



# Housing Act 1996

## 1996 CHAPTER 52

### PART VII

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

##### *Supplementary provisions*

#### **205 Discharge of functions: introductory.**

- (1) The following sections have effect in relation to the discharge by a local housing authority of their functions under this Part to secure that accommodation is available for the occupation of a person—
- section 206 (general provisions),
  - <sup>F1</sup> ...
  - section 208 (out-of-area placements),
  - section 209 (arrangements with private landlord).
- (2) In <sup>[F2]</sup>sections 206 and 208] those functions are referred to as the authority’s “housing functions under this Part”.

#### **Textual Amendments**

- F1** Words in s. 205(1) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch.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**
- F2** Words in s. 205(2) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 18** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

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

- C1** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

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## 206 Discharge of functions by local housing authorities.

- (1) A local housing authority may discharge their housing functions under this Part only in the following ways—
  - (a) by securing that suitable accommodation provided by them is available,
  - (b) by securing that he obtains suitable accommodation from some other person, or
  - (c) by giving him such advice and assistance as will secure that suitable accommodation is available from some other person.
- (2) A local housing authority may require a person in relation to whom they are discharging such functions—
  - (a) to pay such reasonable charges as they may determine in respect of accommodation which they secure for his occupation (either by making it available themselves or otherwise), or
  - (b) to pay such reasonable amount as they may determine in respect of sums payable by them for accommodation made available by another person.

### Modifications etc. (not altering text)

- C2** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797, art. 2\(1\)](#)  
**C3** S. 206 modified (*temp.*) (6.12.1999) by [S.I. 1999/3126, arts.4, 7](#)

## <sup>F3</sup>207 Discharge of functions: provision of accommodation by the authority.

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### Textual Amendments

- F3** S. 207 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](#)

## 208 Discharge of functions: out-of-area placements.

- (1) So far as reasonably practicable a local housing authority shall in discharging their housing functions under this Part secure that accommodation is available for the occupation of the applicant in their district.
- (2) If they secure that accommodation is available for the occupation of the applicant outside their district, they shall give notice to the local housing authority in whose district the accommodation is situated.
- (3) The notice shall state—
  - (a) the name of the applicant,
  - (b) the number and description of other persons who normally reside with him as a member of his family or might reasonably be expected to reside with him,
  - (c) the address of the accommodation,
  - (d) the date on which the accommodation was made available to him, and
  - (e) which function under this Part the authority was discharging in securing that the accommodation is available for his occupation.

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- (4) The notice must be in writing, and must be given before the end of the period of 14 days beginning with the day on which the accommodation was made available to the applicant.

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

- C4** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art.2\(1\)](#)  
**C5** S. 208 modified (*temp.*) (6.12.1999) by [S.I. 1999/3126](#), [arts.5, 7](#)

**[<sup>F4</sup>209 Discharge of interim duties: arrangements with private landlord**

- (1) This section applies where in pursuance of any of their housing functions under section 188, 190, 200 or 204(4) (interim duties) a local housing authority make arrangements with a private landlord to provide accommodation.
- (2) A tenancy granted to the applicant in pursuance of the arrangements cannot be an assured tenancy before the end of the period of twelve months beginning with—
- (a) the date on which the applicant was notified of the authority's decision under section 184(3) or 198(5); or
  - (b) if there is a review of that decision under section 202 or an appeal to the court under section 204, the date on which he is notified of the decision on review or the appeal is finally determined,
- unless, before or during that period, the tenant is notified by the landlord (or in the case of joint landlords, at least one of them) that the tenancy is to be regarded as an assured shorthold tenancy or an assured tenancy other than an assured shorthold tenancy.]

**Textual Amendments**

- F4** S. 209 substituted (31.7.2002 for E. and 30.9.2002 for W.) by [2002 c. 7, s. 18\(1\)](#), [Sch. 1 para. 19](#) (with [s. 20\(4\)](#)); [S.I. 2002/1799](#), [art. 2](#); [S.I. 2002/1736](#), [art. 2\(1\)](#), [Sch. Pt. 1](#)

**210 Suitability of accommodation.**

- (1) In determining for the purposes of this Part whether accommodation is suitable for a person, the local housing authority shall have regard to [<sup>F5</sup> Parts 9 and 10 ] of the Housing Act 1985 (slum clearance [<sup>F6</sup> and overcrowding) and Parts 1 to 4 of the Housing Act 2004 ] .
- (2) The Secretary of State may by order specify—
- (a) circumstances in which accommodation is or is not to be regarded as suitable for a person, and
  - (b) matters to be taken into account or disregarded in determining whether accommodation is suitable for a person.

**Textual Amendments**

- F5** Words in s. 210 substituted (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), [s. 270\(4\)\(5\)\(f\)](#), [Sch. 15 para. 43\(a\)](#); [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); [S.I. 2006/1535](#), [art. 2\(b\)](#) (with [Sch.](#))

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**F6** Words in s. 210 substituted (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5)(f), [Sch. 15 para. 43\(b\)](#); [S.I. 2006/1060](#), art. 2(1)(d) (with [Sch.](#)); [S.I. 2006/1535](#), art. 2(b) (with [Sch.](#))

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

**C6** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art. 2\(1\)](#)

**C7** S. 210 modified (*temp.*) (6.12.1999) by [S.I. 1999/3126](#), [arts.6, 7](#)

**Commencement Information**

**II** S. 210 wholly in force 20.1.1997: s. 210 not in force at Royal Assent, see s. 232(1)-(3); s. 210(2) in force at 1.10.1996 by [S.I. 1996/2402](#), [art. 3](#) (with transitional provisions and savings in the [Sch.](#)); s. 210 in force at 20.1.1997 to the extent it is not already in force by [S.I. 1996/2959](#), [art. 2](#)

**211 Protection of property of homeless persons and persons threatened with homelessness.**

- (1) This section applies where a local housing authority have reason to believe that—
  - (a) there is danger of loss of, or damage to, any personal property of an applicant by reason of his inability to protect it or deal with it, and
  - (b) no other suitable arrangements have been or are being made.
- (2) If the authority have become subject to a duty towards the applicant under—
  - section 188 (interim duty to accommodate),
  - section 190, 193 or 195 (duties to persons found to be homeless or threatened with homelessness), or
  - section 200 (duties to applicant whose case is considered for referral or referred),
 then, whether or not they are still subject to such a duty, they shall take reasonable steps to prevent the loss of the property or prevent or mitigate damage to it.
- (3) If they have not become subject to such a duty, they may take any steps they consider reasonable for that purpose.
- (4) The authority may decline to take action under this section except upon such conditions as they consider appropriate in the particular case, which may include conditions as to—
  - (a) the making and recovery by the authority of reasonable charges for the action taken, or
  - (b) the disposal by the authority, in such circumstances as may be specified, of property in relation to which they have taken action.
- (5) References in this section to personal property of the applicant include personal property of any person who might reasonably be expected to reside with him.
- (6) Section 212 contains provisions supplementing this section.

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

**C8** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art.2\(1\)](#)

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## **212 Protection of property: supplementary provisions.**

- (1) The authority may for the purposes of section 211 (protection of property of homeless persons or persons threatened with homelessness)—
  - (a) enter, at all reasonable times, any premises which are the usual place of residence of the applicant or which were his last usual place of residence, and
  - (b) deal with any personal property of his in any way which is reasonably necessary, in particular by storing it or arranging for its storage.
- (2) Where the applicant asks the authority to move his property to a particular location nominated by him, the authority—
  - (a) may, if it appears to them that his request is reasonable, discharge their responsibilities under section 211 by doing as he asks, and
  - (b) having done so, have no further duty or power to take action under that section in relation to that property.

If such a request is made, the authority shall before complying with it inform the applicant of the consequence of their doing so.

- (3) If no such request is made (or, if made, is not acted upon) the authority cease to have any duty or power to take action under section 211 when, in their opinion, there is no longer any reason to believe that there is a danger of loss of or damage to a person's personal property by reason of his inability to protect it or deal with it.

But property stored by virtue of their having taken such action may be kept in store and any conditions upon which it was taken into store continue to have effect, with any necessary modifications.

- (4) Where the authority—
  - (a) cease to be subject to a duty to take action under section 211 in respect of an applicant's property, or
  - (b) cease to have power to take such action, having previously taken such action, they shall notify the applicant of that fact and of the reason for it.
- (5) The notification shall be given to the applicant—
  - (a) by delivering it to him, or
  - (b) by leaving it, or sending it to him, at his last known address.
- (6) References in this section to personal property of the applicant include personal property of any person who might reasonably be expected to reside with him.

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

**C9** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art. 2\(1\)](#)

## **213 Co-operation between relevant housing authorities and bodies.**

- (1) Where a local housing authority [<sup>F7</sup>in England]—
  - (a) request another relevant housing authority or body, in England, Wales or Scotland, to assist them in the discharge of their functions under this Part, or
  - (b) request a social services authority, in England, Wales or Scotland, to exercise any of their functions in relation to a case which the local housing authority are dealing with under this Part,

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the authority or body to whom the request is made shall co-operate in rendering such assistance in the discharge of the functions to which the request relates as is reasonable in the circumstances.

- (2) In subsection (1)(a) “relevant housing authority or body” means—
- (a) in relation to England and Wales, a local housing authority, a new town corporation, [<sup>F8</sup>a private registered provider of social housing] a registered social landlord or a housing action trust;
  - (b) in relation to Scotland, a local authority, a development corporation, a registered housing association or Scottish Homes.

Expressions used in paragraph (a) have the same meaning as in the <sup>M1</sup>Housing Act 1985; and expressions used in paragraph (b) have the same meaning as in the <sup>M2</sup>Housing (Scotland) Act 1987.

- (3) Subsection (1) above applies to a request by a local authority in Scotland under section 38 of the Housing (Scotland) Act 1987 as it applies to a request by a local housing authority in England and Wales (the references to this Part being construed, in relation to such a request, as references to Part II of that Act).

#### Textual Amendments

- F7** Words in s. 213(1) inserted (27.4.2015) by [Housing \(Wales\) Act 2014](#) (anaw 7), s. 145(3), [Sch. 3 para. 14](#); [S.I. 2015/1272](#), art. 2, [Sch. para. 53](#) (with art. 7)
- F8** Words in s. 213(2)(a) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010](#) (S.I. 2010/866), art. 1(2), [Sch. 2 para. 103](#) (with art. 6, Sch. 3)

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

- C10** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art.2\(1\)](#)

#### Marginal Citations

- M1** 1985 c. 68.  
**M2** 1987 c. 26.

### [<sup>F9</sup>213A Co-operation in certain cases involving children

- (1) This section applies where a local housing authority have reason to believe that an applicant with whom a person under the age of 18 normally resides, or might reasonably be expected to reside—
- (a) may be ineligible for assistance;
  - (b) may be homeless and may have become so intentionally; or
  - (c) may be threatened with homelessness intentionally.
- (2) A local housing authority shall make arrangements for ensuring that, where this section applies—
- (a) the applicant is invited to consent to the referral of the essential facts of his case to the social services authority for the district of the housing authority (where that is a different authority); and
  - (b) if the applicant has given that consent, the social services authority are made aware of those facts and of the subsequent decision of the housing authority in respect of his case.

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- (3) Where the local housing authority and the social services authority for a district are the same authority (a “unitary authority”), that authority shall make arrangements for ensuring that, where this section applies—
- (a) the applicant is invited to consent to the referral to the social services department of the essential facts of his case; and
  - (b) if the applicant has given that consent, the social services department is made aware of those facts and of the subsequent decision of the authority in respect of his case.
- (4) Nothing in subsection (2) or (3) affects any power apart from this section to disclose information relating to the applicant’s case to the social services authority or to the social services department (as the case may be) without the consent of the applicant.
- (5) Where a social services authority—
- (a) are aware of a decision of a local housing authority that the applicant is ineligible for assistance, became homeless intentionally or became threatened with homelessness intentionally, and
  - (b) request the local housing authority to provide them with advice and assistance in the exercise of their social services functions under Part 3 of the Children Act 1989,
- the local housing authority shall provide them with such advice and assistance as is reasonable in the circumstances.
- (6) A unitary authority shall make arrangements for ensuring that, where they make a decision of a kind mentioned in subsection (5)(a), the housing department provide the social services department with such advice and assistance as the social services department may reasonably request.
- (7) In this section, in relation to a unitary authority—
- “the housing department” means those persons responsible for the exercise of their housing functions; and
  - “the social services department” means those persons responsible for the exercise of their social services functions under Part 3 of the Children Act 1989.]

#### Textual Amendments

- F9** S. 213A inserted (30.9.2002 for W. and 1.10.2002 for E.) by [2002 c. 7, s. 12](#) (with [s. 20\(4\)](#)); [S.I. 2002/1736, art. 2\(1\)](#), [Sch. 1 Pt. 1](#); [S.I. 2002/1799, art. 3](#)

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