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STATUTORY INSTRUMENTS

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**1996 No. 3205**

**CONTRACTING OUT**

**The Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996**

*Made - - - - 20th December 1996*

*Coming into force*

*Articles 1 and 3 20th January 1997*

*Article 2 1st April 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 70(2) and (4) and 77(1) of the Deregulation and Contracting Out Act 1994<sup>(1)</sup> and of all other powers enabling them in that behalf, after consultation with such representatives of local government as they consider appropriate, hereby make the following Order, a draft of which has been laid before and approved by resolution of each House of Parliament:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996.

(2) This article and article 3 of this Order shall come into force on 20th January 1997 and article 2 of this Order shall come into force on 1st April 1997.

(3) In this Order—

“the Act” means the Housing Act 1996<sup>(2)</sup>;

“an authority” means a local housing authority as defined in the Housing Act 1985<sup>(3)</sup>.

(4) Any expressions used in this Order which are also used in the Act have the same meaning as they have in the Act.

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(1) 1994 c. 40.  
(2) 1996 c. 52.  
(3) 1985 c. 68.

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*Status: This is the original version (as it was originally made).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

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**Contracting out of allocation of housing functions**

2. Any function of an authority which is conferred by or under Part VI of the Act (allocation of housing accommodation), except one which is listed in Schedule 1 to this Order, may be exercised by, or by employees of, such person (if any) as may be authorised in that behalf by the authority whose function it is.

**Contracting out of homelessness functions**

3. Any function of an authority which is conferred by or under Part VII of the Act (homelessness), except one which is listed in Schedule 2 to this Order, may be exercised by, or by employees of, such person (if any) as may be authorised in that behalf by the authority whose function it is.

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  
20th December 1996

*Jonathon Evans*  
Parliamentary Under Secretary of State,

## SCHEDULE 1

Article 2

### ALLOCATION OF HOUSING FUNCTIONS OF A LOCAL HOUSING AUTHORITY EXCLUDED FROM CONTRACTING OUT

Functions conferred by or under any of the following provisions of the Act:

- (a) section 161(4) (classes of persons qualifying for allocations);
- (b) section 162 (the housing register) so far as they relate to any decision about the form of the register;
- (c) section 167 (allocation in accordance with allocation scheme) so far as they relate to adopting or altering an allocation scheme (including decisions on what principles the scheme is to be framed) and to the functions in subsection (7) of that section;
- (d) section 168(2) (information about allocation scheme) so far as they relate to making the allocation scheme available for inspection at the authority's principal office.

## SCHEDULE 2

Article 3

### HOMELESSNESS FUNCTIONS OF A LOCAL HOUSING AUTHORITY EXCLUDED FROM CONTRACTING OUT

Functions conferred by or under any of the following provisions of the Act:

- (a) section 179(2) and (3) (duty of local housing authority to provide advisory services);
- (b) section 180 (assistance for voluntary organisations);
- (c) section 213 (co-operation between relevant housing authorities and bodies).

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## EXPLANATORY NOTE

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

This Order makes provision to enable a local housing authority in England and Wales to authorise another person, or that person's employees, to exercise certain of the authority's functions relating to the allocation of housing accommodation and to homelessness.

Article 2 of the Order enables the authority to authorise the exercise by another person of those functions conferred by or under Part VI of the Housing Act 1996 (allocation of housing accommodation) other than those listed in Schedule 1 to the Order, which include the adoption of an allocation scheme. Article 3 enables the authority to authorise the exercise by another person of those functions conferred by or under Part VII of that Act (homelessness) other than those listed in Schedule 2 to the Order, which include the giving of assistance to voluntary organisations concerned with homelessness.