

ACCOMPANYING DOCUMENTS
Explanatory Notes and an Explanatory Memorandum are printed separately.

Housing (Wales) Bill

[AS INTRODUCED]

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Housing (Wales) Bill

[AS INTRODUCED]

An Act of the National Assembly for Wales to provide for the regulation of private rented housing; to reform the law relating to homelessness; to provide for assessment of the accommodation needs of Gypsies and Travellers and to require local authorities to meet those needs; to make provision about the standards of housing provided by local authorities; to abolish housing revenue account
5 subsidy; to allow fully mutual housing associations to grant assured tenancies; to make provision about council tax payable for empty dwellings; and for other housing purposes.

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:-

PART 1

10 REGULATION OF PRIVATE RENTED HOUSING

Introduction

1 Overview of this Part

- (1) This Part provides for regulation of the letting and management of certain kinds of residential property; the “rental property” in respect of which regulation arises and other
15 key terms are defined in section 2.
- (2) Section 3 makes it an offence for landlords –
- (a) to let rental properties without being registered, and
 - (b) to manage rental properties without being licensed;
- section 4 provides for exceptions to the requirement for landlords to be registered or
20 licensed.
- (3) Section 5 makes it an offence for persons acting on behalf of landlords (“agents” and “responsible persons” – for definitions of these terms see section 2) to manage rental properties for those landlords without being registered and licensed.
- (4) Sections 6 to 9 and Schedule 1 provide for the system of registration, including –
- (a) a requirement for local housing authorities to keep a register of –
25
 - (i) persons who let and manage rental properties in their areas, and
 - (ii) the rental properties in their areas;
 - (b) a requirement to make certain information kept on that register available to the public upon request (see section 6 and Schedule 1).

- (5) Sections 10 to 20 provide for the system of licensing; in order to be licensed a person must meet certain criteria, including being a fit and proper person (see section 11) and having undertaken training (see section 12).
- (6) Sections 21 to 25 provide for enforcement of registration and licensing requirements, including a power for local housing authorities to issue rent stopping orders where landlords fail to comply with licensing requirements.
- (7) Section 28 provides for the Welsh Ministers to issue a code of practice setting standards to be followed when managing rental properties and provision is made for guidance (section 29) and directions (section 30).
- (8) Sections 31 to 34 make supplementary provision.
- (9) Section 35 makes further provision about interpretation and indexes the defined terms used in the Part.

2 Meaning of key terms

- (1) In this Part, “rental property” means a property in Wales which—
- (a) is let, or is intended to be let, under an assured tenancy or an assured shorthold tenancy, or is let under a regulated tenancy, and
- (b) is not a property let by a registered social landlord (within the meaning of Part 1 of the Housing Act 1996 (social rented sector regulated by the Welsh Ministers)).
- (2) In this Part—
- “agent” (“*asiant*”) means a person who, in the course of that person’s trade or business (whether or not for profit), is appointed by a landlord of a rental property to manage the property on behalf of the landlord;
- “landlord” (“*landlord*”) means a person who holds an interest in a rental property—
- (a) from which a tenancy has been granted, or
- (b) which entitles the holder of it to grant a tenancy;
- “letting” (“*gosod*”) means granting a tenancy or holding an interest in property from which a tenancy has been granted; and “let” is to be interpreted accordingly;
- “responsible person” (“*person cyfrifol*”) means an individual who, other than in the course of any trade or business, is appointed by a landlord of a rental property to manage the property on behalf of the landlord (and includes multiple landlords of a rental property appointing one of themselves).
- (3) For the purposes of this Part, “managing” a rental property means (subject to any order under subsection (b))—
- (a) marketing the property,
- (b) facilitating the letting of the property, and
- (c) when the property is let, undertaking activities relating to—
- (i) the exercise of any right of the landlord in respect of the property, or

(ii) the discharge of any obligation of the landlord in respect of the property.

(4) The Welsh Ministers may by order –

(a) amend subsection (1);

(b) make further provision about what is and what is not to be regarded as managing a rental property for the purposes of this Part.

Prohibition of letting and management without registration and licence

3 Requirement to be registered and licensed: landlord

(1) A landlord of a rental property may not let the property unless the landlord is registered in respect of the property by the local housing authority for the area in which the property is located (see sections 6 to 9).

(2) A landlord of a rental property may not manage the property unless the landlord is licensed by the local housing authority for the area in which the property is located (see sections 10 to 20).

(3) But the prohibitions in subsections (1) and (2) do not apply in the circumstances set out in section 4.

(4) A landlord who fails to comply with this section commits an offence and is liable on summary conviction –

(a) in respect of letting a rental property while not registered only, to a fine not exceeding level 3 on the standard scale;

(b) in respect of managing a rental property while not licensed or both letting a property while not registered and managing a property while not licensed, to a fine.

(5) In proceedings against a landlord for an offence committed under this section it is a defence that the landlord had a reasonable excuse for failing to comply.

4 Landlord's requirement to be registered and licensed: exceptions

(1) The prohibition in section 3 on letting a rental property unless the landlord is registered does not apply –

(a) if the landlord has applied to the local housing authority to be registered in relation to that property, for the period from the the date of the application until it is determined;

(b) for a period of 28 days beginning with the date the rental property is transferred to the landlord;

(c) if the landlord takes steps to recover possession of the rental property within a period of 28 days beginning with the date the property was transferred to the landlord, for so long as the landlord continues to diligently pursue the recovery of possession.

(2) The prohibition in section 3 on managing a rental property unless the landlord is licensed does not apply –

- 5
- (a) if the landlord has appointed an agent or a responsible person who holds a licence under section 5 which allows the agent or responsible person to manage the property;
- (b) if the landlord has applied to the local housing authority to be licensed, for the period from the the date of the application until it is determined by the authority or (if the authority refuses the application) until all means of appealing against a decision to refuse an application have been exhausted and the decision is upheld;
- 10 (c) for a period of 28 days beginning with the date the property is transferred to the landlord;
- (d) if the landlord takes steps to recover possession of the property within a period of 28 days beginning with the date the property was transferred to the landlord, for so long as the landlord continues to diligently pursue the recovery of possession.

5 Requirement to be registered and licensed: agent or responsible person

- 15 (1) An agent or responsible person appointed by a landlord of a rental property may not manage that property unless the agent or responsible person is –
- (a) registered in respect of the property (see sections 6 to 9), and
- (b) licensed (see sections 10 to 20),
- by the local housing authority for the area in which the property is located.
- 20 (2) An agent or responsible person who fails to comply with this section commits an offence and is liable on summary conviction –
- (a) in respect of managing a rental property while not registered only, to a fine not exceeding level 3 on the standard scale;
- (b) in respect of managing a rental property while not licensed or managing a property while not registered and not licensed, to a fine.
- 25 (3) In proceedings against an agent or responsible person for an offence committed under subsection (2) it is a defence that the agent or responsible person had a reasonable excuse for failing to comply.

Registration

6 Duty to maintain register in relation to rental properties

- 30 (1) A local housing authority must establish and maintain a register containing the information set out in Part 1 of Schedule 1.
- (2) The duty of a local housing authority under subsection (1) applies only to the extent that the authority has been provided with the information by applicants for registration under section 7.
- 35 (3) Part 2 of Schedule 1 contains provision relating to public access to information held on the register.
- (4) The Welsh Ministers may amend Schedule 1 by order.

7 Registration by a local housing authority

- (1) Where a person (“the applicant”) applies to a local housing authority to be registered in relation to a rental property, the authority must register the applicant within the prescribed period if the application –
- 5 (a) is made in the form required by the authority,
(b) includes such information as is required by the authority and as is prescribed, and
(c) is accompanied by the prescribed fee.
- (2) If the applicant is registered, the local housing authority must inform the applicant –
- 10 (a) that the applicant is registered, and
(b) of the registration number assigned to the applicant.
- (3) On the first occasion an applicant is registered a local housing authority must assign a registration number to the applicant.
- (4) A local housing authority may charge the applicant a further prescribed fee for continued registration –
- 15 (a) after the fifth anniversary of the date the applicant was registered, and
(b) after every fifth anniversary of the date a further prescribed fee was charged.
- (5) An applicant who provides false or misleading information to a local housing authority in relation to an application under this section commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- 20 (6) In proceedings against an applicant for an offence committed under subsection (5) it is a defence that the applicant had a reasonable excuse for providing false or misleading information.

8 Duty to update information

- 25 (1) Where information provided by a person under section 7 is no longer correct due to a change in circumstances the person must inform the local housing authority by the end of the period of 28 days beginning with the day the person became aware of the change.
- (2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- 30 (3) In proceedings against a person for an offence committed under subsection (2) it is a defence that the person had a reasonable excuse for failing to comply.

9 Revocation of registration

- (1) A local housing authority may revoke the registration of any person who –
- 35 (a) provides false or misleading information;
(b) fails to comply with section 8;
(c) fails to pay any further fee charged under section 7.
- (2) Before revoking a person’s registration a local housing authority must –

- (a) inform the person of its intention to revoke the registration and the reasons for this, and
- (b) consider any representations made by the person before the end of the period of 21 days beginning with the date the person was informed.
- 5 (3) After revoking a person's registration a local housing authority must inform the person—
- (a) of the revocation and the reasons for doing so;
- (b) of the person's right of appeal.
- (4) A person whose registration is revoked may appeal against the decision to a residential property tribunal.
- 10 (5) An appeal—
- (a) must be made before the end of the period of 28 days beginning the date on which the person was informed of the decision;
- (b) may be determined having regard to matters of which the local housing authority were unaware.
- 15 (6) The tribunal may confirm the decision of the local housing authority or direct the authority to register the person.
- (7) Revocation of a person's registration takes effect on the day whichever of the following first occurs—
- 20 (a) where the person does not appeal against the decision to revoke the registration, when the person's right of appeal expires;
- (b) where the person appeals but later withdraws the appeal, the date of the withdrawal;
- 25 (c) where the person appeals and the residential property tribunal confirms the decision of the local housing authority, subject to paragraph (d), the date of the tribunal's decision;
- (d) where the person makes a further appeal, the date in which all means of appealing against the decision have been exhausted and the local housing authority's decision is upheld.
- (8) Where a landlord's registration is revoked, the local housing authority must—
- 30 (a) inform any agent or responsible person recorded on the register as having been appointed by the landlord, and
- (b) take reasonable steps to inform the tenants or occupiers of rental properties registered under the landlord's name.

*Licensing***10 Licence application requirements**

- (1) Any person who has applied to be registered under section 7 may apply to be licensed by the local housing authority.
- 5 (2) An application for a licence must –
- (a) be made in such form as is required by the local housing authority,
 - (b) provide such information as is required by the authority or as is prescribed, and
 - (c) if any fee is prescribed, be accompanied by the prescribed fee.
- (3) Before granting a licence a local housing authority must be satisfied –
- 10 (a) that the applicant is a fit and proper person to be licensed (see section 11);
- (b) that the applicant has undertaken such training in relation to managing rental properties as is required by the authority (see section 12);
- (c) where the applicant is an agent, that the applicant is a member of a professional body approved by the authority.
- 15 (4) In the case of an applicant which is a body corporate, the reference in subsection (3)(b) to the applicant is to be interpreted as a reference to every person mentioned in subsection (5) who is engaged in managing rental properties on behalf of the body corporate.
- (5) The persons are –
- (a) a director, manager or secretary or similar officer of the body corporate;

20 (b) where the body is a body corporate whose affairs are managed by its members, any officer or member of the body;

 - (c) a member of the body's staff.
- (6) A person who provides false or misleading information to a local housing authority when making an application for a licence under this section commits an offence and is
- 25 liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) In proceedings against a person for an offence committed under subsection (6) it is a defence that the person had a reasonable excuse for providing false or misleading information.

11 Fit and proper person requirement

- 30 (1) In deciding whether a person is a fit and proper person to be licensed as required by section 10(3)(a), a local housing authority must have regard to all matters it considers appropriate.
- (2) Among the matters to which the local housing authority must have regard is any evidence within subsections (3) to (6).
- 35 (3) Evidence is within this subsection if it shows that the person has –

- (a) committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements),
- (b) practised unlawful discrimination or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010 in, or in connection with, the carrying on of any business, or
- (c) failed to comply with any provision of the law relating to housing or landlord and tenant.

(4) Evidence is within this subsection if –

- (a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (3), and
- (b) it appears to the local housing authority that the evidence is relevant to the question whether the person is a fit and proper person to be licensed.

(5) Evidence is within this subsection if it shows the person has previously failed to comply with a condition of a licence issued under this Part by a local housing authority.

(6) The Welsh Ministers may amend this section by order to vary the evidence to which a local housing authority must have regard in deciding whether a person is a fit and proper person to be licensed.

12 Training requirement

(1) Training required by the local housing authority under section 10(3)(b) may relate, among other matters, to –

- (a) statutory obligations of a landlord and a tenant;
- (b) the contractual relationship between a landlord and tenant;
- (c) the role of an agent or responsible person;
- (d) best practice in managing a rental property.

(2) A local housing authority may require different persons to undertake different training.

13 Determination of application

(1) Where a local housing authority is satisfied that the applicant meets the requirements set out in section 10, it must grant a licence to the applicant.

(2) After granting the licence the local housing authority must –

- (a) assign a licence number to the licence holder;
- (b) record the licence number in the licence;
- (c) issue the licence to the licence holder.

(3) Where a local housing authority refuses an application, it must inform the applicant –

- (a) that the application has been refused and the reasons why;

(b) of the applicant's right to appeal (see section 20).

- (4) An application must be determined by the local housing authority within a prescribed period.

14 Licence conditions

- (1) A licence must be granted subject to a condition that the licence holder complies with any code of practice issued by the Welsh Ministers under section 28.
- (2) A local housing authority may grant a licence subject to such further conditions as it considers appropriate.

15 Duty to update information

- (1) Where information provided by a person under section 10(2)(b) is no longer correct due to a change in circumstances the person must inform the local housing authority before the end of the period of 28 days beginning with the day the person became aware of the change.
- (2) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) In proceedings against a person for an offence committed under subsection (2) it is a defence that the person had a reasonable excuse for failing to comply.

16 Duty to show licence number

- (1) A licence holder who advertises, in written form, a rental property must ensure that the licence holder's licence number is stated in the advertisement.
- (2) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In proceedings against a person for an offence committed under subsection (2) it is a defence that the person had a reasonable excuse for failing to comply.

17 Amendment of licence

- (1) A local housing authority may amend any licence granted by it in accordance with this section.
- (2) A licence may be amended to—
- (a) impose new conditions;
 - (b) remove or change existing conditions (other than the requirement to comply with any code of practice issued by the Welsh Ministers).
- (3) But before deciding to amend a licence a local housing authority must—
- (a) inform the licence holder of its intention to amend the licence and the reasons for this, and
 - (b) consider any representations made by the licence holder before the end of the period of 21 days beginning with the date the licence holder was informed.
- (4) Subsection (3)(b) does not apply to an amendment if—

- (a) the licence holder consents to it, or
 - (b) the local housing authority considers that there are exceptional circumstances which mean that it needs to be made without delay.
- (5) After amending a licence the local housing authority must inform the licence holder of—
- (a) the amendment and the reasons for it;
 - (b) except where the licence holder has consented to the amendment, information about the licence holder's right of appeal (see section 20).
- (6) An amendment to a licence takes effect on the day whichever of the following first occurs—
- (a) where the licence holder has consented, when the local housing authority informs the licence holder under subsection (5);
 - (b) where the licence holder does not appeal against the decision to amend the licence, when the licence holder's right of appeal expires;
 - (c) where the licence holder appeals but later withdraws the appeal, the date of the withdrawal;
 - (d) where the licence holder appeals and the residential property tribunal confirms the decision of the local housing authority to amend the licence, subject to paragraph (e), the date of the tribunal's decision;
 - (e) where the licence holder makes a further appeal, the date on which all means of appealing against the decision have been exhausted and the local housing authority's decision is upheld.

18 Revocation of licence

- (1) A local housing authority may revoke a licence if—
- (a) the licence holder has breached a condition of the licence;
 - (b) the authority is no longer satisfied that the licence holder is a fit and proper person to hold a licence;
 - (c) the licence holder has failed, without reasonable excuse, to comply with section 15 or 16;
 - (d) the licence holder and the local housing authority have agreed that the licence should be revoked.
- (2) But before revoking a licence a local housing authority must—
- (a) inform the licence holder of its intention to revoke the licence and the reasons for this, and
 - (b) consider any representations made by the licence holder before the end of the period of 21 days beginning with the date the licence holder was informed.
- (3) Subsection (2)(b) does not apply—
- (a) if the licence holder consents to the revocation, or

(b) where a local housing authority considers that there are exceptional circumstances which mean that it needs to be revoked without delay.

(4) After revoking a licence the local housing authority must inform the licence holder –

(a) of the revocation and the reasons for it;

(b) of the licence holder's right of appeal (see section 20).

(5) Revocation of a licence takes effect on the day whichever of the following first occurs –

(a) the licence holder contacts the local housing authority consenting to the revocation;

(b) where the licence holder does not appeal against the decision to revoke the licence, when the licence holder's right of appeal expires;

(c) where the licence holder appeals but later withdraws the appeal, the date of the withdrawal;

(d) where the licence holder appeals and the residential property tribunal confirms the decision of the local housing authority to amend the licence, subject to paragraph (e), the date of the tribunal's decision;

(e) where the licence holder makes a further appeal, the date on which all means of appealing against the decision have been exhausted and the local housing authority's decision is upheld.

(6) Where an agent or responsible person's licence is revoked, the local housing authority must notify any landlord recorded on its register as having appointed the agent or responsible person.

(7) Where a landlord's licence is revoked, the local housing authority must inform the tenants or occupiers of rental property registered under the landlord's name.

19 Expiry and renewal of licence

(1) A licence expires at the end of a period of 5 years beginning with the date it was issued, unless the licence holder makes an application to renew the licence in accordance with subsection (2).

(2) A licence holder may apply to renew the licence during the period of 84 days before the date the licence would otherwise expire.

(3) Where an application is made to renew a licence in accordance with subsection (2) the licence does not expire until the application is decided and expires only if the application is refused.

(4) Sections 13 to 20 apply in relation to an application to renew a licence as they apply to an application for a first licence.

(5) If an application to renew a licence is refused, the existing licence expires on whichever of the following dates first occurs –

(a) where the licence holder does not appeal against the refusal, the date on which the licence holder's right of appeal expires;

(b) where the licence holder appeals but later withdraws the appeal, the date of the withdrawal;

- (c) where the licence holder appeals and the residential property tribunal confirms the decision of the local housing authority, the date of the tribunal's decision (subject to paragraph (d));
- (d) where the licence holder makes a further appeal, the date on which all means of appealing against the decision have been exhausted and the local housing authority's decision is upheld.
- (6) A licence expires and any renewal application made by the licence holder is treated as having been withdrawn where a licence holder –
- (a) dies;
- (b) becomes a person who lacks capacity, within the meaning of the Mental Capacity Act 2005;
- (c) becomes insolvent;
- (d) in the case of a body corporate, is dissolved.

20 Licensing appeals

- (1) An applicant for a licence may appeal against the decisions of a local housing authority listed in subsection (2) to a residential property tribunal.
- (2) The decisions are –
- (a) granting a licence subject to a condition, other than the requirement to comply with any code of practice issued by the Welsh Ministers;
- (b) refusing an application for a licence;
- (c) amending a licence;
- (d) revoking a licence.
- (3) An appeal –
- (a) must be made before the end of the period of 28 days beginning with the date the applicant was informed of the decision;
- (b) may be determined having regard to matters of which the local housing authority was unaware.
- (4) The tribunal may confirm the decision of the local housing authority or alternatively –
- (a) in the case of a decision to issue a licence subject to a condition, direct the authority to re-issue a licence that is not subject to the condition;
- (b) in the case of a decision to refuse an application for a licence, direct the authority to issue a licence;
- (c) in the case of a decision to amend a licence, direct the authority not to amend the licence;
- (d) in the case of a decision to revoke a licence, to quash that decision.
- (5) A licence issued by a local housing authority following a direction of a tribunal under this section is to be treated as having been granted by the authority under section 13(1).

*Enforcement***21 Rent stopping orders**

A local housing authority may issue a rent stopping order in relation to a rental property in its area if it is satisfied that—

- (a) a tenancy of the property is in force, and
- (b) the landlord has failed to comply with section 3(2) and an exception under section 4 does not apply.

22 Impact of rent stopping order

(1) From the date a rent stopping order takes effect—

- (a) no rent is payable under a tenancy of the rental property;
- (b) no other consideration, including any service charge, is payable or may be demanded under the tenancy;
- (c) all other rights or obligations under the tenancy remain in force;
- (d) any requirement of law that a tenancy must provide for the payment of rent is treated as being met.

(2) A rent stopping order applies—

- (a) in relation to the tenancy of the rental property in force at the time the order takes effect, and
- (b) in relation to any subsequent tenancy of the property in force before the order is withdrawn.

(3) Any rent or other consideration paid by the tenant which relates to a period after the order takes effect is to be repaid by the landlord before the end of the period of 28 days beginning with the date the order took effect.

(4) Any rent or other consideration required by subsection (3) to be repaid which is not repaid is recoverable by the tenant from the landlord as a contract debt.

23 Procedure for rent stopping orders

(1) A rent stopping order must be given to the landlord and the tenant of the rental property.

(2) But a failure to give the order to the tenant of the property does not invalidate the order.

(3) A rent stopping order must—

- (a) state the name of the landlord of the rental property;
- (b) state the address of the rental property to which the order relates;
- (c) give reasons why the order has been issued;
- (d) provide information about—
 - (i) when the order is intended to take effect;

- (ii) the impact of the order;
- (iii) the landlord's right of appeal.

(4) A rent stopping order takes effect on whichever of the following dates first occurs –

- (a) where the landlord does not appeal against the order, the date on which the landlord's right of appeal expires;
- (b) where the landlord appeals but later withdraws the appeal, the date of the withdrawal;
- (c) where the landlord appeals and the residential property tribunal confirms the order, the date of the tribunal's decision (subject to paragraph (d));
- (d) where the landlord makes a further appeal, the date on which all means of appealing against the order have been exhausted and the order is upheld.

24 Appeal against rent stopping order

(1) A landlord may appeal against a rent stopping order to a residential property tribunal.

(2) An appeal –

- (a) must be made before the end of the period of 28 days beginning with the date on which the order was given to the landlord;
- (b) may be determined having regard to matters of which the local housing authority was unaware.

(3) Where a landlord appeals the local housing authority must inform the tenant that an appeal has been made and of the effect of section (4).

(4) The tribunal may confirm the rent stopping order or reverse the decision of the local housing authority to issue the order.

(5) The local housing authority must inform the tenant of the outcome of the appeal.

25 Withdrawal of rent stopping order

(1) A local housing authority may withdraw a rent stopping order at any time.

(2) A local housing authority must withdraw a rent stopping order if it is satisfied that the landlord is complying with section 3(2) or an exception under section 4 applies.

(3) The withdrawal of a rent stopping order under subsection (1) or (2) does not –

- (a) change the effect of the order during the period it was in force, or
- (b) prevent a further rent stopping order being given.

(4) The local housing authority must inform –

- (a) the landlord,
- (b) an agent or responsible person appointed by the landlord, and
- (c) the tenant,

of the withdrawal of a rent stopping order.

26 Power to require documents and information to be given

- (1) A local housing authority may for a purpose connected with its functions under this Part require a person to provide documents or information which it has reason to believe is or may be in the person's possession.
- (2) A local housing authority may not require a person to provide any document or information which that person would be entitled to refuse to provide in proceedings in the High Court on grounds of legal professional privilege.
- (3) A local housing authority may copy or record documents or information provided.
- (4) A person commits an offence, liable on summary conviction to a fine not exceeding level 4 on the standard scale, if that person—
- (a) fails to comply with a requirement to provide documents or information,
 - (b) intentionally alters, suppresses or destroys any document or information which that person has been required to produce, or
 - (c) provides information which is false or misleading when responding to a requirement under this section.
- (5) In proceedings against a person for an offence committed under subsection (4) it is a defence that the person had a reasonable excuse.

27 Offences by bodies corporate

- (1) Where an offence under this Part committed by a body corporate is proved to have been committed with the consent or connivance of, or is attributable to any neglect on the part of—
- (a) a director, manager, or secretary of the body corporate, or
 - (b) a person purporting to act in such a capacity,
- that person as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (2) The reference to the director, manager or secretary of the body corporate includes a reference—
- (a) to any similar officer of the body;
 - (b) where the body is a body corporate whose affairs are managed by its members, to any officer or member of the body.

*Powers of the Welsh Ministers***28 Code of practice**

- (1) The Welsh Ministers may issue a code of practice setting standards relating to managing rental properties.
- (2) Standards under subsection (1) may (among other things) be set in relation to training.
- (3) The Welsh Ministers may—

(a) issue a code of practice which, in part or in whole, applies only to specified persons or cases, or applies differently to different persons or cases;

(b) amend or withdraw a code issued.

5 (4) Before issuing or amending a code of practice the Welsh Ministers must take reasonable steps to consult—

(a) persons involved in letting and managing rental properties and persons occupying rental properties under a tenancy, or

(b) persons whom the Welsh Ministers consider to represent the interests of the persons mentioned in paragraph (a),

10 on a draft of the code or a draft of an amended code (“the proposed code”).

(5) If the Welsh Ministers wish to proceed with the proposed code (with or without modifications) they must lay a copy before the National Assembly for Wales.

(6) The Welsh Ministers must not issue the proposed code in the form of that draft unless it is approved by resolution of the National Assembly for Wales.

15 (7) Once approved the code or amended code comes into force on the date appointed by order of the Welsh Ministers.

(8) The Welsh Ministers may withdraw a code made under this section in an amended code or by direction.

(9) A direction under subsection (8) must be laid before the National Assembly for Wales.

20 (10) The Welsh Ministers must publish each code or amended code issued under this section.

29 Guidance

(1) In exercising its functions under this Part, a local housing authority must have regard to any guidance given by the Welsh Ministers.

(2) The Welsh Ministers may—

25 (a) give guidance generally or to specified descriptions of authorities;

(b) revise the guidance by giving further guidance under this section;

(c) revoke the guidance by giving further guidance under this section or by notice.

(3) The Welsh Ministers must publish any guidance or notice under this section.

30 (4) Before giving, revising or revoking guidance under this section, the Welsh Ministers must consult such local housing authorities and such other persons as the Ministers consider appropriate.

(5) Consultation undertaken before the coming into force this section may satisfy the requirement in subsection (4).

30 Directions

- (1) In exercising its functions under this Part, a local housing authority must comply with any directions given by the Welsh Ministers.
- (2) A direction given under this section –
- 5 (a) may be given generally or to specified descriptions of local housing authorities;
- (b) may be varied or revoked by a subsequent direction;
- (c) must be published.

*Supplementary***31 Regulations about fees**

- 10 (1) Regulations made under this Part which prescribe the amount of a fee payable by a person in connection with applications to be registered or licensed may provide that the fee is to be –
- (a) an amount stated in the regulations;
- (b) determined by a person or means specified in the regulations.
- 15 (2) Such regulations may prescribe a different fee for different persons.

32 Information about applications

A local housing authority must publish information about its requirements relating to –

- (a) the form and content of applications to be registered and licensed;
- (b) information to be provided when making applications.

33 Form of licences and orders

- 20 (1) A local housing authority may –
- (a) issue a licence to a person, or
- (b) give a rent stopping order to a person,
- by sending it electronically.
- 25 (2) But the local housing authority may only do so if the person has indicated a willingness to receive the document in that form.

34 Sharing information

30 A local housing authority may share information with another local housing authority where the information is necessary for the other authority to exercise its functions under this Part.

*General***35 Interpretation of this Part and index of defined terms**

- (1) In this Part –
- “agent” (“*asiant*”) has the meaning given by section 2;

“assured tenancy” (*“tenantiaeth sicr”*) and “assured shorthold tenancy” (*“tenantiaeth fyrddaliol sicr”*) have the meaning given by Part 1 of the Housing Act 1988;

“landlord” (*“landlord”*) has the meaning given by section 2;

“letting” (*“gosod”*) a rental property has the meaning given by section 2;

“managing” (*“rheoli”*) a rental property has the meaning given by section 2, subject to any order made under subsection (b) of that section;

“prescribed” (*“rhagnodedig”*) means prescribed in regulations made by the Welsh Ministers;

“regulated tenancy” (*“tenantiaeth reoleiddiedig”*) has the meaning given by Part 1 of the Rent Act 1977;

“rental property” (*“eiddo ar rent”*) has the meaning given by section 2;

“responsible person” (*“person cyfrifol”*) has the meaning given by section 2.

(2) In this Part –

(a) an individual becomes insolvent on –

- (i) the approval of a voluntary arrangement proposed by that individual,
- (ii) being adjudged bankrupt,
- (iii) the sequestration of the individual’s estate, or
- (iv) entering into a deed of arrangement made for the benefit of the individual’s creditors or a trust deed for the individual’s creditors;

(b) a company becomes insolvent on –

- (i) the approval of a voluntary arrangement proposed by its directors,
- (ii) the appointment of an administrator in respect of the company,
- (iii) the appointment of an administrative receiver in respect of the company, or
- (iv) going into liquidation.

(3) An expression used in subsection (2) and in the Insolvency Act 1986 has the same meaning in that subsection as it does in that Act.

PART 2

HOMELESSNESS

CHAPTER 1

HOMELESSNESS REVIEWS AND STRATEGIES

36 Duty to carry out a homelessness review and formulate a homelessness strategy

- (1) A local housing authority must (periodically, as required by this section) –
- (a) carry out a homelessness review for its area, and

(b) formulate and adopt a homelessness strategy based on the results of that review.

(2) The authority must adopt a homelessness strategy in 2018 and a new homelessness strategy in every fourth year after 2018.

(3) The Welsh Ministers may amend subsection (2) by order.

(4) A council of a county or county borough in Wales must take its homelessness strategy into account in the exercise of its functions (including functions other than its functions as local housing authority).

(5) Nothing in subsection (4) affects any duty or requirement arising apart from this section.

(6) In this Chapter “homeless” and “homelessness” have the meaning given by section 82.

37 Homelessness reviews

(1) A homelessness review under section 36 must include a review of—

(a) the levels, and likely future levels, of homelessness in the local housing authority’s area;

(b) the activities which are carried out in the local housing authority’s area for the achievement of the following objectives (or which contribute to their achievement)—

(i) the prevention of homelessness;

(ii) that suitable accommodation is or will be available for people who are or may become homeless;

(iii) that satisfactory support is available for people who are or may become homeless;

(c) the resources available to the authority (including the resources available in exercise of functions other than its functions as local housing authority), other public authorities, voluntary organisations and other persons for such activities.

(2) After completing a homelessness review, a local housing authority must publish the results of the review by—

(a) making the results of the review available on its website (if it has one);

(b) making a copy of the results of the review available at its principal office for inspection at all reasonable hours, without charge, by members of the public;

(c) providing (on payment if required by the authority of a reasonable charge) a copy of those results to any member of the public who asks for one.

38 Homelessness strategies

(1) A homelessness strategy under section 36 is a strategy for achieving the following objectives in the local housing authority’s area—

(a) the prevention of homelessness;

(b) that suitable accommodation is or will be available for people who are or may become homeless;

- (c) that satisfactory support is available for people who are or may become homeless.
- (2) A homelessness strategy may specify more detailed objectives to be pursued, and action planned to be taken, in the course of the exercise of any functions of the authority (including functions other than its functions as local housing authority).
- 5 (3) A homelessness strategy may also include provision relating to specific action which the authority expects to be taken –
- (a) by any public authority with functions which are capable of contributing to the achievement of any of the objectives mentioned in subsection (1), or
- 10 (b) by any voluntary organisation or other person whose activities are capable of contributing to the achievement of any of those objectives.
- (4) The inclusion in a homelessness strategy of any provision relating to action mentioned in subsection (3) requires the approval of the body or person concerned.
- (5) In formulating a homelessness strategy the authority must consider (among other things) the extent to which any of the objectives mentioned in subsection (1) can be achieved
- 15 through action involving two or more of the bodies or other persons mentioned in subsections (2) and (3).
- (6) A local housing authority must keep its homelessness strategy under review and may modify it.
- (7) Before adopting or modifying a homelessness strategy a local housing authority must
- 20 consult such public or local authorities, voluntary organisations or other persons as it considers appropriate.
- (8) After adopting or modifying a homelessness strategy, a local housing authority must publish the strategy by –
- (a) making a copy of the strategy available on its website (if it has one);
- 25 (b) making a copy of the strategy available at its principal office for inspection at all reasonable hours, without charge, by members of the public;
- (c) providing (on payment if required by the authority of a reasonable charge) a copy of the strategy to any member of the public who asks for one.
- (9) If the authority modifies its homelessness strategy, it may publish the modifications or
- 30 the strategy as modified (as it considers most appropriate).
- (10) Where the authority decides to publish only the modifications, the references to the homelessness strategy in paragraphs (a) to (c) of subsection (8) are to be interpreted as references to the modifications.

CHAPTER 2

HELP FOR PEOPLE WHO ARE HOMELESS OR THREATENED WITH HOMELESSNESS

Introduction

39 Overview of this Chapter

- 5 (1) This Chapter confers duties on local housing authorities to help people who are homeless or threatened with homelessness and makes connected provision.
- (2) Sections 41 to 45 define and otherwise explain the meaning of some key terms (further provision about interpretation and an index of terms defined in this Chapter is at section 82).
- 10 (3) Section 46 requires local housing authorities to secure the provision of a service providing people with information and advice connected with homelessness and assistance in accessing help under this Chapter.
- (4) Section 47 introduces Schedule 2 which makes provision about eligibility for help under this Chapter.
- 15 (5) Section 48 places a duty on a local housing authority to assess the cases of people (“applicants”) who apply to the authority for accommodation, or help in retaining or obtaining accommodation, where they appear to the authority to be homeless or threatened with homelessness.
- (6) Section 49 provides for notice to be given to applicants about the outcome of the assessment.
- 20 (7) Section 50 gives examples of the kinds of ways in which the subsequent duties to secure or help to secure the availability of accommodation may be discharged and what may be done to discharge them; and section 51 explains what “help to secure” means.
- (8) Sections 52 to 62 set out the main duties on local housing authorities to help applicants, the circumstances in which those duties come to an end and connected provision; the main duties are –
- 25 (a) a duty to help to prevent applicants who are threatened with homelessness from becoming homeless (section 52);
- (b) a duty to provide interim accommodation for applicants in priority need (section 30 54) (section 55 provides for who is to have priority need for accommodation for the purposes of the Chapter);

- (c) a duty to help to secure that suitable accommodation is available for occupation by homeless applicants (section 56);
- (d) a duty to secure accommodation for applicants in priority need when the duty in section 56 comes to an end (section 58).
- 5 (9) There are circumstances in which the duty described in subsection (8)(b) does not apply because the applicant is intentionally homeless (see subsections (3) and (4) of section 58); section 60 provides for the meaning of intentionally homeless and section 61 provides for the circumstances in which a local housing authority may decide to disregard intentionality.
- 10 (10) Sections 63 to 65 provide for local housing authorities to end their duties to applicants by referring their cases to other authorities in Wales or England, where the applicants have a local connection with the areas of those other authorities; section 64 defines the meaning of “local connection” for the purposes of this Chapter.
- (11) Sections 68 to 72 provide for reviews and appeals.
- 15 (12) Sections 73 to 82 make supplementary and general provision.

Key terms

40 Application of key terms

Sections 41 to 45 apply for the purposes of this Part.

41 Meaning of homeless and threatened homelessness

- 20 (1) A person is homeless if there is no accommodation available for the person’s occupation, in the United Kingdom or elsewhere, which the person –
- (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,
- (b) has an express or implied licence to occupy, or
- 25 (c) occupies as a residence by virtue of any enactment or rule of law giving the person the right to remain in occupation or restricting the right of another person to recover possession.
- (2) A person is also homeless if the person has accommodation but –
- (a) cannot secure entry to it, or
- 30 (b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where the person is entitled or permitted both to place it and to reside in it.
- (3) A person is not to be treated as having accommodation unless it is accommodation which it would be reasonable for the person to continue to occupy.
- 35 (4) A person is threatened with homelessness if it is likely that the person will become homeless within 56 days.

42 Meaning of accommodation available for occupation

- (1) Accommodation may only be regarded as available for a person's occupation if it is available for occupation by that person together with—
- 5 (a) any other person who normally resides with that person as a member of his or her family, or
- (b) any other person who might reasonably be expected to reside with that person.
- (2) A reference in this Chapter to securing that accommodation is available for a person's occupation is to be interpreted accordingly.

43 Whether it is reasonable to continue to occupy accommodation

- 10 (1) It is not reasonable for a person to continue to occupy accommodation if it is probable that it will lead to the person, or a member of the person's household, being subjected to domestic abuse or abuse from a person with whom the person being abused is not associated.
- 15 (2) In this Chapter "abuse" means physical violence, threatening or intimidating behaviour and any other form of abuse which, directly or indirectly, may give rise to the risk of harm; and abuse is "domestic abuse" where the victim is associated with the abuser.
- (3) In this section "member of a person's household" means—
- (a) a person who normally lives with him or her as member of his or her family, or
- (b) any other person who might reasonably be expected to live with that person.
- 20 (4) In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation, a local housing authority—
- (a) may have regard to the general circumstances prevailing in relation to housing in the area of the local housing authority to whom the person has applied for help in securing accommodation;
- 25 (b) must have regard to whether or not the accommodation is affordable for that person.
- (5) The Welsh Ministers may by order specify—
- (a) other circumstances in which it is to be regarded as reasonable or not reasonable for a person to continue to occupy accommodation, and
- 30 (b) other matters to be taken into account or disregarded in determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation.

44 Meaning of associated person

- (1) A person is associated with another person if—
- 35 (a) they are or have been married to each other;
- (b) they are or have been civil partners of each other;

- (c) they live or have lived together in an enduring family relationship (whether they are of different sexes or the same sex);
- (d) they live or have lived in the same household;
- (e) they are relatives;
- 5 (f) they have agreed to marry one another (whether or not that agreement has been terminated);
- (g) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);
- 10 (h) they have or have had an intimate personal relationship with each other which is or was of significant duration;
- (i) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.
- (2) If a child has been adopted or falls within subsection (3), two persons are also associated with each other for the purposes this Chapter if –
- 15 (a) one is a natural parent of the child or a parent of such a natural parent, and
- (b) the other is –
- (i) the child, or
- (ii) a person who has become a parent of the child by virtue of an adoption order, who has applied for an adoption order or with whom the child has
- 20 at any time been placed for adoption.
- (3) A child falls within this section if –
- (a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, is authorised to place the child for adoption under section 19 of that Act (placing children with parental consent) or the child has become the subject of an
- 25 order under section 21 of that Act (placement orders), or
- (b) the child is freed for adoption by virtue of an order made –
- (i) in England and Wales, under section 18 of the Adoption Act 1976, or
- (ii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987, or
- 30 (c) the child is the subject of a Scottish permanence order which includes granting authority to adopt.
- (4) In this section –
- “adoption order” (“*gorchymyn mabwysiadu*”) means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;
- 35 “child” (“*plentyn*”) means a person under the age of 18 years;

“civil partnership agreement” (“*cytundeb partneriaeth sifil*”) has the meaning given by section 73 of the Civil Partnership Act 2004;

“parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 of the Children Act 1989;

“relative” (“*perthynas*”), in relation to a person, means that person’s parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew, niece (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).

45 Suitability of accommodation

- (1) In determining whether accommodation is suitable for a person, a local housing authority must have regard to the following enactments –
- (a) Part 9 of the Housing Act 1985 (slum clearance);
 - (b) Part 10 of the Housing Act 1985 (overcrowding);
 - (c) Part 1 of the Housing Act 2004 (housing conditions);
 - (d) Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation);
 - (e) Part 3 of the Housing Act 2004 (selective licensing of other residential accommodation);
 - (f) Part 4 of the Housing Act 2004 (additional control provisions in relation to residential accommodation);
 - (g) Part 1 of this Act (regulation of private rented housing).
- (2) In determining whether accommodation is suitable for a person, a local housing authority must have regard to whether or not the accommodation is affordable for that person.
- (3) The Welsh Ministers 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.

Information, advice and assistance in accessing help

46 Duty to provide information, advice and assistance in accessing help

- (1) A local housing authority must secure the provision of a service providing people with –
- (a) information and advice relating to preventing homelessness, securing accommodation when homeless, accessing any other support available in the authority’s area for people who are homeless or threatened with homelessness, and
 - (b) assistance in accessing help under this Chapter or any other help for people who are homeless or threatened with homelessness that is available in the authority’s area.
- (2) In relation to subsection (1)(a), the service must include, as a minimum, the publication of information and advice on the following matters –

- (a) the system provided for by this Chapter and how the system operates in the authority's area;
- (b) whether any other help for people who are homeless or threatened with homelessness is available in the authority's area;
- 5 (c) how to access the help that is available.
- (3) Two or more local housing authorities may jointly secure the provision of a service under this section for their areas; and where they do so –
- (a) references in this section to a local housing authority are to be read as references to the authorities acting jointly, and
- 10 (b) references in this section to a local housing authority's area are to be read as references to the combined area.
- (4) The service required by this section may be integrated with the service required by section 8 of the Social Services and Well-being (Wales) Act 2014.

Eligibility

15 **47 Eligibility for help under this Chapter**

Schedule 2 has effect for the purposes of determining whether an applicant is eligible for help under the following provisions of this Chapter.

Applications for help and assessment

20 **48 Duty to assess**

- (1) A local housing authority must carry out an assessment of a person's case if –
- (a) the person has applied to a local housing authority for accommodation or help in retaining or obtaining accommodation,
- (b) it appears to the authority that the person may be homeless or threatened with homelessness, and
- 25 (c) subsection (2) does not apply to the person.
- (2) This subsection applies if the person has been assessed by a local housing authority under this section on a previous occasion and the authority is satisfied that the person's circumstances have not changed materially since that assessment was carried out.
- (3) In this Chapter, "applicant" means a person to whom the duty in subsection (1) applies.
- 30 (4) The authority must assess whether or not the applicant is eligible for help under this Chapter.
- (5) If the applicant is eligible for help under this Chapter, the assessment must include an assessment of –
- (a) the circumstances that have caused the applicant to be homeless or threatened with homelessness;
- 35

(b) the housing needs of the applicant and any person with whom the applicant lives or might reasonably be expected to live;

(c) whether or not the authority has any duty to the applicant under the following provisions of this Chapter.

5 (6) In carrying out an assessment, the local housing authority must—

(a) seek to identify the outcome the applicant wishes to achieve from the authority's help, and

(b) assess whether the exercise of any function under this Chapter could contribute to the achievement of that outcome.

10 (7) A local housing authority may carry out its assessment of the matters mentioned in subsections (5) and (6) before it has concluded that the applicant is eligible for help under this Chapter.

(8) A local housing authority must keep its assessment under review during the period in which the authority considers it may owe a duty to the applicant under the following provisions of this Chapter.

15

(9) Where an assessment has been carried out of an applicant who is threatened with homelessness, the local housing authority must review the assessment if the applicant becomes homeless during the period in which the authority considers it may owe a duty to the applicant under the following provisions of this Chapter.

20 **49 Notice of the outcome of assessment**

(1) The local housing authority must notify the applicant of the outcome of its assessment (or any review of its assessment) and, in so far as any issue is decided against the applicant's interests, inform the applicant of the reasons for its decision.

25

(2) If the authority decides that a duty is owed to the applicant under section 58, but would not have done so without having had regard to a restricted person, the notice under subsection (1) must also—

(a) inform the applicant that its decision was reached on that basis,

(b) include the name of the restricted person,

(c) explain why the person is a restricted person, and

30

(d) explain the effect of section 59(5).

(3) If the authority has notified or intends to notify another local housing authority under section 63 (referral of cases), it must at the same time notify the applicant of that decision and inform him or her of the reasons for it.

(4) A notice under subsection (1) or (3) must also—

35

(a) inform the applicant of his or her right to request a review of the decision and of the time within which such a request must be made (see section 68), and

(b) be given in writing and, if not received, is to be treated as having been given if it is made available at the authority's office for a reasonable period for collection by the applicant or on the applicant's behalf.

40

(5) In this Chapter, "a restricted person" means a person—

- (a) who is not eligible for help under this Chapter,
- (b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and
- (c) who either –
 - (i) does not have leave to enter or remain in the United Kingdom, or
 - (ii) has leave to enter or remain in the United Kingdom subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds.

Duties to help applicants

10 **50 How to secure or help to secure the availability of accommodation**

- (1) The following are examples of the ways in which a local housing authority may secure or help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant –
 - (a) by arranging for a person other than the authority to provide something;
 - 15 (b) by itself providing something;
 - (c) by providing something, or arranging for something to be provided, to a person other than the applicant.
- (2) The following are examples of what may be provided or arranged to secure or help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant –
 - (a) mediation;
 - (b) payments by way of grant or loan;
 - (c) guarantees that payments will be made;
 - (d) support in managing debt, mortgage arrears or rent arrears;
 - 25 (e) security measures for applicants at risk of abuse;
 - (f) advocacy or other representation;
 - (g) accommodation;
 - (h) information and advice;
 - (i) other services, goods or facilities.

30 **51 Meaning of help to secure**

Where a local housing authority is required by this Chapter to help to secure (rather than “to secure”) that suitable accommodation is available, or does not cease to be available, for occupation by an applicant, the authority –

- (a) is required to take reasonable steps to help, having regard (among other things) to the need to make the best use of the authority’s resources;
- 35 (b) is not required to secure an offer of accommodation under Part 6 of the Housing Act 1996 (allocation of housing);

(c) is not required to otherwise provide accommodation.

52 Duty to help to prevent an applicant from becoming homeless

- (1) A local housing authority must help to secure that suitable accommodation does not cease to be available for occupation by an applicant if it is satisfied that the applicant is—
- 5 (a) threatened with homelessness, and
- (b) eligible for help.
- (2) Subsection (1) does not affect any right of the authority, whether by virtue of a contract, enactment or rule of law, to secure vacant possession of any accommodation.

53 Circumstances in which the duty in section 52 ends

- 10 (1) The duty to an applicant under section 52 comes to an end in any of the circumstances described in subsections (2), (3) or (4), if the applicant has been notified in accordance with 67.
- (2) The circumstances are that the local authority is satisfied that the applicant has become homeless.
- 15 (3) The circumstances are that the local housing authority is satisfied (whether as a result of the steps it has taken or not) that—
- (a) the applicant is no longer threatened with homelessness, and
- (b) suitable accommodation is likely to be available for occupation by the applicant for a period of at least 6 months.
- 20 (4) The circumstances are that—
- (a) the applicant, having been notified in writing of the possible consequences of refusal or acceptance of the offer, refuses an offer of accommodation from any person which the authority is satisfied is suitable for the applicant, and
- (b) the authority is satisfied that the accommodation offered is likely to be available for occupation by the applicant for a period of at least 6 months.
- 25 (5) The period of 6 months mentioned in subsections (3)(b) and (4)(b) begins on the day the notice under section 67 is sent or first made available for collection.
- (6) See section 62 for further circumstances in which the duty in section 52 comes to an end.

54 Interim duty to accommodate applicants in priority need

- 30 (1) The local housing authority must secure that suitable accommodation is available for the occupation of an applicant to whom subsection (2) or (3) applies until the duty comes to an end in accordance with subsection (5), (6) or (7).
- (2) This subsection applies to an applicant for whom the local housing authority has not completed its assessment under section 48, but who the authority has reason to believe may—
- 35 (a) be homeless,
- (b) be eligible for help, and

(c) have a priority need for accommodation.

(3) This subsection applies to an applicant –

(a) who the authority is satisfied has a priority need or whose case has been referred from a local housing authority in England under section 198(1) of the Housing Act 1996, and

(b) to whom the duty in section 56 (duty to help to end homelessness) or section 58 (duty to secure accommodation for applicant in priority need) applies.

(4) The duty under this section arises irrespective of any possibility of the referral of the applicant's case to another local housing authority (see sections 63 to 65).

(5) The duty comes to an end in respect of an applicant to whom subsection (2) applies when a decision is made as to whether there is a duty to the applicant under section 56 and the applicant is notified of the decision.

(6) Where the local housing authority is satisfied that the applicant is intentionally homeless, the duty comes to an end in respect of an applicant to whom subsection (3) applies 56 days after the day on which notice is given to the applicant that a duty is owed to the applicant under section 56; for this purpose, the applicant is to be treated as notified on the day the notice is sent or first made available for collection.

(7) Where the local housing authority is satisfied that the applicant is not homeless intentionally or the authority is disregarding intentionality in respect of the applicant (see section 61), the duty comes to an end in respect of an applicant to whom subsection (3) applies –

(a) when the duty in section 56 comes to an end, if there is no duty to the applicant under section 58), or

(b) when the duty in section 58 comes to an end, if there is a duty to the applicant under that section.

(8) The duty comes to an end in accordance with subsections (5), (6) or (7), even if the applicant requests a review of any decision that has led to the duty coming to an end (see section 68).

(9) The authority may secure that suitable accommodation is available for the applicant's occupation pending a decision on a review.

(10) See section 62 for further circumstances in which the duty in this section comes to an end.

55 **Priority need for accommodation**

(1) The following persons have a priority need for accommodation for the purposes of this Chapter –

(a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;

(b) a person with whom a dependent child resides or might reasonably be expected to reside;

(c) a person –

- (i) who is vulnerable as a result of some special reason (for example: old age, illness or disability), or
- (ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;
- 5 (d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster;
- (e) a person –
- (i) who is homeless as a result of being subject to domestic abuse, or
- 10 (ii) with whom a person who falls within sub-paragraph (i) resides (other than the abuser) or might reasonably be expected to reside;
- (f) a person aged 16 or 17;
- (g) a person who has attained the age of 18, but not the age of 21 who is at particular risk of sexual or financial exploitation;
- 15 (h) a person who has attained the age of 18, but not the age of 21, who was looked after, accommodated or fostered at any time while under the age of 18;
- (i) a person who has served in the regular armed forces of the Crown who has been homeless since leaving those forces;
- (j) a person who has a local connection with the area of the local housing authority and who is vulnerable as a result of –
- 20 (i) having served a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000,
- (ii) having been remanded in or committed to custody by an order of a court, or
- 25 (iii) having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- (2) In subsection (1) –
- “looked after, accommodated or fostered” (*“yn derbyn gofal, yn cael ei letya neu’n cael ei faethu”*) means –
- 30 (a) looked after by a local authority (within the meaning of section 58 of the Social Services and Well-Being (Wales) Act 2014 or section 22 of the Children Act 1989),
- (b) accommodated by or on behalf of a voluntary organisation,
- (c) accommodated in a private children’s home,
- (d) accommodated for a period of at least three months –
- 35 (i) by any Local Health Board, Special Health Authority or Primary Care Trust or a by a local authority in the exercise of education functions (within the meaning given by section 579(1) of the Education Act 1996), or

(ii) in any care home or independent hospital or in any accommodation provided by an NHS Trust, or

(e) privately fostered.

“regular armed forces of the Crown” (*“lluoeedd arfog rheolaidd y Goron”*) means the regular forces as defined by section 374 of the Armed Forces Act 2006.

(3) The Welsh Ministers may by order –

(a) specify further descriptions of persons as having a priority need for accommodation for the purposes of this Chapter, and

(b) amend or repeal any part of subsection (1) or (2).

(4) Before making an order under subsection (3) the Welsh Ministers must consult such associations representing local housing authorities and social services authorities, and such other persons, as they consider appropriate.

56 Duty to help to secure suitable accommodation for a homeless applicant

(1) A local housing authority must help to secure that suitable accommodation is available for occupation by an applicant, if the authority is satisfied that the applicant is –

(a) homeless, and

(b) eligible for help.

(2) But the duty in subsection (1) does not apply if the authority refers the application to another local housing authority (see section 63).

57 Circumstances in which the duty in section 56 ends

(1) The duty to an applicant under section 56 comes to an end in any of the circumstances described in subsections (2), (3), (4), (5), (6), (7) or (8), if the applicant has been notified in accordance with 67.

(2) The circumstances are the end of a period of 56 days, starting on the day the applicant is notified under section 49; for this purpose, the applicant is to be treated as notified on the day the notice is sent or first made available for collection.

(3) The circumstances are that before the end of the period mentioned in subsection (2) the local housing authority is satisfied that reasonable steps have been taken to help to secure that suitable accommodation is available for occupation by the applicant.

(4) The circumstances are that the local housing authority is satisfied (whether as a result of the steps it has taken or not) that –

(a) the applicant has suitable accommodation available for occupation, and

(b) the accommodation is likely to be available for occupation by the applicant for a period of at least 6 months.

(5) The circumstances are that –

(a) the applicant, having been notified of the possible consequence of refusal or acceptance of the offer, refuses an offer of accommodation from any person which the authority is satisfied is suitable for the applicant, and

(b) the authority is satisfied that the accommodation offered is likely to be available for occupation by the applicant for a period of at least 6 months.

5 (6) The circumstances are that the applicant, having been notified of the possible consequence of refusal, refuses an offer of accommodation secured under section 54 (interim duty to secure accommodation for applicants in priority need) which the local housing authority is satisfied is suitable for the applicant.

(7) The circumstances are that the local housing authority is satisfied that the applicant has become homeless intentionally from accommodation made available for the applicant's occupation under section 54.

10 (8) The circumstances are that the local housing authority is satisfied that the applicant voluntarily ceased to occupy as his or her only or principal home, accommodation made available for the applicant's occupation under section 54.

(9) The period of 6 months mentioned in subsection (4)(b) and (5)(b) begins on the day the notice under section 67 is sent or first made available for collection.

15 (10) See section 62 for further circumstances in which the duty in section 56 comes to an end.

58 Duty to secure accommodation for applicants in priority need when the duty in section 56 ends

20 (1) When the duty in section 56 comes to an end in respect of an applicant who has a priority need for accommodation, the local housing authority must secure that suitable accommodation is available for occupation by the applicant if subsection (2) or (3) applies.

(2) This subsection applies where the local housing authority –

(a) is satisfied that the applicant –

(i) does not have suitable accommodation available for occupation, or

25 (ii) has suitable accommodation, but it is not likely that the accommodation will be available for occupation by the applicant for a period of at least 6 months starting on the day the applicant is notified in accordance with section 67 that section 56 does not apply,

(b) is satisfied that the applicant is eligible for help, and

30 (c) is not satisfied that the applicant became homeless intentionally in the circumstances which gave rise to the application or is disregarding intentionality in respect of the applicant (see section 61);

(3) This subsection applies where the local housing authority is having regard to intentionality in respect of the applicant and is satisfied that –

35 (a) an applicant –

(i) does not have suitable accommodation available for occupation, or

40 (ii) has suitable accommodation, but it is not likely that the accommodation will be available for occupation by the applicant for a period of at least 6 months starting on the day on which the applicant is notified in accordance with section 67 that section 56 does not apply,

(b) the applicant is eligible for help,

- (c) the applicant is –
- (i) a pregnant woman or a person with whom she resides or might reasonably be expected to reside,
 - (ii) a person with whom a dependent child resides or might reasonably be expected to reside, or
 - (iii) a person aged 16 or 17, and
- (d) the authority has not previously secured an offer of accommodation to the applicant under this section following a previous application for help under this Chapter, where that offer was made –

(i) at any time within the period of 5 years before the day on which the applicant was notified under section 49 that a duty was owed to him or her under this section, and

(ii) on the basis that the applicant fell within this case.

- (4) For the purpose of subsections (2) and (3), the applicant is to be treated as notified on the day the notice is sent or first made available for collection.

59 Circumstances in which the duty in section 58 ends

(1) The duty to an applicant under section 58(1) comes to an end in any of the circumstances described in subsections (2), (5), (6), (7) or (8), if the applicant has been notified in accordance with section 67.

(2) The circumstances are that the applicant accepts –

(a) an offer of accommodation under Part 6 of the Housing Act 1996 (allocation of housing), or

(b) an offer of an assured tenancy (including an assured shorthold tenancy) from a private landlord.

(3) The circumstances are that the applicant, having been given notice in writing of the possible consequence of refusal or acceptance of the offer, refuses –

(a) a private rented sector offer, or

(b) an offer of accommodation under Part 6 of the Housing Act 1996,

which the authority is satisfied is suitable for the applicant.

(4) For the purposes of this section an offer is a private rented sector offer if –

(a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is available for the applicant's occupation,

(b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the authority's duty under section 58 to an end, and

(c) the tenancy being offered is a fixed term tenancy for a period of at least 6 months.

- 5 (5) In a restricted case, the local housing authority must, so far as reasonably practicable, bring its duty to an end by securing a private rented sector offer; for this purpose, a “restricted case” means a case where the local housing authority would not be satisfied as mentioned in section 58(1) without having regard to a restricted person (see section 49(5)).
- (6) The circumstances are that the applicant, having been notified of the possible consequence of refusal, refuses an offer of accommodation secured under section 54 (interim duty to secure accommodation for applicants in priority need) which the local housing authority is satisfied is suitable for the applicant.
- 10 (7) The circumstances are that the local housing authority is satisfied that the applicant has become homeless intentionally from accommodation made available for the applicant’s occupation under section 54.
- (8) The circumstances are that the local housing authority is satisfied that the applicant has voluntarily ceased to occupy as his or her only or principal home, the accommodation made available for the applicant’s occupation under section 54.
- 15 (9) See section 62 for further circumstances in which the duty in section 58(1) comes to an end.
- (10) In this section “fixed term tenancy” has the meaning given by Part 1 of the Housing Act 1988.

20 **60 Meaning of intentionally homeless**

- (1) A person is intentionally homeless for the purpose of this Chapter if subsections (2) or (4) apply.
- (2) This subsection applies if the person deliberately does or fails to do anything in consequence of which the person ceases to occupy accommodation which is available for the person’s occupation and which it would have been reasonable for the person to continue to occupy.
- 25 (3) For the purposes of subsection (2) an act or omission in good faith on the part of a person who was unaware of any relevant fact may not be treated as deliberate.
- (4) This subsection applies if—
- 30 (a) the person enters into an arrangement under which the person is required to cease to occupy accommodation which it would have been reasonable for the person to continue to occupy, and
- (b) the purpose of the arrangement is to enable the person to become entitled to help under this Chapter,
- 35 and there is no other good reason why the person is homeless.

61 Deciding to disregard intentionality

- (1) The Welsh Ministers may by regulations prescribe a category or categories of person for the purpose of this section.

- (2) A local housing authority may decide to disregard intentionality for the purposes of section 58 in respect of one or more of the categories of person prescribed under subsection (1), if it publishes a notice of its decision identifying the category or categories.
- (3) Subsection (4) applies where a local housing authority has published a notice under subsection (2) and it has not published a notice of a decision to stop disregarding intentionality in respect of one or more of the prescribed categories.
- (4) A local housing authority must disregard intentionality for the purposes of section 58 if an applicant falls within one or more of the categories specified in the notice.

62 Further circumstances in which the duties to help applicants end

- (1) The duties in section 52, section 54, section 56 and section 58 come to an end in the circumstances described in subsection (2) (3) or (4), if the applicant is notified in accordance with section 67.
- (2) The circumstances are that the local housing authority is no longer satisfied that the applicant is eligible for help.
- (3) The circumstances are that the local authority is satisfied that the applicant has withdrawn his or her application.
- (4) The circumstances are that the local housing authority is satisfied that the applicant is unreasonably failing to co-operate with the authority in connection with the exercise of its functions under this Chapter as they apply to the applicant.

Referral to another local housing authority

63 Referral of case to another local housing authority

- (1) Subsection (2) applies where a local housing authority considers that the conditions for referral to another local housing authority (whether in Wales or England) are met (see subsection (3)) and the local housing authority would, if the case is not referred, be subject to the duty in section 56 in respect of an applicant who is in priority need of accommodation and unintentionally homeless (duty to help to end an applicant's homelessness).
- (2) The local housing authority may notify the other authority of its opinion that the conditions for referral are met in respect of the applicant.
- (3) The conditions for referral of the case to another local housing authority (whether in Wales or England) are met if –
- (a) neither the applicant nor any person who might reasonably be expected to reside with the applicant has a local connection with the area of the authority to which the application was made,
 - (b) the applicant or a person who might reasonably be expected to reside with the applicant has a local connection with the area of that other authority, and
 - (c) neither the applicant nor any person who might reasonably be expected to reside with the applicant will run the risk of domestic abuse in that other area.
- (4) But the conditions for referral mentioned in subsection (3) are not met if –

- (a) the applicant or any person who might reasonably be expected to reside with the applicant has suffered abuse (other than domestic abuse) in the area of the other authority, and
- (b) it is probable that the return to that area of the victim will lead to further abuse of a similar kind against him or her.
- (5) The question of whether the conditions for referral of a case are satisfied is to be decided –
- (a) by agreement between the notifying authority and the notified authority, or
- (b) in default of agreement, in accordance with such arrangements –
- (i) as the Welsh Ministers may direct by order, where both authorities are in Wales, or
- (ii) as the Welsh Ministers and the Secretary of State may jointly direct by order, where the notifying authority in Wales and the notified authority is in England.
- (6) An order may direct that the arrangements are to be –
- (a) those agreed by any relevant authorities or associations of relevant authorities, or
- (b) in default of such agreement, such arrangements as appear to the Welsh Ministers or, in the case of an order under subsection (5)(b)(ii), to the Welsh Ministers and the Secretary of State to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as they think appropriate.
- (7) In subsection (6), “relevant authority” means a local housing authority or a social services authority; and it includes, in so far as that subsection applies to arrangements under subsection (5)(b)(ii), such authorities in Wales and England.
- (8) The Welsh Ministers may by order specify other circumstances in which the conditions are or are not met for referral of the case to another local housing authority.

64 Local connection

- (1) This section applies for the purposes of this Chapter.
- (2) A person has a local connection with the area of a local housing authority in Wales or England if the person has a connection with it –
- (a) because the person is, or in the past was, normally resident there, and that residence is or was of the person’s own choice,
- (b) because the person is employed there,
- (c) because of family associations, or
- (d) because of special circumstances.

- (3) Residence in an area is not of a person's own choice if the person, or a person who might reasonably be expected to reside with that person, becomes resident there because the person is detained under the authority of an enactment.
- (4) The Welsh Ministers may by order specify circumstances in which –
- 5 (a) a person is not to be treated as employed in an area, or
- (b) residence in an area is not to be treated as of a person's own choice.
- (5) A person has a local connection with the area of a local housing authority in Wales or England if the person was (at any time) provided with accommodation in that area under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers).
- 10 (6) But subsection (5) does not apply –
- (a) to the provision of accommodation for a person in an area of a local housing authority if the person was subsequently provided with accommodation in the area of another local housing authority under section 95 of that Act, or
- (b) to the provision of accommodation in an accommodation centre by virtue of
- 15 section 22 of the Nationality, Immigration and Asylum Act 2002 (use of accommodation centres for section 95 support).

65 Duties to applicant whose case is considered for referral or referred

- (1) Where a local housing authority notifies an applicant in accordance with section 67 that it intends to notify or has notified another local housing authority in Wales or England of its opinion that the conditions are met for the referral of the applicant's case to that other authority –
- 20 (a) it ceases to be subject to any duty under section 54 (interim duty to accommodate in case of apparent priority need), and
- (b) it is not subject to any duty under section 56 (duty to help to end an applicant's
- 25 homelessness;
- but it must secure that suitable accommodation is available for occupation by the applicant until the applicant is notified of the decision whether the conditions for referral of the case are met.
- (2) When it has been decided whether the conditions for referral are met, the notifying authority must notify the applicant in accordance with section 67.
- 30 (3) If it is decided that the conditions for referral are not met, the notifying authority is subject to the duty under section 56 (duty to help to end an applicant's homelessness).

- 5 (4) If it is decided that those conditions are met and the notified authority is an authority in Wales, the notified authority is subject to the duty under section 56 (duty to help to end a person's homelessness); for provision about cases where it is decided that those conditions are met and the notified authority is an authority in England, see section 201A of the Housing Act 1996 (cases referred from a local housing authority in Wales).
- (5) The duty under subsection (1) ceases as provided in that subsection even if the applicant requests a review of the authority's decision (see section 68).
- (6) The authority may secure that suitable accommodation is available for the applicant's occupation pending the decision on a review.
- 10 (7) If notice required to be given to an applicant under this section is not received by the applicant, it is to be treated as having been given if it is made available at the authority's office for a reasonable period for collection by the applicant or on the applicant's behalf.

66 Cases referred from a local housing authority in England

- 15 (1) This section applies where an application has been referred by a local housing authority in England to a local housing authority in Wales under section 198(1) of the Housing Act 1996 (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 is subject to the following duties in respect of the person whose case is referred –
- 20 (a) section 54 (interim duty to accommodate applicants in priority need);
- (b) section 56 (duty to help to end an applicant's homelessness);
- for provision about cases where it is decided that the conditions for referral are not met, see section 200 of the Housing Act 1996 (duties to applicant whose case is considered for referral or referred).
- 25 (3) Accordingly, references in this Chapter to an applicant include a reference to a person to whom the duties mentioned in subsection (2) are owed by virtue of this section.

Notice

67 Notice that duties have ended

- 30 (1) Where a local housing authority concludes that its duty to an applicant under section 52, 54, 56 or 58 has come to an end (including where the authority has referred the applicant's case to another authority or decided that the conditions for referral are met), it must notify the applicant –
- (a) that it no longer regards itself as being subject to the relevant duty;
- (b) of the reasons why it considers that the duty has come to an end;
- 35 (c) of the right to request a review, and
- (d) of the time within which such a request must be made.

- (2) Where a notice under subsection (1) relates to the duty in section 56 coming to an end in the circumstances described in section 57(2) or (3), it must include notice of the steps taken by the local housing authority to help to secure that suitable accommodation would be available for occupation by the applicant.
- 5 (3) Notice under this section must be in writing.
- (4) Where a notice is not received by an applicant, the applicant may be treated as having been notified under this section if the notice is made available at the authority's office for a reasonable period for collection by the applicant or on the applicant's behalf.

Right to review and appeal

10 **68 Right to request review**

- (1) An applicant has the right to request a review of the following decisions –
- (a) a decision of a local housing authority as to the applicant's eligibility for help;
 - (b) a decision of a local housing authority that a duty is not owed to the applicant under sections 52, 54, 56, or 58 (duties to applicants who are homeless or threatened with homelessness);
 - 15 (c) a decision of a local housing authority that a duty owed to the applicant under sections 52, 54, 56, or 58 has come to an end (including where the authority has referred the applicant's case to another authority or decided that the conditions for referral are met).
- 20 (2) Where the duty owed to an applicant under section 56 has come to an end in the circumstances described in section 57(2) or (3), an applicant has the right to request a review of whether or not reasonable steps were taken during the period in which the duty under section 56 was owed to help to secure that suitable accommodation would be available for his or her occupation.
- 25 (3) An applicant who is offered accommodation in, or in connection with, the discharge of any duty under this Chapter may request a review of the suitability of the accommodation offered to the applicant (whether or not he or she has accepted the offer).
- (4) There is no right to request a review of the decision reached on an earlier review.
- (5) A request for review must be made before the end of the period of 21 days (or such longer period as the authority may in writing allow) beginning with the day on which the applicant is notified of the authority's decision.
- 30 (6) On a request being made to them, the authority or authorities concerned must review their decision.

69 Procedure on review

- 35 (1) The Welsh Ministers may make provision by regulations as to the procedure to be followed in connection with a review under section 68.
- (2) Regulations under subsection (1) may, for example, –
- (a) require the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and

(b) provide for the circumstances in which the applicant is entitled to an oral hearing, and whether and by whom the applicant may be represented at such a hearing, and

(c) provide for the period within which the review must be carried out and notice given of the decision.

(3) The authority, or as the case may be either of the authorities, concerned must notify the applicant of the decision on the review.

(4) The authority must also notify the applicant of the reasons for the decision, if the decision is—

(a) to confirm the original decision on any issue against the interests of the applicant, or

(b) to confirm that reasonable steps were taken.

(5) In any case they must inform the applicant of his or her right to appeal to a county court on a point of law, and of the period within which such an appeal must be made (see section 71).

(6) Notice of the decision is not to be treated as given unless and until subsection (5), and where applicable subsection (4), is complied with.

(7) Notice required to be given to a person under this section must be given in writing and, if not received by that person, is to be treated as having been given if it is made available at the authority's office for a reasonable period for collection by the person or on his or her behalf.

70 Effect of a decision on review or appeal that reasonable steps were not taken

(1) Subsection (2) applies where it is decided on review under section 68(2) or on an appeal of a decision under that section that reasonable steps were not taken.

(2) The duty in section 56 applies to the applicant again, with the modification that the 56 day period mentioned in subsection (2) of section 57 is to be interpreted as starting on the day the authority notifies the applicant of its decision on review under section 68(2) or, on an appeal, on such date as the court may order.

71 Right of appeal to county court on point of law

(1) An applicant who has requested a review under section 68 may appeal to the county court on any point of law arising from the decision or, as the case may be, the original decision or a question as to whether reasonable steps were taken if the applicant—

(a) is dissatisfied with the decision on the review, or

(b) is not notified of the decision on the review within the time prescribed under section 69.

(2) An appeal must be brought within 21 days of the applicant being notified of the decision or, as the case may be, of the date on which the applicant should have been notified of a decision on review.

- (3) The court may give permission for an appeal to be brought after the end of the period allowed by subsection (2), but only if it is satisfied –
- (a) where permission is sought before the end of that period, that there is a good reason for the applicant to be unable to bring the appeal in time, or
 - 5 (b) where permission is sought after that time, that there is a good reason for the applicant's failure to bring the appeal in time and for any delay in applying for permission.
- (4) On appeal the court may make such order confirming, quashing or varying the decision as it thinks fit.
- 10 (5) Where the authority was under a duty under section 54, 58 or 65 to secure that suitable accommodation is available for the applicant's occupation, it may secure that suitable accommodation is so available –
- (a) during the period for appealing under this section against the authority's decision, and
 - 15 (b) if an appeal is brought, until the appeal (and any further appeal) is finally determined.

72 Appeals against refusal to accommodate pending appeal

- (1) This section applies where an applicant has the right to appeal to the county court under section 71.
- 20 (2) An applicant may appeal to the county court against a decision of the authority –
- (a) not to exercise their power under section 71(5) ("the section 71(5) power") in the applicant's case,
 - (b) to exercise that power for a limited period ending before the final determination by the county court of the applicant's appeal under section 71(1) ("the main appeal"), or
 - 25 (c) to cease exercising that power before the final determination.
- (3) An appeal under this section may not be brought after the final determination by the county court of the main appeal.
- (4) On an appeal under this section the court –
- 30 (a) may order the authority to secure that suitable accommodation is available for the applicant's occupation until the determination of the appeal (or such earlier time as the court may specify), and
 - (b) must confirm or quash the decision appealed against.
- (5) In considering whether to confirm or quash the decision the court must apply the principles applied by the High Court on an application for judicial review.
- 35 (6) If the court quashes the decision it may order the authority to exercise the section 71(5) power in the applicant's case for such period as may be specified in the order.
- (7) An order under subsection (6) –

- (a) may only be made if the court is satisfied that failure to exercise the section 71(5) power in accordance with the order would substantially prejudice the applicant's ability to pursue the main appeal;
- (b) may not specify any period ending after the final determination by the county court of the main appeal.

Supplementary provisions

73 Charges

A local housing authority may require a person in relation to whom it is discharging its functions under this Chapter –

- (a) to pay reasonable charges determined by the authority in respect of accommodation which it secures for the person's occupation (either by making it available itself or otherwise), or
- (b) to pay a reasonable amount determined by the authority in respect of sums payable by it for accommodation made available by another person.

74 Out-of-area placement

- (1) A local housing authority must in discharging its functions under this Chapter secure or help to secure that suitable accommodation is available for the occupation of the applicant in its area, so far as is reasonably practicable.
- (2) If the authority secures that accommodation is available for the occupation of the applicant outside its area in Wales or England, it must give notice to the local housing authority (whether in Wales or England) in whose area the accommodation is situated.
- (3) The notice must state –
- (a) the name of the applicant,
- (b) the number and description of other persons who normally reside with the applicant as a member of his or her family or might reasonably be expected to reside with the applicant,
- (c) the address of the accommodation,
- (d) the date on which the accommodation was made available to the applicant, and
- (e) which function under this Chapter the authority was discharging in securing that the accommodation is available for the applicant's occupation.
- (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.

75 Interim accommodation: arrangements with private landlord

- (1) This section applies where in carrying out any of its functions under section 54, 65 or 71(5) (interim accommodation) a local housing authority makes arrangements with a private landlord to provide accommodation.
- (2) A tenancy granted to the applicant under 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 49(1) or 63(5), or
- (b) if there is a review of that decision under section 68 or an appeal to the court under section 71, the date on which the applicant 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.

76 Protection of property

- (1) Where a local housing authority has become subject to a duty in respect of an applicant as described in subsection (2), it must take reasonable steps to prevent the loss of the personal property of the applicant or prevent or mitigate damage to it if the authority has reason to believe that –
- (a) there is danger of loss of, or damage to, the property by reason of the applicant's inability to protect it or deal with it, and
- (b) no other suitable arrangements have been or are being made.
- (2) The duties in respect of an applicant are –
- section 52 (duty to help to prevent an applicant from becoming homeless) in the case of an applicant in priority need;
- section 54 (interim duty to accommodate applicants in priority need);
- section 65 (duties to applicant whose case is considered for referral or referred) in the case of an applicant in priority need.
- (3) Where a local housing authority has become subject to the duty in subsection (1), it continues to be subject to that duty even if the duty in respect of the applicant as described in subsection (2) comes to an end.
- (4) The duty of a local housing authority under subsection (1) is subject to any conditions it considers 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 it has taken action.
- (5) A local housing authority may take any steps it considers reasonable for the purpose of protecting the personal property of an applicant who is eligible for help or prevent or mitigate damage to it if the authority has reason to believe that –
- (a) there is danger of loss of, or damage to, the property by reason of the applicant's inability to protect it or deal with it, and
- (b) no other suitable arrangements have been or are being made.
- (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 the applicant.

77 Protection of property: supplementary provisions

- (1) The authority may for the purposes of section 76 (protection of property) –
- (a) enter, at all reasonable times, any premises which are the usual place of residence of the applicant or which were the applicant's last usual place of residence, and
 - (b) deal with any personal property of the applicant in any way which is reasonably necessary, in particular by storing it or arranging for its storage.
- (2) Where a local authority is proposing to exercise the power in subsection (1)(a), the officer it authorises to do so must, upon request, produce valid documentation setting out the authorisation to do so.
- (3) A person who, without reasonable excuse, obstructs the exercise of the power under subsection (1)(a) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) Where the applicant asks the authority to move his or her property to a particular location nominated by the applicant, the authority –
- (a) may, if it appears to it that the request is reasonable, discharge its responsibilities under section 76 by doing as the applicant asks, and
 - (b) having done so, have no further duty or power to take action under that section in relation to that property.
- (5) If such a request is made, the authority must before complying with it inform the applicant of the consequence of it doing so.
- (6) 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 76 when, in its 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 or her inability to protect it or deal with it.
- (7) But property stored by virtue of the authority 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.
- (8) Where the authority –
- (a) ceases to be subject to a duty to take action under section 76 in respect of an applicant's property, or
 - (b) ceases to have power to take such action, having previously taken such action, it must notify the applicant of that fact and of the reason for it.
- (9) The notification must be given to the applicant –
- (a) by delivering it to the applicant, or
 - (b) leaving it, or sending it, at the applicant's last known address.
- (10) References in this section to personal property of the applicant include personal property of any person who might reasonably be expected to reside with the applicant.

78 Co-operation within local authorities and between bodies

(1) A council of a county or county borough in Wales must make arrangements to promote co-operation between the officers of the authority who exercise its social services functions and those who exercise its functions as the local housing authority with a view to achieving the following objectives in its area –

- (a) the prevention of homelessness;
- (b) that suitable accommodation is or will be available for people who are or may become homeless;
- (c) that satisfactory support is available for people who are or may become homeless; and
- (d) the effective discharge of its functions under this Part.

(2) If a local housing authority requests the co-operation of a body mentioned in subsection (5) in the exercise of its functions under this Part, the body must comply with the request unless the body considers that doing so would –

- (a) be incompatible with the body's own duties, or
- (b) otherwise have an adverse effect on the exercise of the body's functions.

(3) If a local housing authority requests that a body mentioned in subsection (5) provides it with information it requires for the purpose of the exercise of any of its functions under this Part, the body must comply with the request unless the body considers that doing so would –

- (a) be incompatible with the body's own duties, or
- (b) otherwise have an adverse effect on the exercise of the body's functions.

(4) A body which decides not to comply with a request under subsection (2) or (3) must give the local housing authority who made the request written reasons for the decision.

(5) The bodies (whether in Wales or England) are –

- (a) a local housing authority;
- (b) a social services authority;
- (c) a registered social landlord;
- (d) a new town corporation;
- (e) a private registered provider of social housing;
- (f) a housing action trust.

(6) In this section –

“housing action trust” (*“ymddiriedolaeth gweithredu tai”*) means a housing action trust established under Part 3 of the Housing Act 1988;

“new town corporation” (*“corfforaeth tref newydd”*) has the meaning given in Part 1 of the Housing Act 1985;

“private registered provider of social housing” (*“darparwr tai cymdeithasol preifat cofrestredig”*) has the meaning given by Part 2 of the Housing and Regeneration Act 2008;

“registered social landlord” (*“landlord cymdeithasol cofrestredig”*) has the meaning given by Part 1 of the Housing Act 1996.

79 Co-operation in certain cases involving children

(1) This section applies where a local housing authority has 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 help,
- (b) may be homeless and to whom sections 54, 56, or 58 do not apply, or
- (c) may be threatened with homelessness and to whom section 52 does not apply.

(2) A local housing authority must make arrangements for ensuring that –

- (a) the applicant is invited to consent to the referral to the social services department of the essential facts of his or her 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 or her case.

(3) Nothing in subsection (2) affects any power apart from this section to disclose information relating to the applicant’s case to the the social services department without the consent of the applicant.

(4) A council of a county or county borough must make arrangements for ensuring that, where it makes a decision as local housing authority that an applicant is ineligible for help, became homeless intentionally or became threatened with homelessness intentionally, its housing department provides the social services department with such advice and assistance as the social services department may reasonably request.

(5) In this section, in relation to the council of a county or county borough –

“the housing department” (*“yr adran dai”*) means those persons responsible for the exercise of its functions as local housing authority;

“the social services department” (*“yr adran gwasanaethau cymdeithasol”*) means those persons responsible for the exercise of its social services functions under Part 3 of the Social Services and Well-Being (Wales) Act 2014.

General

80 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 its functions under this Chapter that the person or another person is entitled to accommodation or assistance in accordance with the provisions of this Chapter, 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 has reasonably required the person 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 the application there is any change of facts material to the case, the applicant must notify the authority as soon as possible.
- (3) The authority must explain to every applicant, in ordinary language, the duty imposed by subsection (2) and the effect of subsection (4).
- (4) A person who fails to comply with subsection (2) after being given the explanation required by subsection (3) commits an offence.
- (5) In proceedings against a person for an offence committed under subsection (4) it is a defence that the person had a reasonable excuse for failing to comply.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

81 Guidance

- (1) In the exercise of its functions under this Chapter (whether as the local housing authority or the social services authority), a council of a county or county borough must have regard to guidance given by the Welsh Ministers.
- (2) The Welsh Ministers may –
- (a) give guidance either generally or to specified descriptions of authorities;
 - (b) revise the guidance by giving further guidance under this section;
 - (c) withdraw the guidance by giving further guidance under this section or by notice.
- (3) The Welsh Ministers must publish any guidance or notice under this section.

82 Interpretation of this Chapter and index of defined terms

In this Chapter –

“abuse” (*“camdriniaeth”*) has the meaning given by section 43(2);

“accommodation available for occupation” (*“llety sydd ar gael i’w feddiannu”*) has the meaning given by section 42;

“applicant” (*“ceisydd”*) has the meaning given by section 48;

“associated” (*“cysylltiedig”*), in relation to a person, has the meaning given by section 44;

“assured tenancy” (*“tenantiaeth sicr”*) and “assured shorthold tenancy” (*“tenantiaeth fyrddaliol sicr”*) have the meaning given by Part 1 of the Housing Act 1988;

“domestic abuse” (*“camdriniaeth domestig”*) has the meaning given by section 43(2);

“eligible for help” (*“yn gymwys i gael cymorth”*) means not excluded from help under this Chapter by Schedule 2;

“enactment” (*“deddfiad”*) means an enactment (whenever enacted or made) comprised in, or in an instrument made under –

- (a) an Act of Parliament,
- (b) a Measure or an Act of the National Assembly for Wales;

“help to secure” (*“cynorthwyo i sicrhau”*), in relation to securing that suitable accommodation is available, or does not cease to be available, for occupation, has the meaning given by section 51;

“help under this Chapter” (*“cynorth o dan y Bennod hon”*) means the benefit of any function under sections 52, 54, 56, or 58;

“homeless” (*“digartref”*) has the meaning given by section 41 and “homelessness” is to be interpreted accordingly;

“intentionally homeless” (*“digartref yn fwriadol”*) has the meaning given by section 60;

“local connection” (*“cysylltiad lleol”*) has the meaning given by section 64;

“local housing authority” (*“awdurdod tai lleol”*) means –

- (a) in relation to Wales, the council of a county or county borough, 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,

but a reference to a “local housing authority” is to be interpreted as a reference to a local housing authority for an area in Wales only, unless this Chapter expressly provides otherwise;

“prescribed” (*“rhagnodedig”*) means prescribed in regulations made by the Welsh Ministers;

“priority need for accommodation” (*“angen blaenoriaethol am lety”*) has the meaning given by section 55;

“private landlord” (*“landlord preifat”*) means a landlord who is not within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies);

“reasonable to continue to occupy accommodation” (*“rhesymol parhau i feddiannu llety”*) has the meaning given by section 43;

“restricted person” (*“person cyfyngedig”*) has the meaning given by 49(5);

“social services authority” (*“awdurdod gwasanaethau cymdeithasol”*) means –

- (a) in relation to Wales, the council of a county or county borough council in the exercise of its social services functions, within the meaning of section 119 of the Social Services and Well-being (Wales) Act 2014, and
- (b) in relation to England, a local authority for the purposes of the Local Authority Social Services Act 1970, as defined in section 1 of that Act,

but a reference to a “social services authority” is to be interpreted as a reference to a social services authority for an area in Wales only, unless this Chapter expressly provides otherwise;

“threatened with homelessness” (“*o dan fygythiad o ddigartrefedd*”) has the meaning given by section 41(4).

83 Consequential amendments

Part 1 of Schedule 3 makes consequential amendments relating to this Part.

PART 3

GYPSIES AND TRAVELLERS

Meeting accommodation needs

84 Assessment of accommodation needs

- (1) A local housing authority must, in each review period, carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area.
- (2) In carrying out an assessment under subsection (1) a local housing authority must consult such persons as it considers appropriate.
- (3) In subsection (1), “review period” means –
 - (a) the period of 1 year beginning with the coming into force of this section, and
 - (b) each subsequent period of 5 years.
- (4) The Welsh Ministers may amend subsection (3)(b) by order.

85 Report following assessment

- (1) After carrying out an assessment a local housing authority must prepare a report which –
 - (a) details how the assessment was carried out;
 - (b) contains a summary of –
 - (i) the consultation it carried out in connection with the assessment, and
 - (ii) the responses (if any) it received to that consultation;
 - (c) details the accommodation needs identified by the assessment.
- (2) A local housing authority must submit the report to the Welsh Ministers for approval of the authority’s assessment.
- (3) The Welsh Ministers may –
 - (a) approve the assessment as submitted;
 - (b) approve the assessment with modifications;
 - (c) reject the assessment.
- (4) If the Welsh Ministers reject the assessment, the local housing authority must –
 - (a) revise and resubmit its assessment for approval by the Welsh Ministers under subsection (3); or

(b) conduct another assessment (in which case section 84(2) and this section apply again, as if the assessment were carried out under section 84(1)).

- (5) A local housing authority must publish an assessment approved by the Welsh Ministers under this section.

5 **86 Duty to meet assessed needs**

(1) If a local housing authority's approved assessment identifies needs within the authority's area with respect to the provision of sites on which mobile homes may be stationed the authority must exercise its powers in section 56 of the Mobile Homes (Wales) Act 2013 (power of authorities to provide sites for mobile homes) so far as may be necessary to meet those needs.

(2) But subsection (1) does not require a local housing authority to provide, in or in connection with sites for the stationing of mobile homes, working space and facilities for the carrying on of activities normally carried out by Gypsies and Travellers.

(3) The reference in subsection (1) to an authority's approved assessment is a reference to the authority's most recent assessment of accommodation needs approved by the Welsh Ministers under section 85(3).

87 **Failure to comply with duty under section 86**

(1) If the Welsh Ministers are satisfied that a local housing authority has failed to comply with the duty imposed by section 86 they may direct the authority to exercise its powers under section 56 of the Mobile Homes (Wales) Act 2013 so far as may be necessary to meet the needs identified in the authority's approved assessment.

(2) Before giving a direction the Welsh Ministers must consult the local housing authority to which the direction would relate.

(3) A local housing authority must comply with a direction given to it.

(4) A direction given under this section –

(a) must be in writing;

(b) may be varied or revoked by a subsequent direction;

(c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

30 **88 Provision of information upon request**

(1) A local housing authority must provide the Welsh Ministers with such information (and at such times) as they may require in connection with the exercise of their functions under this Part.

(2) The Welsh Ministers may exercise their powers under this section generally or in relation to a particular case.

89 Guidance

- (1) In exercising its functions under this Part, a local housing authority must have regard to any guidance given by the Welsh Ministers.
- (2) The Welsh Ministers may –
 - (a) give guidance either generally or to specified descriptions of authorities;
 - (b) revise the guidance by giving further guidance under this section;
 - (c) withdraw the guidance by giving further guidance under this section or by notice.
- (3) The Welsh Ministers must publish any guidance or notice under this section.

90 Duties in relation to housing strategies

- (1) This section applies where a local housing authority is required under section 87 of the Local Government Act 2003 to have a strategy in respect of meeting the accommodation needs of Gypsies and Travellers residing in or resorting to its area.
- (2) The local housing authority must –
 - (a) have regard to any guidance given by the Welsh Ministers in preparing its strategy;
 - (b) take the strategy into account in exercising its functions (including functions exercisable other than as a local housing authority).

*General***91 Interpretation**

In this Part –

“accommodation needs” (*“anghenion llety”*) includes, but is not limited to, needs with respect to the provision of sites on which mobile homes may be stationed;

“Gypsies and Travellers” (*“Sipsiwn a Theithwyr”*) means –

(a) persons of a nomadic habit of life, whatever their race or origin, including –

(i) persons who, on grounds only of their own or their family’s or dependant’s educational or health needs or old age, have ceased to travel temporarily or permanently, and

(ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such); and

(b) all other persons with a cultural tradition of nomadism or of living in a mobile home;

“mobile home” (*“cartref symudol”*) has the meaning given by section 60 of the Mobile Homes (Wales) Act 2013.

92 Power to amend definition of Gypsies and Travellers

(1) The Welsh Ministers may by order amend the definition of Gypsies and Travellers in section 91 by –

(a) adding a description of persons;

(b) modifying a description of persons;

(c) removing a description of persons.

(2) An order under this section may also make such amendments of the Mobile Homes (Wales) Act 2013 as the Welsh Ministers consider necessary or appropriate in consequence of a change to the definition mentioned in subsection (1).

93 Consequential amendments

Part 2 of Schedule 3 makes consequential amendments relating to this Part.

PART 4**STANDARDS FOR SOCIAL HOUSING***Standards for housing provided by local housing authorities***94 Standards**

- 5 (1) The Welsh Ministers may set standards to be met by local housing authorities in connection with—
- (a) the quality of accommodation provided by local housing authorities for housing;
 - (b) rent for such accommodation;
 - (c) service charges for such accommodation.
- 10 (2) Standards set under subsection (1) may require local housing authorities to comply with rules specified in the standards.
- (3) Rules about rent or service charges may include, among other things, provision for minimum or maximum—
- (a) levels of rent or service charges,
 - 15 (b) levels of increase or decrease of rent or service charges.
- (4) The Welsh Ministers may—
- (a) revise the standards by issuing further standards under this section;
 - (b) withdraw the standards by issuing further standards under this section or by notice.
- 20 (5) The Welsh Ministers must publish standards or notices under this section.

95 Guidance

- (1) The Welsh Ministers may give guidance that—
- (a) relates to a matter addressed by a standard under section 94, and
 - (b) amplifies the standard.
- 25 (2) In considering whether standards have been met the Welsh Ministers may have regard to the guidance.
- (3) The Welsh Ministers may—
- (a) revise the guidance by giving further guidance under this section;
 - (b) withdraw the guidance by giving further guidance under this section or by notice.
- 30 (4) The Welsh Ministers must publish any guidance or notice under this section.

96 Consultation on standards and guidance

Before setting, revising or withdrawing standards under section 94 or issuing, revising or withdrawing guidance under section 95, the Welsh Ministers must consult—

- (a) one or more bodies appearing to them to represent the interests of local housing authorities,
- (b) one or more bodies appearing to them to represent the interests of tenants, and
- (c) any other persons the Welsh Ministers consider it appropriate to consult.

5 **97 Information on compliance with standards**

A local housing authority must provide the Welsh Ministers with any information they request relating to compliance by the authority with standards set under section 94.

98 Powers of entry

- 10 (1) This section applies where it appears to the Welsh Ministers that a local housing authority may be failing to maintain or repair any premises in accordance with standards set under section 94 or guidance given under section 95.
- (2) A person authorised by the Welsh Ministers may at any reasonable time, on giving not less than 28 days' notice of his or her intention to the local housing authority concerned, enter any such premises for the purpose of survey and examination.
- 15 (3) Where such notice is given to the local housing authority, the authority must give the occupier or occupiers of the premises not less than seven days' notice of the proposed survey and examination.
- (4) An authorisation for the purposes of this section must be in writing stating the particular purpose or purposes for which the entry is authorised and must, if so required, be produced for inspection by the occupier or anyone acting on his or her behalf.
- 20 (5) The Welsh Ministers must give a copy of any survey carried out in exercise of the powers conferred by this section to the local housing authority concerned.
- (6) The Welsh Ministers may require the local housing authority concerned to pay to them such amount as the Welsh Ministers may determine towards the costs of carrying out any survey under this section.
- 25

99 Exercise of intervention powers

- (1) This section applies where the Welsh Ministers are deciding –
- (a) whether to exercise an intervention power,
 - (b) which intervention power to exercise, or
 - 30 (c) how to exercise an intervention power.
- (2) The Welsh Ministers must consider –
- (a) whether the failure or likely failure to meet the standard is, or is likely to be, a recurrent or isolated incident;

(b) the speed with which the failure, or likely failure to meet the standard needs to be addressed.

(3) In subsection (1), an “intervention power” means a power exercisable under sections 100 to 110.

5 **100 Grounds for intervention**

For the purposes of this Part, the grounds for intervention are that a local housing authority has failed, or is likely to fail, to meet a standard set under section 94 which relates to the quality of accommodation.

101 Warning notice

10 (1) The Welsh Ministers may give a warning notice to a local housing authority if they are satisfied that the grounds for intervention exist in relation to the authority.

(2) The Welsh Ministers must specify each of the following in the warning notice—

(a) the reasons why they are satisfied that the grounds exist;

15 (b) the action they require the authority to take in order to deal with the grounds for intervention;

(c) the period within which the action is to be taken by the authority (“the compliance period”);

(d) the action they are minded to take if the authority fails to take the required action.

102 Power of Welsh Ministers to intervene

20 (1) The Welsh Ministers have the power to intervene under this Part if—

(a) the Welsh Ministers have given a warning notice, and

(b) the local housing authority has failed to comply, or secure compliance, with the notice to the Welsh Ministers’ satisfaction within the compliance period.

25 (2) Where the Welsh Ministers have the power to intervene, they must keep the circumstances giving rise to the power under review.

(3) If the Welsh Ministers conclude that the grounds for intervention have been dealt with to their satisfaction or that exercise of their powers under this Part would not be appropriate for any other reason, they must notify the local housing authority of their conclusion in writing.

30 (4) The Welsh Ministers’ power to intervene continues in effect until they give notice under subsection (3).

(5) Where the Welsh Ministers have the power to intervene, they are not limited to taking the action they said they were minded to take in a warning notice.

103 Power to require local housing authority to obtain advisory services

35 (1) This section applies if the Welsh Ministers have the power to intervene.

(2) The Welsh Ministers may direct the local housing authority to enter into a contract or other arrangement with a specified person, or a person falling within a specified class, for the provision to the authority, of specified services of an advisory nature.

(3) The direction may require the contract or other arrangement to contain specified terms and conditions.

(4) In this section and section 104 “specified” means specified in a direction.

104 Power to require performance of functions by other persons on behalf of authority

(1) This section applies if the Welsh Ministers have the power to intervene.

(2) The Welsh Ministers may give such directions to the local housing authority or any of its officers as they think are appropriate for securing that the functions to which the grounds for intervention relate are performed on behalf of the authority by a person specified in the direction.

(3) A direction under subsection (2) may require that any contract or other arrangement made by the authority with the specified person contains terms and conditions specified in the direction.

105 Power to require performance of functions by Welsh Ministers or nominee

(1) This section applies if the Welsh Ministers have the power to intervene.

(2) The Welsh Ministers may direct that the functions to which the grounds for intervention relate are to be exercised by the Welsh Ministers or a person nominated by them.

(3) If a direction is made under subsection (2), the local housing authority must comply with the instructions of the Welsh Ministers or their nominee in relation to the exercise of the functions.

106 Power to direct exercise of other local housing authority functions

(1) If the Welsh Ministers think it is expedient, a direction under section 104 or 105 may relate to the performance of functions of the local housing authority in addition to the functions to which the grounds for intervention relate.

(2) The Welsh Ministers may have regard (among other things) to financial considerations in deciding whether it is expedient that a direction should relate to the functions of the local housing authority other than functions relating to the grounds for intervention.

107 General power to give directions and take steps

(1) This section applies if the Welsh Ministers have the power to intervene.

(2) If the Welsh Ministers think it is appropriate in order to deal with the grounds for intervention, the Welsh Ministers may –

(a) give directions to the local housing authority or any of its officers, or

(b) take any other steps.

108 Directions

(1) A local housing authority, or an officer of an authority, subject to a direction or instruction under this Part must comply with it.

- (2) This includes a direction or an instruction to exercise a power or duty that is contingent upon the opinion of the authority or an officer of the authority.
- (3) A direction under this Part –
- (a) must be in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

109 Duty to co-operate

- (1) A local housing authority must give the Welsh Ministers and any person mentioned in subsection (2) as much assistance in connection with the exercise of functions under or by virtue of this Part as they are reasonably able to give.
- (2) The persons are –
- (a) any person authorised for the purposes of this section by the Welsh Ministers;
 - (b) any person acting under directions under this Part;
 - (c) any person assisting –
 - (i) the Welsh Ministers, or
 - (ii) a person mentioned in paragraph (a) or (b).

110 Powers of entry and inspection

- (1) A person falling within subsection (2) has at all reasonable times –
- (a) a right of entry to the premises of the local housing authority (other than a dwelling) in question;
 - (b) a right to inspect, and take copies of, any records or other documents kept by the authority, and any other documents containing information relating to the authority, which the person considers relevant to the exercise of his or her functions under or by virtue of this Part.
- (2) The following persons fall within this subsection –
- (a) a person specified in a direction under section 103 or, where the direction specifies a class of persons, the person with whom the local housing authority enter into the contract or other arrangement required by the direction;
 - (b) a person specified in a direction under section 104;
 - (c) the Welsh Ministers in pursuance of a direction under section 105;
 - (d) a person nominated by direction under section 105.
- (3) In exercising the right under subsection (1)(b) to inspect records or other documents, a person (“P”) –
- (a) is entitled to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and

(b) may require the following persons to provide any assistance P may reasonably require (including, among other things, the making of information available for inspection or copying in a legible form) –

(i) the person by whom or on whose behalf the computer is or has been so used;

(ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.

(4) Any reference in this section to a person falling within subsection (2) includes a reference to any person assisting that person.

(5) In this section “document” and “records” each include information recorded in any form.

Service charges for social housing

111 Exemption from offences relating to service charges for social housing

In section 25 of the Landlord and Tenant Act 1985, after subsection (2) insert –

“(3) Subsection (1) does not apply where the person is –

(a) a local authority for an area in Wales, or

(b) a registered social landlord.”

112 Application of duties relating to service charges to local authority tenancies

In section 26(1) of the Landlord and Tenant Act 1985, after “a local authority” insert “for an area in England”.

General

113 Consequential amendments

Part 3 of Schedule 3 makes consequential amendments relating to this Part.

PART 5

HOUSING FINANCE

Housing Revenue Account subsidy

114 Abolition of Housing Revenue Account subsidy

(1) This section provides for the abolition of the subsidy payable in relation to the Housing Revenue Accounts of local housing authorities under the Local Government and Housing Act 1989.

(2) That Act is amended as follows.

(3) In Part 6 (Housing Finance) –

- (a) omit section 79 (Housing Revenue Account subsidy);
 - (b) omit section 80 (calculation of Housing Revenue Account subsidy);
 - (c) omit section 80ZA (negative amounts of subsidy payable to appropriate person);
 - (d) omit section 80A (final decision on amount of Housing Revenue Account subsidy);
 - 5 (e) omit section 80B (agreements to exclude certain authorities or property);
 - (f) omit section 85 (power to obtain information);
 - (g) omit section 86 (recoupment of subsidy in certain cases).
- (4) In Schedule 4 (the keeping of the Housing Revenue Account) –
- 10 (a) in Part 1 (credits to the Account), omit Item 3 (Housing Revenue Account subsidy);
 - (b) in Part 2 (debits to the Account), omit Item 5 (sums payable under section 80ZA);
 - (c) in Part 3 (special cases), omit paragraph 2 (credit balance where no HRA subsidy payable).

Payments in relation to Housing Revenue Accounts

15 **115 Settlement payments**

- (1) The Welsh Ministers may make a determination providing for the calculation of the amount of a payment in relation to each local housing authority that keeps a Housing Revenue Account.
- 20 (2) A payment of the type mentioned in subsection (1) is referred to in this Part as a “settlement payment”.
- (3) A determination under this section may provide for all or part of the amount to be calculated in accordance with a formula or formulae.
- (4) In determining a formula for this purpose, the Welsh Ministers may include variables framed by reference to such matters as they consider appropriate.
- 25 (5) A determination under this section may provide that the effect of the calculation in relation to a local housing authority is that –
 - (a) a settlement payment must be made by the Welsh Ministers to the local housing authority,
 - 30 (b) a settlement payment must be made by the local housing authority to the Welsh Ministers, or
 - (c) the amount of a settlement payment in relation to that authority is nil.
- (6) Subsections (3), (4) and (5) do not limit the generality of the power conferred by subsection (1).

35 **116 Further payments**

- (1) If a settlement payment has been made in respect of a local housing authority, the Welsh Ministers may from time to time make a determination that a further payment calculated in accordance with the determination must be made –
 - (a) by the Welsh Ministers to the local housing authority, or

(b) by the local housing authority to the Welsh Ministers.

(2) But the Welsh Ministers may only make a determination under this section if subsection (3) or (4) applies.

(3) This subsection applies if there has been a change in any matter that was taken into account in making –

(a) the determination relating to the settlement payment or a calculation under that determination, or

(b) a previous determination under this section relating to the local housing authority or a calculation under that determination.

(4) This subsection applies if the Welsh Ministers are satisfied that an error was taken into account in making any determination or calculation mentioned in subsection (3).

(5) A determination under this section may be varied or revoked by a subsequent determination.

117 Additional provision about payments

(1) A payment under this Part must be made in such instalments, at such times and in accordance with such arrangements as the Welsh Ministers may determine.

(2) A payment under this Part by a local housing authority must be accompanied by such information as the Welsh Ministers may require.

(3) The Welsh Ministers may charge a local housing authority interest, at such rates and for such periods as the Welsh Ministers may determine, on any sum payable by the local housing authority under this Part not being paid by a time determined under this section for its payment.

(4) The Welsh Ministers may charge a local housing authority an amount equal to any additional costs incurred by the Welsh Ministers as a result of any sum payable by the local housing authority under this Part not being paid by a time determined under this section for its payment.

(5) A payment under this Part other than a payment under subsections (3) or (4) –

(a) if made by a local housing authority, is to be treated by the authority as capital expenditure for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003;

(b) if made to a local housing authority, is to be treated by the authority as a capital receipt for the purposes of that Chapter.

(6) A determination under this Part may require a payment to a local housing authority made under this Part to be used by the authority for a purpose specified in the determination.

(7) A local housing authority to which such a requirement applies must comply with it.

(8) In Schedule 4 to the Local Government and Housing Act 1989 (the keeping of the Housing Revenue Account), in Part 2 (debits to the account) after Item 5A (sums payable under section 170 of the Localism Act 2011) insert –

“Item 5B: sums payable under section 117 of the Housing (Wales) Act 2014

Sums payable for the year to the Welsh Ministers under section 117(3) or (4) of the Housing (Wales) Act 2014 (interest etc charged as a result of late payment of settlement payments etc).”

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General provision

118 Provision of information upon request

- (1) A local housing authority must supply the Welsh Ministers with such information as the Welsh Ministers may specify for the purpose of enabling the Welsh Ministers to exercise functions under this Part.
- (2) The Welsh Ministers may exercise their powers under this section generally or in relation to a particular case.
- (3) If a local housing authority fails to comply with this section before the end of such period as the Welsh Ministers may specify, the Welsh Ministers may exercise functions under this Part on the basis of such assumptions and estimates as the Welsh Ministers think fit.

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119 Determinations under this Part

- (1) A determination under this Part may make different provision for different cases or descriptions of case, including different provision –
 - (a) for different areas;
 - (b) for different local housing authorities;
 - (c) for different descriptions of local housing authority.
- (2) Before making a determination under this Part that relates to all local housing authorities or a description of local housing authority, the Welsh Ministers must consult such –
 - (a) representatives of local government in Wales, and
 - (b) other persons,as the Welsh Ministers consider appropriate.
- (3) Before making a determination under this Part relating to a particular local housing authority, the Welsh Ministers must consult that local housing authority.
- (4) As soon as is practicable after making a determination under this Part, the Welsh Ministers must send a copy of the determination to the local housing authority or authorities to which it relates.
- (5) Subsections (4) to (7) of section 87 of the Local Government and Housing Act 1989 (using electronic communications to send copies of determinations) apply to a determination under this Part as they apply to a determination made by the Welsh Ministers under Part 6 of that Act.

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PART 6**ALLOWING FULLY MUTUAL HOUSING ASSOCIATIONS TO GRANT ASSURED
TENANCIES****120 Amendment of Schedule 1 to the Housing Act 1988**

- 5 (1) Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies) is amended as follows.
- (2) In paragraph 12(1)(h), after “association” insert “, unless the tenancy is one which is excluded from this sub-paragraph by sub-paragraph (3) below”.
- (3) After paragraph 12(2) insert—
- 10 “(3) A tenancy is excluded from sub-paragraph (1) if all of the following requirements are met—
- (a) the interest of the landlord belongs to a fully mutual housing association;
 - (b) the dwelling-house is in Wales;
 - 15 (c) the tenancy is granted on or after the date on which this sub-paragraph comes into force;
 - (d) the tenancy is in writing;
 - (e) before the tenancy is granted, the landlord has served on the person who is to be the tenant a notice stating that the tenancy is to be excluded from sub-paragraph (1);
 - 20 (f) the tenancy states that it is excluded from sub-paragraph (1).”

121 Amendment of Schedule 2 to the Housing Act 1988

In Part 1 of Schedule 2 to the Housing Act 1988 (grounds on which a court must order possession of dwelling-houses let on assured tenancies), after Ground 2 insert—

“Ground 2A

25 The dwelling-house is subject to a mortgage granted, at any time, by a fully mutual housing association and—

- (a) the dwelling-house is in Wales;
- (b) the tenancy was granted by a fully mutual housing association;
- 30 (c) the mortgagee is entitled to exercise a power of sale conferred on the mortgagee by the mortgage or by section 101 of the Law of Property Act 1925;
- (d) the mortgagee requires possession of the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power;
- 35 (e) not later than the beginning of the tenancy the landlord gave notice in writing to the tenant that possession might be

recovered on this ground;
and for the purposes of this ground “mortgage” includes a charge and
“mortgagee” is to be construed accordingly.”

PART 7

COUNCIL TAX FOR EMPTY DWELLINGS

122 Amount of tax payable for empty dwellings

- (1) The Local Government Finance Act 1992 is amended as follows.
- (2) After section 12 (discounts: special provision for Wales), insert—

“12A Higher amount for long-term empty dwellings: Wales

- (1) For any financial year, a billing authority in Wales may by determination provide in relation to its area that if on any day a dwelling is a long-term empty dwelling—
 - (a) the discount under section 11(2)(a) does not apply, and
 - (b) the amount of council tax payable in respect of that dwelling and that day is increased by 50%.
- (2) The Welsh Ministers may, by regulations, prescribe one or more classes of dwelling in relation to which a billing authority may not make a determination under this section.
- (3) A class of dwellings may be prescribed under subsection (2) by reference to such factors as the Welsh Ministers think fit and may, amongst other factors, be prescribed by reference to—
 - (a) the physical characteristics of, or other matters relating to, dwellings;
 - (b) the circumstances of, or other matters relating to, any person who is liable to the amount of council tax concerned.
- (4) Where a determination under this section has effect in relation to a class of dwellings—
 - (a) the billing authority may not make a determination under section 12(3) or (4) in relation to that class, and
 - (b) any determination that has been made under section 12(3) or (4) ceases to have effect in relation to that class.
- (5) A billing authority may make a determination varying or revoking a determination under this section for a financial year, but only before the beginning of the year.
- (6) Where a billing authority makes a determination under this section it must publish a notice of the determination in at least one newspaper circulating in its area.

(7) The notice must be published before the end of the period of 21 days beginning with the date of the determination.

(8) The validity of a determination is not affected by a failure to comply with subsection (6) or (7).

(9) For the purposes of this section, a dwelling is a “long-term empty dwelling” on any day if for a continuous period of at least 1 year ending with that day –

(a) it has been unoccupied, and

(b) it has been substantially unfurnished.

(10) In determining whether a dwelling is a long-term empty dwelling, no account is to be taken of –

(a) any period which pre-dates the coming into force of this section;

(b) any one or more periods of not more than 6 weeks during which one or both of the conditions in subsection (9) are not met.

(11) The Welsh Ministers may, by regulations, substitute a different period, of not less than 6 weeks, for the period which is for the time being specified in subsection (10)(b).

(12) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

(3) Part 4 of Schedule 3 makes consequential amendments relating to this Part.

PART 8

MISCELLANEOUS AND GENERAL

Miscellaneous

123 Minor amendments to the Mobile Homes (Wales) Act 2013

Part 5 of Schedule 3 makes minor amendments to the Mobile Homes (Wales) Act 2013.

General

124 Orders and regulations

(1) A power to make an order or regulations under this Act is to be exercised by statutory instrument.

(2) A power to make an order or regulations under this Act includes power –

(a) to make different provision for different cases or classes of case, different areas or different purposes;

(b) to make different provision generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case;

(c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the person making the order or regulations considers appropriate.

(3) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales –

(a) in Part 1, an order made under section 2, 6(4) or 11(6);

(b) in Part 2 –

(i) an order made under section 43(5), 45(3), 55(3), 63(5)(b)(i), 63(8) or 64(4);

(ii) regulations made under section 61(1) and regulations made by the Welsh Ministers under paragraph 1 of Schedule 2;

(c) in Part 3, an order made under section 84 or 92;

(d) in this Part, regulations made under section 126 which amend or repeal any provision of an Act of Parliament or a Measure or Act of the National Assembly for Wales.

(4) Any other statutory instrument containing an order or regulations made by the Welsh Ministers under this Act other than an order made under section 28(7) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(5) A statutory instrument containing an order made under section 63(5)(b)(ii) may not be made unless a draft of the instrument has been laid before, and approved by resolution of –

(a) each House of Parliament, and

(b) the National Assembly for Wales.

(6) A statutory instrument containing regulations made by the Secretary of State under paragraph 1 of Schedule 2 may not be made unless a draft of the instrument has been laid before, and approved by, resolution of each House of Parliament.

(7) This section does not apply to an order made under section 127 (commencement).

125 Meaning of local housing authority

In this Act “local housing authority” means the council of a county or county borough in Wales, and it has an extended meaning for the purposes of Part 2 (see section 82).

126 Power to make consequential and transitional provision etc

(1) If the Welsh Ministers consider it necessary or expedient for the purpose of, or in consequence of, giving full effect to any provision of this Act, they may by regulations make –

(a) any supplementary, incidental or consequential provision, and

(b) any transitional or saving provision.

(2) Regulations under this section may (among other things) amend, repeal or revoke any enactment.

5 (3) In this section “enactment” means an enactment (whenever enacted or made) comprised in, or in an instrument made under –

(a) an Act of Parliament,

(b) a Measure or an Act of the National Assembly for Wales (including a provision of this Act).

10 **127 Commencement**

(1) The following provisions come into force on the day on which this Act receives Royal Assent –

(a) section 124;

(b) section 125;

15 (c) this section;

(d) section 128.

(2) Sections 115 to 119 in Part 5 (Housing Finance) come into force after the end of the period of 2 months beginning with the day on which this Act receives Royal Assent.

20 (3) The remaining provisions of this Act are to come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

(4) An order under this section may –

(a) appoint different days for different purposes;

(b) include such transitory, transitional or saving provision as the Welsh Ministers consider appropriate.

25 **128 Short title**

The short title of this Act is the Housing (Wales) Act 2014.

SCHEDULE 1
(introduced by section 6)

REGISTER OF PRIVATE RENTED HOUSING

PART 1

CONTENT OF REGISTER

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Landlords

1 An entry in the register relating to a landlord must record the following –

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- (a) the name of the landlord;
- (b) if the landlord is a body corporate, the address of the landlord's registered or principal office;
- (c) the address of each rental property let by the landlord in the area of the local housing authority;
- (d) the name, registration number and licence number of any agent or responsible person appointed by the landlord and the address of each rental property to which the appointment relates;
- (e) the landlord's registration number;
- (f) the date the landlord was registered;
- (g) where a licence has been granted to the landlord –
 - (i) the date the licence was granted or is renewed;
 - (ii) the licence number;
 - (iii) whether the licence has been amended under section 17, and if it has the date the amendment took effect;
 - (iv) whether the licence has expired without being renewed, or has been revoked; and if it has the date of expiry or revocation;
- (h) in the case of a landlord which is a body corporate, the number of persons who manage rental properties on behalf of the landlord in the area of the local housing authority;
- (i) where an application by the landlord for a licence has been refused by the local housing authority –
 - (i) the date of the refusal;
 - (ii) whether the refusal was appealed under section 20;
- (j) where the local housing authority's refusal of an application was appealed, if the tribunal or court confirmed the authority's decision, the date of that decision.

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Agents or responsible persons

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2 An entry in the register for an agent or responsible person must record the following –

- (a) the name of the agent or responsible person;
- (b) the correspondence address of the agent or responsible person;
- (c) in the case of an agent, if the agent is a body corporate, the address of the agent's registered or principal office;
- 5 (d) the address of any premises in the area of the local housing authority used by the agent for managing rental properties;
- (e) the number of persons who manage rental properties on behalf of the agent in the area of the local housing authority;
- (f) the registration number of the agent or responsible person;
- 10 (g) the date the agent or responsible person was registered;
- (h) where a licence has been granted to the agent or responsible person by the local housing authority –
 - (i) the date the licence was granted;
 - (ii) the licence number;
 - 15 (iii) whether the licence has been amended under section 17 (and if so the date on which the amendment took effect);
- (i) where an application by the agent or responsible person for a licence has been refused by the local housing authority –
 - (i) the date of the refusal;
 - 20 (ii) whether the refusal was appealed under section 20;
- (j) where the local housing authority's refusal of an application was appealed, if the tribunal or court confirmed the authority's decision, the date of that decision.

PART 2

ACCESS TO REGISTER

- 25 3 (1) A local housing authority must provide the information in sub-paragraph (2) to a person who requests it, if that person provides the authority with the address of a rental property which is on the register.
- (2) The information is –
 - 30 (a) the name of the landlord of the property and the name of any agent or responsible person appointed in relation to the property;
 - (b) whether the landlord, agent or responsible person (as applicable) is licensed.
- 4 (1) A local housing authority must provide the information in sub-paragraph (2) to a person who requests it, if that person provides the authority with –
 - 35 (a) the name of a landlord of a rental property in the area of the authority, or
 - (b) the name of an agent or responsible person appointed in relation to any such property.
- (2) The information is –

- (a) whether the landlord, agent or responsible person (as applicable) is registered;
 - (b) whether the landlord, agent or responsible person (as applicable) is licensed.
- 5 (1) A local housing authority must provide the information in sub-paragraph (2) to a person who requests it, if that person provides the authority with—
- 5 (a) the registration number or licence number of a landlord of a rental property in the area of the authority, or
- (b) the registration number or licence number of an agent or responsible person appointed in relation to any such property.
- (2) The information is—
- 10 (a) the name of the landlord and agent or responsible person (as applicable);
- (b) whether the landlord and agent or responsible person (as applicable) are registered;
- (c) whether the landlord, agent or responsible person (as applicable) is licensed.

SCHEDULE 2
(introduced by section 47)

ELIGIBILITY FOR HELP UNDER CHAPTER 2 OF PART 2

Persons not eligible for help

- 5 1 (1) A person is not eligible for help under sections 52, 54, 56 or 58 if he or she is a person from abroad who is ineligible for housing assistance.
- (2) A person who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is not eligible for housing assistance unless the person falls within a class of persons prescribed by regulations made by the Welsh Ministers or the Secretary of State.
- 10 (3) No person who is excluded from entitlement to housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) may be included in any class prescribed under sub-paragraph (1).
- (4) The Welsh Ministers or the Secretary of State may by regulations provide for other descriptions of persons who are to be treated for the purposes of Chapter 2 of Part 2 as persons from abroad who are ineligible for housing assistance.
- 15 (5) A person who is not eligible for housing assistance is to be disregarded in determining for the purposes of Chapter 2 of Part 2 whether a person falling within sub-paragraph (6) –
- 20 (a) is homeless or threatened with homelessness, or
(b) has a priority need for accommodation.
- (6) A person falls within this subsection if the person –
- (a) falls within a class prescribed by regulations made under sub-paragraph (2), and
(b) is not a national of an EEA State or Switzerland.

25 *Asylum-seekers and their dependants: transitional provision*

- 2 (1) Until the commencement of the repeal of section 186 of the Housing Act 1996 (asylum-seekers and their dependants), that section applies to Chapter 2 of Part 2 of this Act as it applies to Part 7 of that Act.
- (2) For this purpose, in section 186 of the Housing Act 1996 –
- 30 (a) the reference to section 185 of that Act is to be interpreted as a reference to paragraph 1, and
(b) the reference to “this Part” is to be interpreted as a reference to Chapter 2 of Part 2 of this Act and not Part 7 of that Act.

Provision of information by Secretary of State

- 35 3 (1) The Secretary of State must, at the request of a local housing authority, provide the authority with such information as it may require –

- (a) as to whether a person is a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies, and
- (b) to enable it to determine whether such a person is eligible for help under Chapter 2 of Part 2.

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- (2) Where that information is given otherwise than in writing, the Secretary of State must confirm it in writing if a written request is made to the Secretary of State by the authority.
 - (3) If it appears to the Secretary of State that any application, decision or other change of circumstances has affected the status of a person about whom information was
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- previously provided to a local housing authority under this paragraph, the Secretary of State must inform the authority in writing of that fact, the reason for it and the date on which the previous information became inaccurate.

SCHEDULE 3

(as introduced by sections, 83, 93, 113, 122 and 123)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

HOMELESSNESS

5

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)”.

10 *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)—

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(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 52, 56 and section 58 of the Housing (Wales) Act 2014;”

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(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 64 of the Housing (Wales) Act 2014”.

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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”.

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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”.

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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).

11 In section 198 (referral of case to another local housing authority) –

- (a) after subsection (4) insert –

5 “(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 –

10 “(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) –

20 (i) for “No such order shall” insert “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

25 (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 66 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 63 of the Housing (Wales) Act 2014 (referral of case to another local housing authority).

- 5 (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 65 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)."
- 10 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".
- 15 17 In section 1 (duty of local housing authority to formulate a homelessness strategy) –
- (a) 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

- 20 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.
- 25 (2) In paragraph 34 of Schedule 1 (homelessness) –
- (a) in sub-paragraph (1), 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 –
- “ –
- 30 (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 41 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.

(2) In paragraph (a) of section 32 (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), for the entry for the “Housing Act 1996” substitute—

<p>“Housing (Wales) Act 2014 Section 78(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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PART 2

GYPSIES AND TRAVELLERS

Local Government Act 2003

23 (1) The definition of “housing” in subsection (4) of section 87 of the Local Government Act 2003 (housing strategies and statements) is amended as follows—

(a) omit the words “section 225 of the Housing Act 2004”, and

(b) after “of” where it first occurs insert—

“(a) section 225 of the Housing Act 2004, in the case of a local housing authority in England;

(b) Part 3 of the Housing (Wales) Act 2014, in the case of a local housing authority in Wales.”

Housing Act 2004

24 (1) The Housing Act 2004 is amended as follows.

(2) In section 225 (duties of local housing authorities: accommodation needs of Gypsies and Travellers)—

- (a) in subsection (1), after “local housing authority” insert “in England”,
- (b) in subsection (2), after “local housing authority authority” insert “in England”,
- (c) in the definition of “gypsies and travellers” in subsection (5), for “appropriate national authority” substitute “Secretary of State”, and
- 5 (d) in the heading, after “local housing authorities” insert “in England”.

(3) In subsection (1) of section 226 (guidance in relation to section 225) –

- (a) for “appropriate national authority” substitute “Secretary of State”, and
- (b) after “local housing authorities” where it first occurs insert “in England”.

10 *Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (Wales) Regulations 2007 (S.I. 2007/3235)*

25 The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (Wales) Regulations 2007 (S.I. 2007/3235) are revoked.

Mobile Homes (Wales) Act 2013

26 (1) The Mobile Homes (Wales) Act 2013 is amended as follows.

15 (2) In the definition of “Gypsies and Travellers” in section 62 (other interpretation), for the words from “persons” where it first occurs to the end substitute –

“(a) persons of a nomadic habit of life, whatever their race or origin, including –

20 (i) persons who, on grounds only of their own or their family’s or dependant’s educational needs or old age, have ceased to travel temporarily or permanently, and

(ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such); and

25 (b) all other persons with a cultural tradition of nomadism or of living in a mobile home;”.

(3) In sub-paragraph (1) of paragraph 10 of Schedule 1 (travelling showmen), after “a” where it first occurs insert “non-local authority owned”.

PART 3

30 STANDARDS FOR SOCIAL HOUSING

Housing Act 1985

27 In section 24 of the Housing Act 1985 –

- (a) omit subsections (3) and (4);
- (b) after subsection (5), insert –

“(6) In exercising its functions under this section, a local housing authority in Wales must –

- (a) comply with any standards relating to rent or service charges which are set for it under section 94 of the Housing (Wales) Act 2014, and
- (b) have regard to any guidance relating to rent or service charges which is issued under section 95 of that Act.”

Housing Act 1996

28 (1) The Housing Act 1996 is amended as follows.

10 (2) In section 33A after subsection (2), insert –

“(2A) Standards set under subsection (1) may require registered social landlords to comply with rules specified in the standards.

(2B) The Welsh Ministers may –

- (a) revise the standards by issuing further standards under this section;
- (b) withdraw the standards by issuing further standards under this section or by notice.

(2C) The Welsh Ministers must publish any standards or notice under this section.”

20 (3) In section 33B –

(a) for subsection (3) substitute –

“(3) The Welsh Ministers may –

- (a) revise the guidance by issuing further guidance under this section;
- (b) withdraw the guidance by issuing further guidance under this section or by notice.”

(b) for subsection (4) substitute –

“(4) The Welsh Ministers must publish any guidance or notice under this section.”

30 (4) In section 33C, after “setting” insert “, revising or withdrawing”.

PART 4

COUNCIL TAX FOR EMPTY DWELLINGS

Local Government Finance Act 1992

29 (1) The Local Government Finance Act 1992 is amended as follows.

35 (2) In section 11(2) (discounts), for “and 12” substitute “12 and 12A”.

(3) In section 12 (discounts: special provision for Wales), after subsection (4) insert –

“(4A) Subsections (3) and (4) are subject to section 12A(2).”

- (4) In section 13(3) (reduced amounts), for “or 12” substitute “, 12 or 12A”.
- (5) In section 66(2)(b) (judicial review), for “or 12” substitute “, 12 or 12A”.
- 5 (6) In section 67(2)(a) (functions to be discharged only by authority), for “or 12” substitute “, 12 or 12A”.
- (7) In Schedule 2 (administration), in paragraph 4(7) after “11B(1)(b)” insert “or 12A(1)(b)”.

PART 5

AMENDMENTS TO THE MOBILE HOMES (WALES) ACT 2013

- 30 (1) The Mobile Homes (Wales) Act 2013 is amended as follows.
- 10 (2) In section 33 (repayment orders) –
- (a) omit subsection (7);
- (b) in subsection (8) for “(11)” substitute “(10)”;
- (c) in subsection (9)(c) for “at any time” substitute “previously”.
- 15 (3) In section 39(1) (interpretation of Part 2) omit the definition of “fire and rescue authority” and insert it into section 62 (other interpretation).
- (4) In section 49(4) (particulars of mobile home agreements) for “Act” substitute “Part”.
- (5) In section 53(4) (successors in title) for “Act” substitute “Part”.
- (6) In section 61(7) (meaning of “qualifying residents’ association”) omit the definitions of “arbitration agreement” and “tribunal”.