



# Housing (Wales) Act 2014

2014 anaw 7

## PART 3

### GYPSIES AND TRAVELLERS

#### *Meeting accommodation needs*

#### **101 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.

#### **Commencement Information**

**II** S. 101 in force at 25.2.2015 by S.I. 2015/380, art. 2(a)

#### **102 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;

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- (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 101(2) and this section apply again, as if the assessment were carried out under section 101(1)).
- (5) A local housing authority must publish an assessment approved by the Welsh Ministers under this section.

#### Commencement Information

**I2** [S. 102](#) in force at 25.2.2015 by [S.I. 2015/380](#), [art. 2\(b\)](#)

VALID FROM 16/03/2016

#### **103** 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 102(3).

VALID FROM 16/03/2016

#### **104** Failure to comply with duty under section 103

- (1) If the Welsh Ministers are satisfied that a local housing authority has failed to comply with the duty imposed by section 103 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.

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- (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.

### 105 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.

#### Commencement Information

**I3** S. 105 in force at 25.2.2015 by S.I. 2015/380, art. 2(c)

### 106 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.

#### Commencement Information

**I4** S. 106 in force at 1.12.2014 for specified purposes by S.I. 2014/3127, art. 2(c), Sch. Pt. 3

**I5** S. 106 in force at 25.2.2015 in so far as not already in force by S.I. 2015/380, art. 2(d)

### 107 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—

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- (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).

**Commencement Information**

**I6** S. 107 in force at 25.2.2015 by S.I. 2015/380, art. 2(e)

*General*

**108 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.

**Commencement Information**

**I7** S. 108 in force at 25.2.2015 by S.I. 2015/380, art. 2(f)

**109 Power to amend definition of Gypsies and Travellers**

- (1) The Welsh Ministers may by order amend the definition of Gypsies and Travellers in section 108 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).

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**Commencement Information**

**18** S. 109 in force at 25.2.2015 by S.I. 2015/380, art. 2(g)

**110 Consequential amendments**

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

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**Commencement Information**

**19** S. 110 in force at 25.2.2015 by S.I. 2015/380, art. 2(h)

**Status:**

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**Changes to legislation:**

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