

## SCHEDULES

### SCHEDULE 1

Section 4(5).

#### HOUSING OF ASYLUM-SEEKERS AND THEIR DEPENDANTS: SUPPLEMENTARY

##### *Qualifying persons*

- 1 In this Schedule the expression “qualifying person” means an asylum-seeker or a dependant of an asylum-seeker.

##### *Inquiries about applicants*

- 2 If a housing authority to whom an application is made have reason to believe that the applicant is a qualifying person, they shall include in the inquiries that they are required to make under section 62 of the Housing Act 1985, section 28 of the Housing (Scotland) Act 1987 or, as the case may be, Article 7 of the Housing (Northern Ireland) Order 1988 such inquiries as are necessary to satisfy them as to whether—
- (a) he is a qualifying person; and
  - (b) if so, whether any duty is owed to him to secure that accommodation is made available for his occupation.

##### *Notification of decision and reasons*

- 3 (1) Subject to sub-paragraph (2) below, if a housing authority who are dealing with an applicant’s case are satisfied that he is a qualifying person they shall notify him—
- (a) that they are so satisfied;
  - (b) that they are or, as the case may be, are not satisfied that a duty is owed to him to secure that accommodation is made available for his occupation;
  - (c) if they are the authority to whom the application is made, whether they have notified or propose to notify another housing authority under section 67 of the Act of 1985 or, as the case may be, section 33 of the Act of 1987 (referral of application on grounds of local connection) as modified by paragraph 4 below;
- and they shall at the same time notify him of their reasons.
- (2) In its application to Northern Ireland, sub-paragraph (1) above shall have effect as if paragraph (c) were omitted.
- (3) The notice required to be given to the applicant under sub-paragraph (1) above shall be given in writing and shall, if not received by him, be treated as having been given to him only if it is made available at the authority’s office for a reasonable period for collection by him or on his behalf.
- (4) Where notice is given under sub-paragraph (1) above, no notice need be given under section 64 of the Act of 1985, section 30 of the Act of 1987 or, as the case may be, Article 9 of the Order of 1988 (notification of decision and reasons).

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*Status: This is the original version (as it was originally enacted).*

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*Referral of application to another housing authority*

- 4 (1) If a housing authority to whom an application is made are satisfied that the applicant is a qualifying person and that a duty to secure that accommodation is made available for his occupation is owed to him, the homelessness legislation shall have effect as if in section 67 of the Act of 1985 or, as the case may be, section 33 of the Act of 1987 for paragraph (a) of subsection (1) there were substituted—
- “(a) are satisfied that an applicant is a qualifying person and that a duty to secure that accommodation is made available for his occupation is owed to him.”
- (2) Sub-paragraph (1) above does not apply in relation to Northern Ireland.

*Offences*

- 5 Section 74 of the Act of 1985, section 40 of the Act of 1987 or, as the case may be, Article 17 of the Order of 1988 applies to statements made or information withheld with intent to induce an authority to believe that a person is or is not an asylum-seeker or a dependant of an asylum-seeker as it applies to statements made or information withheld with the intent mentioned in subsection (1) of section 74, section 40 or, as the case may be, Article 17.

*Security of tenure*

- 6 (1) A tenancy granted in pursuance of any duty under Part III of the Act of 1985 to a person who is a qualifying person cannot be—
- (a) a tenancy which is a secure tenancy for the purposes of that Act, or
- (b) a tenancy which is an assured tenancy for the purposes of the Housing Act 1988,
- before the expiry of the period of twelve months beginning with the date on which the landlord is supplied with written information given by the Secretary of State under paragraph 7 below that the person has ceased to be a qualifying person, unless before the expiry of that period the landlord notifies that person that the tenancy is to be regarded as a secure tenancy or, as the case may be, an assured tenancy.
- (2) A tenancy granted in pursuance of any duty under Part II of the Order of 1988 to a person who is a qualifying person cannot be a tenancy which is a secure tenancy for the purposes of Part II of the Housing (Northern Ireland) Order 1983 before the expiry of the period of twelve months beginning with the date on which the landlord is supplied with written information given by the Secretary of State under paragraph 7 below that the person has ceased to be a qualifying person, unless before the expiry of that period the landlord notifies that person that the tenancy is to be regarded as a secure tenancy.

*Information*

- 7 (1) The Secretary of State shall, if requested to do so by a housing authority who are dealing with an applicant’s case, inform the authority whether the applicant has become a qualifying person.
- (2) Where information which the Secretary of State is required to give to a housing authority under sub-paragraph (1) above is given otherwise than in writing, he shall confirm it in writing if a written request is made to him by the authority.

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

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- (3) If the Secretary of State informs an authority that an applicant has become a qualifying person, he shall, when the applicant ceases to be a qualifying person, inform the authority and the applicant in writing of that event and of the date on which it occurred.

*Existing applicants*

- 8 (1) Nothing in section 4 or section 5 of this Act or this Schedule shall affect—
- (a) the right of any person to occupy (or to have made available for his occupation) accommodation which, immediately before the day on which section 4 comes into force, is required to be made available for his occupation in pursuance of the homelessness legislation; or
  - (b) any application made to a housing authority which immediately before that day is a pending application.
- (2) For the purposes of sub-paragraph (1) above an application shall be regarded as pending if it is an application in respect of which the authority have not completed the inquiries that they are required to make under section 62 of the Housing Act 1985, section 28 of the Housing (Scotland) Act 1987 or, as the case may be, Article 7 of the Housing (Northern Ireland) Order 1988.

*Isles of Scilly*

- 9 (1) The provisions of sections 4 and 5 of this Act and this Schedule shall apply to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order under sub-paragraph (1) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.