



Housing (Wales) Act 2014

2014 anaw 7

PART 2

HOMELESSNESS

CHAPTER 2

HELP FOR PEOPLE WHO ARE HOMELESS OR THREATENED WITH HOMELESSNESS

General

97 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).

Status: This is the original version (as it was originally enacted).

- (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.

98 Guidance

- (1) In the exercise of its functions relating to homelessness, a council of a county or county borough must have regard to guidance given by the Welsh Ministers.
- (2) Subsection (1) applies in relation to functions under this Part and any other enactment.
- (3) 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 Part;
 - (c) withdraw the guidance by giving further guidance under this Part or by notice.
- (4) The Welsh Ministers must publish any guidance or notice under this Part.

99 Interpretation of this Chapter and index of defined terms

In this Chapter—

- “abuse” (*“camdriniaeth”*) has the meaning given by section 58;
- “accommodation available for occupation” (*“llety sydd ar gael i’w feddiannu”*) has the meaning given by section 56;
- “applicant” (*“ceisydd”*) has the meaning given by section 62(3) and section 83(3);
- “associated” (*“cysylltiedig”*), in relation to a person, has the meaning given by section 58;
- “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 ddomestig”*) has the meaning given by section 58;
- “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 65;
- “help under this Chapter” (*“cynorth o dan y Bennod hon”*) means the benefit of any function under sections 66, 68, 73, or 75;
- “homeless” (*“digartref”*) has the meaning given by section 55 and “homelessness” (*digartrefedd*) is to be interpreted accordingly;

“intentionally homeless” (“*digartref yn fwriadol*”) has the meaning given by section 77;

“local connection” (“*cysylltiad lleol*”) has the meaning given by section 81;

“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;

“looked after, accommodated or fostered” (“*yn derbyn gofal, yn cael ei letya neu’n cael ei faethu*”) has the meaning given by section 70(2);

“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 70;

“prison” (“*carchar*”) has the same meaning as in the Prison Act 1952 (see section 53(1) of that Act);

“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 57;

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

“restricted person” (“*person cyfyngedig*”) has the meaning given by section 63(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 55(4);

“voluntary organisation” (“*corff gwirfoddol*”) means a body (other than a public or local authority) whose activities are not carried on for profit.

“youth detention accommodation” (“*llety cadw ieuenctid*”) means—

- (a) a secure children’s home;
- (b) a secure training centre;
- (c) a young offender institution;

- (d) accommodation provided, equipped and maintained by the Welsh Ministers under section 82(5) of the Children Act 1989 for the purpose of restricting the liberty of children;
- (e) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for the purposes of detention and training orders).

100 Consequential amendments

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