



# Housing Act 1996

## 1996 CHAPTER 52

### PART VII

#### HOMELESSNESS<sup>[F1]</sup>: ENGLAND]

##### *General provisions*

#### **214 False statements, withholding information and failure to disclose change of circumstances.**

- (1) It is an offence for a person, with intent to induce a local housing authority to believe in connection with the exercise of their functions under this Part that he or another person is entitled to accommodation or assistance in accordance with the provisions of this Part, or is entitled to accommodation or assistance of a particular description—
  - (a) knowingly or recklessly to make a statement which is false in a material particular, or
  - (b) knowingly to withhold information which the authority have reasonably required him to give in connection with the exercise of those functions.

- (2) If before an applicant receives notification of the local housing authority's decision on his application there is any change of facts material to his case, he shall notify the authority as soon as possible.

The authority shall explain to every applicant, in ordinary language, the duty imposed on him by this subsection and the effect of subsection (3).

- (3) A person who fails to comply with subsection (2) commits an offence unless he shows that he was not given the explanation required by that subsection or that he had some other reasonable excuse for non-compliance.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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**Modifications etc. (not altering text)**

CI Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art. 2\(1\)](#)

**[<sup>F1</sup>214A Codes of practice**

- (1) The Secretary of State may from time to time issue one or more codes of practice dealing with the functions of a local housing authority in England relating to homelessness or the prevention of homelessness.
- (2) The provision that may be made by a code of practice under this section includes, in particular, provision about—
  - (a) the exercise by a local housing authority of functions under this Part;
  - (b) the training of an authority's staff in relation to the exercise of those functions;
  - (c) the monitoring by an authority of the exercise of those functions.
- (3) A code of practice may—
  - (a) apply to all local housing authorities or to the local housing authorities specified or described in the code;
  - (b) contain different provision for different kinds of local housing authority.
- (4) The Secretary of State may issue a code of practice under this section only in accordance with subsections (5) and (6).
- (5) Before issuing the code of practice, the Secretary of State must lay a draft of the code before Parliament.
- (6) If—
  - (a) the Secretary of State lays a draft of the code before Parliament, and
  - (b) no negative resolution is made within the 40-day period,
 the Secretary of State may issue the code in the form of the draft.
- (7) For the purposes of subsection (6)—
  - (a) a “negative resolution” means a resolution of either House of Parliament not to approve the draft of the code, and
  - (b) “the 40-day period” means the period of 40 days beginning with the day on which the draft of the code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).
- (8) In calculating the 40-day period, no account is to be taken of any period during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses are adjourned for more than four days.
- (9) The Secretary of State may—
  - (a) from time to time revise and reissue a code of practice under this section;
  - (b) revoke a code of practice under this section.
- (10) Subsections (4) to (6) do not apply to the reissue of a code of practice under this section.

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- (11) The Secretary of State must publish the current version of each code of practice under this section in whatever manner the Secretary of State thinks fit.
- (12) A local housing authority must have regard to a code of practice under this section in exercising their functions.]

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**Textual Amendments**

- F1** S. 214A inserted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), ss. **11**, 13(3); S.I. 2018/167, reg. 3(k)

**215 Regulations and orders.**

- (1) In this Part “prescribed” means prescribed by regulations of the Secretary of State.
- (2) Regulations or an order under this Part may make different provision for different purposes, including different provision for different areas.
- (3) Regulations or an order under this Part shall be made by statutory instrument.
- (4) Unless required to be approved in draft, regulations or an order under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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**Modifications etc. (not altering text)**

- C2** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art.2\(1\)](#)

**216 Transitional and consequential matters.**

- (1) The provisions of this Part have effect in place of the provisions of Part III of the <sup>M1</sup>Housing Act 1985 (housing the homeless) and shall be construed as one with that Act.
- (2) Subject to any transitional provision contained in an order under section 232(4) (power to include transitional provision in commencement order), the provisions of this Part do not apply in relation to an applicant whose application for accommodation or assistance in obtaining accommodation was made before the commencement of this Part.
- (3) The enactments mentioned in Schedule 17 have effect with the amendments specified there which are consequential on the provisions of this Part.

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**Modifications etc. (not altering text)**

- C3** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art.2](#)

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**Marginal Citations**

- M1** 1985 c. 68.

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## 217 Minor definitions: Part VII.

(1) In this Part, subject to subsection (2)—

[<sup>F2</sup>“private landlord” means a landlord who is not within section 80(1) of the Housing Act 1985 (c. 68) (the landlord condition for secure tenancies);]

“relevant authority” means a local housing authority or a social services authority; and

“social services authority” means [<sup>F3</sup>—

(a) in relation to England] a local authority for the purposes of the <sup>M2</sup>Local Authority Social Services Act 1970, as defined in section 1 of that Act.

(b) [<sup>F4</sup>in relation to Wales, a local authority exercising social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014.]

(2) In this Part, in relation to Scotland—

(a) “local housing authority” means a local authority within the meaning of the <sup>M3</sup>Housing (Scotland) Act 1988, and

(b) “social services authority” means a local authority for the purposes of the <sup>M4</sup>Social Work (Scotland) Act 1968.

(3) References in this Part to the district of a local housing authority—

(a) have the same meaning in relation to an authority in England or Wales as in the Housing Act 1985, and

(b) in relation to an authority in Scotland, mean the area of the local authority concerned.

### Textual Amendments

**F2** S. 217(1): definition inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 20** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

**F3** Words in s. 217 inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **151(a)**

**F4** Words in s. 217 inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **151(b)**

### Modifications etc. (not altering text)

**C4** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

### Marginal Citations

**M2** 1970 c. 42.

**M3** 1988 c. 43.

**M4** 1968 c. 49.

## 218 Index of defined expressions: Part VII.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section)—

accommodation available for occupation	section 176
applicant	section 183(2)

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assistance under this Part	section 183(2)
F5	F5
. . .	. . .
assured tenancy and assured shorthold tenancy	section 230
district (of local housing authority)	section 217(3)
eligible for assistance	section 183(2)
homeless	section 175(1)
housing functions under this Part (in sections [F6206 and 208])	section 205(2)
intentionally homeless	section 191
F7	F7
...	...
local connection	section 199
local housing authority— -in England and Wales -in Scotland	section 230 section 217(2)(a)
F8	F8
...	...
prescribed	section 215(1)
priority need	section 189
[F9private landlord	section 217(1)]
reasonable to continue to occupy accommodation	section 177
registered social landlord	section 230
[F10restricted person	section 184(7)]
relevant authority	section 217(1)
social services authority	section 217(1) and (2)(b)
threatened with homelessness	section 175(4)

### Textual Amendments

- F5** Words in s. 218 omitted (5.7.2021) by virtue of [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 78(7)**, 90(6); S.I. 2021/797, **reg. 2(2)** (with **reg. 4(1)**)
- F6** S. 218: words in entry substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 21(a)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F7** Words in s. 218 omitted (3.4.2018) by virtue of [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 4(8)**, 13(3); S.I. 2018/167, **reg. 3(d)** (with **reg. 4(1)**)
- F8** S. 218: entry repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F9** S. 218: entry inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 21(b)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

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**F10** Words in s. 218 inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008](#) (c. 17), s. 325(1), [Sch. 15 para. 8](#); S.I. 2009/415, art. 2

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**Modifications etc. (not altering text)**

**C5** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art. 2\(1\)](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

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

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

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

- s. 124(1A) inserted by [2016 c. 22 Sch. 7 para. 20\(2\)](#)
- s. 124(6) inserted by [2016 c. 22 Sch. 7 para. 20\(6\)](#)
- s. 124A124B inserted by [2016 c. 22 Sch. 7 para. 21](#)
- s. 125A(3A)(3B) inserted by [2016 c. 22 Sch. 7 para. 22\(3\)](#)
- s. 130A inserted by [2016 c. 22 Sch. 8 para. 7](#)
- s. 133(1A) inserted by [2016 c. 22 Sch. 8 para. 9\(2\)](#)
- s. 143J(3A) inserted by [2016 c. 22 Sch. 8 para. 13\(2\)](#)
- s. 143J(7)(a) words omitted by [S.I. 2022/1166 reg. 25\(11\)\(b\)](#) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
- s. 143GA143GB inserted by [2016 c. 22 Sch. 8 para. 10](#)
- s. 143MA(3A)-(3D) inserted by [2016 c. 22 Sch. 7 para. 27\(3\)](#)
- s. 143MB inserted by [2016 c. 22 Sch. 7 para. 28](#)