



# Housing (Homeless Persons) Act 1977

## 1977 CHAPTER 48

### *Homelessness and threatened homelessness*

#### **7 Protection for property**

- (1) If a housing authority have become subject to a duty towards a person under any provision of this Act to which this subsection applies (whether or not they are still subject to any such duty) and have reason to believe—
  - (a) that there is a danger of loss of, or damage to, any relevant property of his by reason of his inability to protect or deal with it, and
  - (b) that no other suitable arrangements have been or are being made,it shall be the duty of the authority, subject to subsection (6) below, to take reasonable steps to prevent the loss of the property or prevent or mitigate damage to it.
- (2) The provisions of this Act to which subsection (1) above applies are—
  - section 3(4);
  - section 4(3), (4) and (5); and
  - section 5.
- (3) If a housing authority—
  - (a) have reason to believe—
    - (i) that a person who has applied to them for accommodation or for assistance in obtaining accommodation is homeless or threatened with homelessness, and
    - (ii) that there is a danger of loss of, or damage to, any relevant property of his by reason of his inability to protect or deal with it, and
    - (iii) that no other suitable arrangements have been or are being made, but
  - (b) have not become subject to a duty towards him under any provision of this Act to which subsection (1) above applies,they may take any steps that they consider reasonable to prevent the loss of the property or prevent or mitigate damage to it.
- (4) For the purpose—

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (a) of discharging the duty imposed by subsection (1) above, or
    - (b) of exercising the power conferred by subsection (3) above,
- the authority shall have power at all reasonable times to enter any premises which are the usual place of residence of the person in question or which were his last usual place of residence and to deal with any relevant property of his in any way which is reasonably necessary.
- (5) Without prejudice to the generality of subsection (4) above, the power conferred by that subsection includes power to store or arrange for the storage of any relevant property.
  - (6) It shall be reasonable for a housing authority to decline to discharge the duty imposed by subsection (1) above or to exercise the power conferred by subsection (3) above except upon appropriate conditions.
  - (7) In subsection (6) above " appropriate conditions " means such conditions as a housing authority consider appropriate in a particular case, and may include, without prejudice to the generality of this subsection, conditions empowering the authority—
    - (a) to make and recover reasonable charges for the discharge of the duty or the exercise of the power, and
    - (b) to dispose, in such circumstances as may be specified, of any property in respect of which they have discharged the duty or exercised the power.
  - (8) Subject to subsection (9) below, a housing authority shall cease—
    - (a) to be subject to the duty imposed by subsection (1) above, or
    - (b) to have the power conferred by subsection (3) above,in respect of the relevant property of any person when in their opinion there is no longer any reason to believe that there is a danger of loss of, or damage to, that property by reason of his inability to protect or deal with it.
  - (9) Property stored by virtue of subsection (5) above may be kept in store after the duty imposed by subsection (1) above has terminated in respect of it by virtue of subsection (8)(a) above or the power conferred by subsection (3) above has terminated in respect of it by virtue of subsection (8)(b) above.
  - (10) If property continues to be stored by virtue of subsection (9) above any conditions under subsection (6) above upon which it was taken into store shall continue to have effect in relation to it with any necessary modifications.
  - (11) In this section " relevant property " means—
    - (a) in England and Wales, personal property, and
    - (b) in Scotland, moveable property.