



# Housing (Homeless Persons) Act 1977

## 1977 CHAPTER 48

### *Supplementary*

#### **15 Orders**

- (1) Any power to make an order conferred by this Act shall be exercisable by statutory instrument.
- (2) Any power to make an order conferred by any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.
- (3) Subject to sections 2(4) and 5(10) above, a statutory instrument containing an order under any provision of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **16 Meaning of "accommodation available for occupation"**

For the purposes of this Act accommodation is only available for a person's occupation if it is available for occupation both by him and by any other person who might reasonably be expected to reside with him and any reference in this Act to securing accommodation for a person's occupation shall be construed accordingly.

#### **17 Persons intentionally homeless or threatened with homelessness**

- (1) Subject to subsection (3) below, for the purposes of this Act a person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.
- (2) Subject to subsection (3) below, for the purposes of this Act a person becomes threatened with homelessness intentionally if he deliberately does or fails to do anything the likely result of which is that he will be forced to leave accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.

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- (3) An act or omission in good faith on the part of a person who was unaware of any relevant fact is not to be treated as deliberate for the purposes of subsection (1) or (2) above.
- (4) Regard may be had, in determining for the purposes of subsections (1) and (2) above whether it would have been reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the area of the housing authority to whom he applied for accommodation or for assistance in obtaining accommodation.

## 18 Meaning of "local connection"

- (1) Any reference in this Act to a person having a local connection with an area is a reference to his having a connection with that area—
  - (a) because he is or in the past was normally resident in it and his residence in it is or was of his own choice ; or
  - (b) because he is employed in it, or
  - (c) because of family associations, or
  - (d) because of any special circumstances.
- (2) Residence in an area is not of a person's own choice for the purposes of subsection (1) above if he became resident in it—
  - (a) because he or any person who might reasonably be expected to reside with him—
    - (i) was serving in the regular armed forces of the Crown, or
    - (ii) was detained under the authority of any Act of Parliament, or
  - (b) in such other circumstances as the Secretary of State may by order specify.
- (3) A person is not employed in an area for the purposes of subsection (1) above—
  - (a) if he is serving in the regular armed forces of the Crown, or
  - (b) in such other circumstances as the Secretary of State may by order specify.
- (4) In this section " regular armed forces of the Crown " means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955, the regular air force as defined by section 227 of the Air Force Act 1955, Queen Alexandra's Royal Naval Nursing Service and the Women's Royal Naval Service.

## 19 General interpretation

- (1) In this Act unless the context otherwise requires—
  - " appropriate assistance ", in relation to any person, means such assistance as a housing authority consider it appropriate in the circumstances to give him in any attempts that he may make to secure that accommodation becomes or does not cease to be available for his occupation;
  - " appropriate consultations " means consultations—
    - (a) with such associations representing relevant authorities, and
    - (b) with such other persons,
 as the Secretary of State considers appropriate ;
  - " available ", in relation to accommodation, shall be construed in accordance with section 16 above ;

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" development corporation " means—

- (a) in England or Wales, a development corporation established under the New Towns Act 1965, and
- (b) in Scotland, a development corporation established under the New Towns (Scotland) Act 1968 ;

" homeless ", in relation to any person, shall be construed in accordance with section 1 above ;

" housing authority " means as respects England and Wales a local authority for the purposes of the Housing Act 1957, as defined in section 1 of that Act and as respects Scotland a district or islands council;

" intentionally ", in relation to a person who is homeless or threatened with homelessness, shall be construed in accordance with section 17 above ;

" local connection " shall be construed in accordance with section 18 above;

" notifying authority " and " notified authority " shall be construed in accordance with section 5(2) above ;

" priority need " shall be construed in accordance with section 2(5) above;

" registered housing association " means a housing association registered in the register of housing associations established under section 13 of the Housing Act 1974 ;

" relevant authority " means—

- (a) a housing authority.
- (b) a social services authority,
- (c) a social work authority, and
- (d) the Greater London Council ;

" social services authority " means a local authority for the purposes of the Local Authority Social Services Act 1970, as defined in section 1 of that Act;

" social work authority " means a local authority for the purposes of the Social Work (Scotland) Act 1968, that is to say, a regional or islands council ;

" threatened with homelessness ", in relation to any person, shall be construed in accordance with section 1(3) above ; and

" voluntary organisation " means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

- (2) Any reference in this Act to any enactment is a reference to it as amended or applied by or under any other enactment, including an enactment contained in this Act.

## 20 Repeals and consequential amendments

- (1) Section 25 of the National Assistance Act 1948 (power of Supplementary Benefits Commission to require provision of accommodation in urgent cases) shall cease to have effect.
- (2) At the end of Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to Social Services Committee) there shall be added the following entry—

“Housing (Homeless Persons) Act 1977 Section 9(1)(b)	Co-operation in relation to homeless persons and persons threatened with homelessness.”
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- (3) In section 2 of the Social Work (Scotland) Act 1968, at end of paragraph (f) of subsection (2), there shall be added the words—
  - “(ff) section 9(1)(b) of the Housing (Homeless Persons) Act 1977,”.
- (4) The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

## **21 Citation and extent**

- (1) This Act may be cited as the Housing (Homeless Persons) Act 1977.
- (2) The Housing Acts 1957 to 1975 and this Act may be cited together as the Housing Acts 1957 to 1977 and in relation to Scotland the Housing (Scotland) Acts 1966 to 1976 and this Act may be cited together as the Housing (Scotland) Acts 1966 to 1977.
- (3) This Act shall come into force—
  - (a) in England and Wales, on 1st December 1977, and
  - (b) in Scotland, on 1st April 1978.
- (4) This Act does not extend to Northern Ireland.