
STATUTORY INSTRUMENTS

1996 No. 3204

HOUSING, ENGLAND AND WALES

The Homelessness (Suitability of Accommodation) Order 1996

Made - - - - - *19th December 1996*
Laid before Parliament *23rd December 1996*
Coming into force - - - *20th January 1997*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 177(3)(b) and 210(2)(b) of the Housing Act 1996(1), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Homelessness (Suitability of Accommodation) Order 1996 and shall come into force on 20th January 1997.

Matters to be taken into account

2. In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation and in determining whether accommodation is suitable for a person there shall be taken into account whether or not the accommodation is affordable for that person and, in particular, the following matters—

- (a) the financial resources available to that person, including, but not limited to,—
 - (i) salary, fees and other remuneration;
 - (ii) social security benefits;
 - (iii) payments due under a court order for the making of periodical payments to a spouse or a former spouse, or to, or for the benefit of, a child;
 - (iv) payments of child support maintenance due under the Child Support Act 1991(2)
- (v) contributions to the costs in respect of the accommodation which are or were made or which might reasonably be expected to be, or have been, made by other members of his household;
- (vi) pensions
- (vii) financial assistance towards the costs in respect of the accommodation, including loans, provided by a local authority, voluntary organisation or other body;

(1) 1996 c. 52.
(2) 1991 c. 48.

- (viii) benefits derived from a policy of insurance;
- (ix) savings and other capital sums;
- (b) the costs in respect of the accommodation, including, but not limited to,—
 - (i) payments of, or by way of, rent;
 - (ii) payments in respect of a licence or permission to occupy the accommodation;
 - (iii) mortgage costs;
 - (iv) payments of, or by way of, service charges;
- (v) mooring charges payable for a houseboat;
 - (vi) where the accommodation is a caravan or a mobile home, payments in respect of the site on which it stands;
 - (vii) the amount of council tax payable in respect of the accommodation;
 - (viii) payments by way of deposit or security in respect of the accommodation;
 - (ix) payments required by an accommodation agency;
- (c) payments which that person is required to make under a court order for the making of periodical payments to a spouse or a former spouse, or to, or for the benefit of, a child and payments of child support maintenance required to be made under the Child Support Act 1991;
- (c) that person's other reasonable living expenses.

Signed by authority of the Secretary of State for the Environment

Department of the Environment
18th December 1996

James Clappison
Parliamentary Under Secretary of State,

Signed by authority of the Secretary of State for Wales

Welsh Office
19th December 1996

Jonathan Evans
Parliamentary Under Secretary of State,

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies matters for the purposes of sections 177(3)(b) and 210(2)(b) of the Housing Act 1996 (homelessness). It specifies matters to be taken into account in determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation and matters to be taken into account in determining whether accommodation is suitable for a person.