

# HOUSING (WALES) ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 2 Homelessness

##### ***Section 50 - Duty to carry out a homelessness review and formulate a homelessness strategy***

110. A local housing authority must, periodically, undertake homelessness reviews in its area. Based on the results of a review, it must formulate and adopt a homelessness strategy. The first strategy must be adopted in 2018. It must develop and adopt a strategy in every fourth year after 2018. The Welsh Ministers have the power to vary this timetable. An authority must take account of the strategy in exercising all its functions, not just those as a local housing authority. In carrying its duties under this section a local housing authority must have regard to the guidance issued by the Welsh Ministers under section 98.

##### ***Section 51 – Homelessness reviews***

111. A local housing authority must undertake a homelessness review and publish the results. Subsection (1) sets out what must be included in the review. It includes the activities that are undertaken to prevent homelessness and the provision of accommodation and support for those who may become homeless in the authority's area. The homelessness review must also review the resources available to the authority, including those available for its functions other than housing, as well as those available to other public bodies and third sector organisations for such activities. Subsection (2) sets out how the results of the review must be published.

##### ***Section 52 – Homelessness strategies***

112. A homelessness strategy is a strategy to achieve the objectives specified in subsection (1). They are: to prevent homelessness; that suitable accommodation is and will be available for people who are or who may become homeless; that satisfactory support is also available for people who are or who may become homeless. An authority can consider any of its functions, not just its housing functions, when setting the strategy. Subsection (3) explains that the strategy can include action that the authority expects other relevant public authorities to take and action by any organisation – voluntary or otherwise – that can contribute to achieving the objectives. As stated in subsection (4), this requires the approval of the body concerned.
113. The strategy must include provision for people who are in particular need of support (subsection (6) refers). They include people leaving prison or youth detention, young people leaving care, people leaving the armed forces, people leaving hospital after inpatient treatment for a mental disorder and people receiving mental health services in the community.

114. A local authority must consult before adopting or modifying its strategy (see subsection (8)), which must be published. The requirements for publication are set out in subsection (9).

### ***Section 53 - Overview of this Chapter***

115. A local housing authority has duties to help people who are homeless or who are threatened with homelessness. This section describes what the provisions of this Chapter of Part 2 of the Act does or requires.

### ***Section 54 – Application of key terms***

116. The key terms used in this Part of the Bill include “homeless”, “threatened with homelessness”, “accommodation available for occupation”, and whether it is “reasonable to continue to occupy accommodation” which are explained in sections 55 to 57 respectively. Section 58 explains the meaning of “abuse” and “domestic abuse”. Section 59 explains “suitability of accommodation”.

### ***Section 55 - Meaning of homeless and threatened homelessness***

117. A person is homeless if they have no accommodation available to them that they have a lawful right to occupy. Such a right includes restrictions on someone else’s ability to recover possession of the accommodation. If a person does have a home, but cannot gain entry to it, they are also homeless. If a person’s home is moveable, such as a caravan or houseboat, but there is nowhere they can place it and live in it, they are also homeless.
118. Someone is considered to have accommodation only if it is reasonable for them to continue to occupy it (section 57 refers). A person is threatened with homelessness if it is likely that he or she will become homeless within 56 days.

### ***Section 56 – Meaning of accommodation available for occupation***

119. Accommodation can only be regarded as being available for occupation if it is also available to any other person with whom they normally live. This may be a family member or another person who may reasonably be expected to live with them.

### ***Section 57 – Whether it is reasonable to continue to occupy accommodation***

120. It is not reasonable to continue to occupy accommodation if it puts a person or a member of the person’s household at risk of abuse. Subsection (2) explains that “member of a person’s household” means someone who normally resides with that person as a member of the person’s family or another person who might reasonable be expected to live with them. The Housing Act 1996 referred to “violence”; this has now been changed to “abuse” to clarify that it should not be restricted to physical violence (see section 58).
121. In determining whether it is reasonable to continue to occupy accommodation, or would have been reasonable to continue in occupation where a person’s occupation has ended, the local housing authority may consider the general circumstances which exist. The circumstances are those in relation to housing in the area of the local housing authority to which a person has applied for help in securing accommodation but the authority must also consider whether or not the accommodation is affordable for that person (subsection (3)). The Welsh Ministers may specify other circumstances in which it is to be regarded as reasonable or not reasonable to continue occupying accommodation and other matters to be taken into account or disregarded.

### ***Section 58 – Meaning of abuse and domestic abuse***

122. By “abuse” is meant physical violence, threatening or intimidating behaviour and any other form of abuse which may give rise, directly or indirectly, to the risk of harm.

“Abuse” is “domestic abuse” if the victim is associated with the abuser. The meaning of “associated with” is defined in subsection (2). The application of the term in cases where there is an adopted child or adopted children is covered in subsections (3) to (4).

### ***Section 59 – Suitability of accommodation***

123. In determining suitability, a local housing authority must have regard to Part 1 of this Act and to the other Acts of Parliament listed in subsection (1). Subsection (2) requires the authority, when determining whether accommodation is suitable for a person, to have regard to whether or not the accommodation is affordable for the person. The Welsh Ministers may specify circumstances in which accommodation is not to be regarded as suitable and other matters that must be taken into account or disregarded.

### ***Section 60 - Duty to provide information, advice and assistance in accessing help***

124. A local housing authority must arrange the provision of a free service for people in its area or those who have a local connection with its area. This might include, for example, people who are seeking to move to the area to be nearer work or relatives. The service must provide information and advice about homelessness and should not be restricted to what help is available in the authority’s area. It must also provide assistance with accessing any relevant help for those who are, or who may become homeless. It is not restricted to those who are threatened with homelessness within 56 days (see section 55) and must include assistance with accessing homelessness prevention services.
125. Subsection (2) requires that the service must include publication of information and advice about the help that is available for the homeless and how to access it. The authority must ensure the service is designed to meet the needs of groups who are at particular risk of becoming homeless. This includes people leaving prison or youth detention, young people leaving care, people leaving the armed forces, and people leaving hospital after inpatient treatment for a mental disorder or receiving mental health services in the community.
126. In arranging the service, an authority may work with other local housing authorities. The authority may provide the service directly. Alternatively or in addition, it might, for example, arrange for another authority or a voluntary advice agency to provide the service. The service may be combined with advice services provided under the Social Services and Well-being (Wales) Act 2014.
127. Sections 179(2) and (3), 180 and 181 of the Housing Act 1996 provided that local housing authorities might give financial and other assistance to homelessness advice providers. These provisions have not been replicated here, since general local authority powers are now available for this.

### ***Section 61 - Eligibility for help under this Chapter***

128. [Schedule 2](#) of the Act determines whether or not persons from abroad are eligible for help under the provisions of this Part.

### ***Section 62 - Duty to assess***

129. If a person (“an applicant”) applies to a local housing authority for accommodation or for help in keeping or finding accommodation and it appears to the authority that the person may be homeless or threatened with homelessness, it must carry out an assessment of the applicant’s case. The application does not have to be for assistance under this Chapter.
130. No assessment is required if a local housing authority has previously assessed that person, and the local housing authority to which the application has been made is satisfied that his or her circumstances have not changed since that assessment was carried out and there is no new information that materially affects the assessment.

131. The authority must consider whether the applicant is eligible for help (section 61 refers). If he or she is eligible, the authority must make an assessment of a number of things. These are set out in subsections (5)(a)-(d) and (6)(a)-(b). They include the circumstances that have caused the applicant to be homeless or threatened with homelessness, the person's housing needs, the support needed by the person or those with whom they might reasonably be expected to live to retain accommodation that becomes available, and whether the authority owes a duty to the person under this Chapter.
132. The authority must keep its assessment under review while it considers it owes a duty, or may owe a duty, to the applicant under this Chapter (subsection (8)). Subsection (9) sets out two cases when an authority must review its assessment.
133. Subsection (10) clarifies that an authority does not have to assess whether a duty is owed under section 75, until such time as it reviews its assessment in the circumstances described by case 2 (see subsection (9)). Case 2 requires a review of an assessment if it appears to the authority that the duty to help secure accommodation under section 73 has or will come to an end and a duty may be owed to the applicant under section 75.
134. For example, there is no requirement to assess if an applicant is intentionally homeless, until case 2 applies. However, an authority has the option to investigate this earlier.
135. As a further example, with regard to priority need, an authority will still have to consider if an applicant appears to be in priority need for the purposes of considering its duties in respect of interim accommodation under section 68. However, it will not be obliged to carry out the investigations to satisfy itself of that until Case 2 applies, although it may do so before then.

### ***Section 63 – Notice of the outcome of assessment***

136. A local housing authority must notify an applicant of the outcome of its assessment. If its decision is against the applicant's interests, it must give reasons for that decision in the notice it issues. The notice, which must be in writing, must inform the applicant of his or her right to a review of the decision and of the time period within which a request for a review must be made. The time period is set out in section 85(5); and unless the authority allows for a different period, the request will have to be made before the end of 21 days beginning with the day the applicant was notified of the decision. If the notice is not received by the applicant, it is treated as having been given if it is made available at the authority's office for a reasonable period for collection by the applicant or by someone on the applicant's behalf.

### ***Section 64 - How to secure or help to secure the availability of accommodation***

137. A local housing authority may help to secure suitable accommodation for occupation by an applicant in a number of ways: by arranging for a person other than the authority to provide something; by doing so itself, or by providing and arranging for something to be provided to someone other than the applicant. A list of examples is provided in subsection (2). The list includes information and advice, mediation, payment of grant or loan, guarantees on payments, help in managing debt, and accommodation.

### ***Section 65 - Meaning of help to secure***

138. Where a local housing authority is required to "help to secure" (rather than "to secure") that suitable accommodation is available under this Chapter, or does not cease to be available, it must take reasonable steps to do so. In taking those steps, it can take into account the need to make the best use of the authority's resources. It is not required to provide accommodation.

***Section 66 – Duty to help to prevent an applicant from becoming homeless***

139. If a local housing authority is satisfied that an applicant is threatened with homelessness (section 55(4) refers) and eligible for help (Schedule 2), it must help the applicant to ensure that suitable accommodation does not cease to be available for the applicant's occupation. This duty does not affect the right of the authority to secure vacant possession of any accommodation.

***Section 67 – Circumstances in which the duty in section 66 ends***

140. The circumstances in which the duty in section 66 ends are set out in subsections (2), (3), or (4). These cover the following cases:
- where the authority is satisfied that the applicant has become homeless;
  - where the authority is satisfied both that the applicant is no longer threatened with homelessness and that suitable accommodation is likely to be available to the applicant for at least six months; or
  - where the authority is satisfied that the applicant, after being notified by the authority of the possible consequences of refusal or acceptance of the offer, refuses an offer of accommodation the authority considers suitable for the applicant which is likely to be available for the applicant's occupation for at least 6 months.
141. **Section 79** sets out other circumstances when the section 66 duty might come to an end. For example, where a mistake has been made about a duty owed to an applicant, where an applicant withdraws his or her application, or in cases where an applicant fails, unreasonably, to co-operate with the authority in connection with helping to secure that the applicant does not become homeless.

***Section 68 - Interim duty to secure accommodation for homeless applicants in priority need***

142. Where it appears to an authority that an applicant may be homeless, eligible for help, and has a priority need for accommodation, the authority must secure that suitable accommodation is available to the applicant while it investigates and decides the applicant's case.
143. Similarly, an authority is required by this section to secure suitable accommodation in respect of an applicant that a) the authority thinks has a priority need for accommodation (or an applicant whose case has been referred to a Welsh local housing authority by an English local housing authority under section 198(1) of the Housing Act 1996); and b) to whom the duty in section 73 (the duty to help secure accommodation for homeless applicants who are eligible for help) applies.
144. The duty under this section applies until it comes to an end in any of the circumstances described in section 69 or 79.

***Section 69 – Circumstances in which the duty in section 68 ends***

145. The interim duty to secure accommodation comes to an end in the circumstances set out in subsections (2) and (3), but see section 79 for further circumstances in which the duty ends.

***Section 70 - Priority need for accommodation***

146. Some people have a priority need for accommodation for the purposes of Chapter 2 of this Part. These are set out in subsection (1). The meaning of "looked after, accommodated or fostered" is defined in subsection (2). Terms such as "care home", "clinical commissioning group", "education functions", "independent hospital", "local authority in England", and "Local Health Board" are defined in subsection (3).

***Section 71 – Meaning of vulnerable in section 70***

147. A person is considered to be vulnerable as a result of a reason mentioned in paragraph (c) or (j) of section 70 if, having taken all the person's circumstances into account, the authority considers that the person would be less able to fend for himself or herself (as a result of that reason) if the person were to become street homeless than would an ordinary homeless person who becomes street homeless and this would lead to the person suffering more harm than would be suffered by the ordinary homeless person.
148. "Street homeless" means a person has no accommodation that he or she is entitled to occupy by way of an interest in it or court order, or by way of an express or implied licence to occupy it, or by virtue of a right conferred by law. The definition of "homeless" in sections 55 and 56 does not apply to this definition. This means that, for example, the accommodation need not be accommodation which it is reasonable to continue to occupy.

***Section 72 – Power to amend or repeal provisions about priority need for accommodation***

149. This allows the Welsh Ministers by order to amend or remove any conditions that relate to priority need, including the description of persons considered to be in priority need for the purposes of this Chapter of the Act. The Welsh Ministers must consult in accordance with the requirements of subsection (3) before making an order.

***Section 73 - Duty to help to secure accommodation for homeless applicants***

150. A local housing authority must help to secure suitable accommodation for an applicant's occupation if satisfied that the applicant is homeless and eligible for help. This duty does not apply if the authority refers the applicant to another local housing authority (see section 80).

***Section 74 – Circumstances in which the duty in section 73 ends***

151. The duty under section 73 to help secure suitable accommodation ends in the circumstances described by subsections (2), (3), (4) and (5). The applicant must have been notified in accordance with section 84, which sets out the requirement for the applicant to be given notice that duties have ended.

***Section 75 – Duty to secure accommodation for applicants in priority need when the duty in section 73 ends***

152. Where the local housing authority is satisfied that an eligible applicant continues to be homeless, is not intentionally homeless and has a priority need, it must secure accommodation for that applicant. This section provides for applicants in priority need who could not be helped to secure accommodation under section 73. For qualifying applicants, this duty will follow on from the interim accommodation duty under section 68.
153. Subsection (3) explains the circumstances in which additional duties are owed to certain types of applicant who are intentionally homeless.

***Section 76 – Circumstances in which the duty in section 75 ends***

154. The duty under section 75 ends when, among other things, the applicant has refused accommodation deemed suitable by the local housing authority; or becomes homeless intentionally. It also ends if the applicant accepts a private rented sector offer of a suitable assured shorthold tenancy or an offer of social housing, or voluntarily ceases to occupy the accommodation offered as their main home.



***Section 77 – Meaning of intentionally homeless***

155. Subsections (2), (3) and (4) describe when an applicant is considered intentionally homeless and is therefore not owed the duty to secure accommodation under section 75(2). In some circumstances; for example, if the household contains children or young persons, the applicant may be owed the duty in section 75(3).
156. An intentionally homeless applicant may still be owed the interim housing duty for a short period (section 69 refers).

***Section 78 – Deciding to have regard to intentionality***

157. A local housing authority may have regard to whether a person has become homeless intentionally for the purposes of sections 68 and 75 only if it has decided to do so and follows the procedure for notification of the decision required by this section. The applicants or categories of applicants in respect of whom such a decision may be made will be set out in regulations made by the Welsh Ministers.

***Section 79 – Further circumstances in which the duties to help applicants end***

158. A local authority's duties under sections 66, 68, 73 and 75 come to an end in the circumstances described by subsections (2), (3), (4) or (5). The applicant must have been notified in accordance with section 84.

***Section 80 - Referral of case to another local housing authority***

159. A local housing authority can refer an applicant to another authority in England or Wales but only if they are in priority need and unintentionally homeless. The authority must be satisfied that certain conditions are met and the case must be one where if it was not referred, the authority would be subject to the duty to help secure accommodation in section 73. Subsection (3) sets out the conditions for referral that need to be met while subsection (4) explains when the conditions are not met.
160. The question of whether the conditions for referral are met will normally be agreed between the two authorities. If they cannot agree and where both authorities are in Wales, it will be in accordance with such arrangements as the Welsh Ministers may direct. Where the authority referring the case is in Wales and the other is in England, it will be in accordance with arrangements that the Welsh Ministers and the Secretary of State may jointly direct by order.
161. Consequential amendments have been made to the Housing Act 1996 to provide for referrals from local housing authorities in England to authorities in Wales (see Schedule 3).

***Section 81 - Local connection***

162. Subsection (2) sets out when a person has a local connection, while subsection (3) clarifies, for the purposes of subsection (2)(a), when residence in an area is not of a person's own choice. The Welsh Ministers may by order specify where a person is not considered to be employed in an area or the residence is not to be treated as of his or her choice. Subsections (5) and (6) refer to local connection in cases relevant to support for asylum seekers, as set out in the Nationality, Immigration and Asylum Acts 1999 and 2002.

***Section 82 - Duties to applicant whose case is considered for referral or referred***

163. Subsection (1) explains when a local authority, seeking to refer an applicant's case to another local housing authority, ceases to owe a duty under section 68 and section 73 to that applicant. Where the duties do not apply, the authority seeking to make the referral must secure suitable accommodation for occupation by the applicant until he or she is notified of the actual decision on whether conditions for referral are met.

164. When the decision has been made about referral, the applicant must be notified in accordance with section 84. If the decision is that the conditions for referral are not met, the authority continues to owe the applicant a duty under section 73 (the duty to help secure accommodation for homeless applicants). Where conditions for a referral are met and the authority to which the case is to be referred (the “notified authority”) is in Wales, the notified authority then becomes subject to the duty under section 73 in respect of the applicant. In cases where the notified authority is in England, the case should be dealt with in accordance with section 201A of the Housing Act 1996.
165. Subsections (5) and (6) set out the position if the applicant seeks a review of the notifying authority’s decision. Subsection (7) makes provision for notices which are not received to be treated as given if they are made available for collection.

### ***Section 83 – Cases referred from a local housing authority in England***

166. Where a case is referred to a local housing authority in Wales by a local housing authority in England under section 198 (1) of the Housing Act 1996 and the referral is accepted, the applicant is owed the same duties as if the applicant had applied in Wales. These are the interim duty to accommodate an applicant who is in priority need (section 68) and the duty to help to secure accommodation for homeless applicants (section 73). Subsection (3) provides that the definition of “applicant” in Chapter 2 includes such a person; this is to ensure that the other provisions apply to them as they apply to Welsh applicants. This will include, for example and where appropriate, section 75 (duty to secure accommodation etc.) and the provisions about review of decisions under sections 85 to 89.

### ***Section 84 – Notice that duties have ended***

167. Subsection (1) requires a local housing authority to notify an applicant if it concludes that its duty to the applicant under any of sections 66, 68, 73 or 75 has come to an end. This includes where it has referred the case to another authority or decided the conditions for such a referral are met. The notice must be in writing. Subsection (4) explains when a notice is treated as having been given, if not received by an applicant.

### ***Section 85 - Right to request review***

168. This section gives applicants the right to request a review of decisions made under Chapter 2 in relation to his or her case. The decisions which may be reviewed are described in subsections (1) to (3). A request for review must be made before the end of a 21 day period beginning on the day the applicant is notified of the decision in question. The local housing authority may allow a longer period but agreement to this longer period must be given in writing.

### ***Section 86 – Procedure on review***

169. The Welsh Ministers may make regulations for the procedure to be followed in connection with a review of a decision of a local housing authority under section 85. Subsection (2) illustrates what regulations may require or provide. Subsections (3) to (7) set out what a local authority must do to notify the applicant.

### ***Section 87 – Effect of a decision on review or appeal that reasonable steps were not taken***

170. Where, on a review or an appeal of a decision under section 85(2), it is concluded that reasonable steps were not taken under the duty to secure suitable accommodation for an eligible applicant, section 73, which is the duty to help secure accommodation for homeless applicants, applies again. Where this happens, subsection (2) explains how the reference to the 56 day period in section 74(2) is to be interpreted.



***Section 88 – Right of appeal to county court on point of law***

171. This makes provision allowing appeals to be made by an applicant to the county court on points of law arising in connection with a review under section 85.
172. A court may, on appeal, make such order it thinks fit, confirming, quashing or varying a decision made by a local housing authority. Subsection (5) gives the authority a power to provide temporary accommodation pending appeal if the applicant was owed a duty under sections 68, 75 or 82.

***Section 89 - Appeals against refusal to accommodate pending appeal***

173. If an applicant has a right of appeal to the county court under section 88, he or she can also appeal against an authority's decision not to exercise its power to provide temporary accommodation under section 88(5).

***Section 90 – Charges***

174. This makes provision allowing a local housing authority to require a person accommodated under this Chapter to pay reasonable charges for the accommodation.

***Section 91 - Out-of-area placement***

175. So far as is reasonably practicable, a local authority must secure or help to secure accommodation for an applicant in its own area. If it secures accommodation in another authority's area, it must notify that authority in writing. The contents of the notice and when it must be given are set out in subsections (3) and (4) respectively.

***Section 92 – Interim accommodation: arrangements with private landlord***

176. A local authority may, when discharging its functions under sections 68, 82 or 88(5), make arrangements with a private landlord to provide accommodation.

***Section 93 - Protection of property***

177. A local authority has a duty to take reasonable steps to prevent the loss of the applicant's personal property or to prevent or mitigate damage to it when it becomes subject to the duties set out in subsection (2) if no suitable arrangements have been made or are being made to protect the property and it believes there is a danger that the property will be lost or damaged by reason of the applicant's inability to protect it or deal with it. The authority continues to be subject to this duty even if the duties set out in subsection (2) come to an end.
178. The duty in subsection (1) is subject to any conditions the authority considers appropriate in a given case. Examples of the kind of conditions which an authority may impose are set out in subsection (4). An authority can take action to protect property even if an applicant is not in priority need.

***Section 94 - Protection of property: supplementary provisions***

179. Subsection (1) gives a local authority a power to enter premises where the applicant usually resides or which were his or her last usual place of residence when taking action to protect an applicant's personal property. It also allows an authority to deal with the personal property in any way which is reasonably necessary.
180. Subsection (2) requires that the officer authorised to enter premises produce a written authorisation upon request while subsection (3) sets out what happens if a person obstructs the officer in the exercise of the power. The other subsections provide for delivery of the possessions to a location nominated by the applicant, the ending of the duty, and notices that must be given.

### ***Section 95 – Co-operation***

181. A local authority in Wales must make arrangements that promote co-operation between its officers that exercise housing functions and those that exercise social services functions. It must do this with a view to achieving a number of objectives in relation to its area: to prevent homelessness, to provide suitable accommodation for people who may become homeless; to provide satisfactory support for people who are or who may become homeless; and to discharge its functions under this Part effectively.
182. An authority may request the co-operation of persons listed in subsection (5). They may be in England or Wales. If a request is made, the person to whom it is made must comply with the request unless doing so would be incompatible with their own duties or if it would otherwise have an adverse effect on the exercise of their functions. A local housing authority may also make requests for information to such a person if that information is required by the authority for the purpose of the exercise of its functions under this Part; the person to whom a request is made must comply with it unless the grounds mentioned above in respect of refusing requests for co-operation exist. If a person or body decides not to comply with any request made under this section, it must give written reasons for the decision to the authority that made the request. The list of persons in subsection (5) can be amended by the Welsh Ministers by order; but Ministers of the Crown may not be added to the list.

### ***Section 96 - Co-operation in certain cases involving children***

183. Subsection (1) explains that the other provisions of this section apply only if a local housing authority has reason to believe that an applicant with whom a person under 18 years of age resides, or might reasonably be expected to reside, may be: ineligible for help; homeless but not likely to be owed duties under sections 68, 73 or 75; or threatened with homelessness but not likely to be owed a duty under section 66.
184. Subsection (2) requires a local housing authority to make arrangements for ensuring that the applicant be invited to consent to the referral of essential facts of his or her case to the social service department and, where consent is given, arrangements to make that department aware of those facts and of the subsequent decision of the authority in respect of his or her case. As set out in subsection (3), this does not affect any other power of the authority to disclose any information to its social services department without consent.
185. Where it makes a decision as a local housing authority that an applicant is ineligible for help, became intentionally homeless or became threatened with homelessness intentionally, a county or county borough council must make arrangements to ensure its housing department provides the social services department with such advice and assistance that it may reasonably request.

### ***Section 97 – False statements, withholding information and failure to disclose change of circumstances***

186. This creates an offence if a person knowingly or recklessly makes a false statement, or withholds information with the intent to induce a local housing authority to provide accommodation or assistance.
187. Subsection (2) requires an applicant, before a local housing authority's decision on the application, to notify a local housing authority of any change of facts material to his or her case. This requirement must be explained to the applicant in clear language. If, after having had it explained, a person does not comply and does not have a reasonable excuse for failing to comply, he or she is guilty of an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

*These notes refer to the Housing (Wales) Act 2014 (c.7)  
which received Royal Assent on 17 September 2014*

***Section 98 – Guidance***

188. In exercising any of its functions relating to homelessness, a local authority in Wales must have regard to any guidance issued by the Welsh Ministers. This applies to all relevant departments of the councils. As set out in subsection (4), guidance issued under this part must be published.

***Section 99 – Interpretation of this Chapter and index of defined terms***

189. This section defines terms used within Part 2 or otherwise explains where definitions of terms may be found.

***Section 100 – Consequential amendments***

190. [Part 1](#) of Schedule 3 sets out amendments to other Acts necessary in consequence of the provision made by this Part.