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WELSH STATUTORY INSTRUMENTS

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**2001 No. 607 (W.30)**

**HOUSING, WALES**

**The Homeless Persons (Priority Need) (Wales) Order 2001**

*Made - - - - 27th February 2001*  
*Coming into force St. David's*  
*Day - - - - 1st March 2001*

The National Assembly for Wales makes the following Order in exercise of the power conferred on the Secretary of State by section 189(2) of the Housing Act 1996<sup>(1)</sup> which is now exercisable by it in relation to Wales<sup>(2)</sup>; after consultation with such associations representing relevant authorities and such other persons as it considers appropriate in accordance with section 189(3) :

**Name, commencement and application**

1.—(1) The name of this Order is the Homeless Persons (Priority Need) (Wales) Order 2001 and it shall come into force on St. David's Day, March 1st 2001.

(2) This Order applies to Wales only.

**Persons with priority need for accommodation**

2. The descriptions of person specified in articles 3 to 7 have priority need for accommodation under section 189 of the Housing Act 1996.

**A care leaver or person at particular risk of sexual or financial exploitation, 18 years or over but under the age of 21**

3.—(1) A Person Who

- (a) is 18 years old or older but under the age of 21; and
- (b) at any time while still a child was, but is no longer, looked after, accommodated or fostered; or
- (c) is at particular risk of sexual or financial exploitation.

(2) In paragraph (1)(b) above “looked after, accommodated or fostered” means:

- (a) looked after by a local authority;

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(1) 1996 c. 52

(2) By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), these functions were transferred to the National Assembly for Wales.

- (b) accommodated by or on behalf of a voluntary organisation;
- (c) accommodated in a private children's home;
- (d) accommodated for a consecutive period of at least three months—
  - (i) by any health authority, special health authority or local education authority, or
  - (ii) in any residential care home, nursing home or mental nursing home or in any accommodation provided by a National Health Service Trust; or
- (e) privately fostered.

**A 16 or 17 year old**

4. A person who is 16 or 17 years old.

**A person fleeing domestic violence or threatened domestic violence**

5. A person without dependant children who has been subject to domestic violence or is at risk of such violence, or if he or she returns home is at risk of domestic violence.

**A person homeless after leaving the armed forces**

- 6.—(1) A person formerly serving in the regular armed forces of the Crown who has been homeless since leaving those forces.

(2) In paragraph (1) above the expression “regular armed forces of the Crown” has the meaning given to it in section 199(4) of the Housing Act 1996.

**A former prisoner homeless after being released from custody**

- 7.—(1) A former prisoner who has been homeless since leaving custody and who has a local connection with the area of the local housing authority.

(2) A “prisoner” means any person for the time being detained in lawful custody as the result of a requirement imposed by a court that he or she be detained.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

27th February 2001

*D. Elis Thomas*  
The Presiding Officer of the National Assembly

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Under Part VII of the Housing Act 1996 (“the 1996 Act”) local housing authorities have a duty to provide accommodation to those who are homeless, eligible for assistance, and in priority need.

Section 189 of the 1996 Act sets out descriptions of persons who are in priority need and also gives the National Assembly for Wales power to specify further descriptions.

This Order specifies the following further descriptions of persons as having priority need:

- a care leaver or person at particular risk of sexual or financial exploitation, 18 years or over but under the age of 21 (article 3)
- a 16 or 17 year old (article 4)
- a person fleeing domestic violence or threatened domestic violence (article 5)
- a person homeless after leaving the armed forces (article 6)
- a former prisoner homeless after being released from custody (article 7).