
- 16 In the cross-heading above section 1, after “strategies” insert “: England”.
- 17 In section 1 (duty of local housing authority to formulate a homelessness strategy)—
- (a) in subsections (1) and (5), after “local housing authority” insert “in England”;
  - (b) in the heading, after “local housing authority” insert “in England”.
- 18 In subsection (7A) of section 3 (homelessness strategies), omit “in England”.

#### *Mental Health (Wales) Measure 2010*

- 19 In subsection (1)(a) of section 50 of the Mental Health (Wales) Measure 2010 (meaning of housing or well-being services), for “Part 7 of that Act” substitute “Part 2 of the Housing (Wales) Act 2014”.

#### *Legal Aid, Sentencing and Punishment of Offenders Act 2012*

- 20 (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In paragraph 34 of Part 1 of Schedule 1 (homelessness)—
- (a) in sub-paragraph (1), after paragraph (b) insert—  
“ (c) Part 2 of the Housing (Wales) Act 2014 (homelessness). ”;
  - (b) in sub-paragraph (3) for “as in section 175 of the Housing Act 1996” substitute “—
    - (a) as in section 175 of the Housing Act 1996 in cases where sub-paragraph (1) applies in relation to the provision of accommodation and assistance under—
      - (i) Part 6 of that Act as it relates to England;
      - (ii) Part 7 of that Act;
    - (b) as in section 55 of the Housing (Wales) Act 2014 in cases where sub-paragraph (1) applies in relation to the provision of accommodation and assistance under—
      - (i) Part 6 of the Housing Act 1996 as it relates to Wales;
      - (ii) Part 2 of the Housing (Wales) Act 2014.”

#### *Prevention of Social Housing Fraud Act 2013*

- 21 In subsection (7)(d) of section 7 of the Prevention of Social Housing Fraud Act 2013 (regulations about powers to require information), after “Housing Act 1996” insert “or under Part 2 of the Housing (Wales) Act 2014”.

#### *Social Services and Well-being (Wales) Act 2014*

- 22 (1) The Social Services and Well-being (Wales) Act 2014 is amended as follows.

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- (2) In paragraph (a) of section 48 (exception for provision of housing etc), for “Housing Act 1996” substitute “Housing (Wales) Act 2014”.
- (3) In the table in Schedule 2 (social services functions)—
- (a) omit the entry for the Housing Act 1996;
  - (b) after the entry for the Care Act 2014 insert—

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<p><b>“Housing (Wales) Act 2014</b>  Section 95(2), (3) and (4); but only where those functions apply by virtue of subsection (5)(b) of that section.</p>	<p>Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.”</p>
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