



# Housing Act 1996

## 1996 CHAPTER 52

### PART VII

#### HOMELESSNESS

##### *Referral to another local housing authority*

#### **198 Referral of case to another local housing authority.**

- (1) If the local housing authority would be subject to the duty under section 193 (accommodation for those with priority need who are not homeless intentionally) but consider that the conditions are met for referral of the case to another local housing authority, they may notify that other authority of their opinion.

<sup>F1</sup> ...

- (2) The conditions for referral of the case to another authority are met if—
- (a) neither the applicant nor any person who might reasonably be expected to reside with him has a local connection with the district of the authority to whom his application was made,
  - (b) the applicant or a person who might reasonably be expected to reside with him has a local connection with the district of that other authority, and
  - (c) neither the applicant nor any person who might reasonably be expected to reside with him will run the risk of domestic violence in that other district.

[<sup>F2</sup>(2A) But the conditions for referral mentioned in subsection (2) are not met if—

- (a) the applicant or any person who might reasonably be expected to reside with him has suffered violence (other than domestic violence) in the district of the other authority; and
  - (b) it is probable that the return to that district of the victim will lead to further violence of a similar kind against him.
- (3) For the purposes of subsections (2) and (2A) “violence” means—
- (a) violence from another person; or

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- (b) threats of violence from another person which are likely to be carried out; and violence is “domestic violence” if it is from a person who is associated with the victim.]
- (4) The conditions for referral of the case to another authority are also met if—
- (a) the applicant was on a previous application made to that other authority placed (in pursuance of their functions under this Part) in accommodation in the district of the authority to whom his application is now made, and
  - (b) the previous application was within such period as may be prescribed of the present application.
- (5) The question whether the conditions for referral of a case are satisfied shall be decided by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State may direct by order.
- (6) An order may direct that the arrangements shall be—
- (a) those agreed by any relevant authorities or associations of relevant authorities, or
  - (b) in default of such agreement, such arrangements as appear to the Secretary of State to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as he thinks appropriate.
- (7) No such order shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.

#### Textual Amendments

- F1** Words in s. 198(1) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F2** S. 198(2A)(3) substituted for s. 198(3) (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 10(2) (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

#### Modifications etc. (not altering text)

- C1** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**
- C2** S. 198 modified (*temp.*) (6.12.1999) by S.I. 1999/3126, **arts. 3, 7**

#### Commencement Information

- I1** S. 198 wholly in force 20.1.1997: s. 198 not in force at Royal Assent, see s. 232(1)-(3); s. 198(4)-(7) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**; s. 198 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

## 199 Local connection.

- (1) A person has a local connection with the district of a local housing authority if he has a connection with it—
- (a) because he is, or in the past was, normally resident there, and that residence is or was of his own choice,
  - (b) because he is employed there,
  - (c) because of family associations, or
  - (d) because of special circumstances.

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- <sup>F3</sup>(2) .....
- (3) Residence in a district is not of a person's own choice if—
- <sup>F4</sup>(a) .....
- (b) he, or a person who might reasonably be expected to reside with him, becomes resident there because he is detained under the authority of an Act of Parliament.
- <sup>F5</sup>(4) .....
- (5) The Secretary of State may by order specify <sup>F6</sup>... circumstances in which—
- (a) a person is not to be treated as employed in a district, or
- (b) residence in a district is not to be treated as of a person's own choice.
- <sup>F7</sup>(6) A person has a local connection with the district of a local housing authority if he was (at any time) provided with accommodation in that district under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers).
- (7) But subsection (6) does not apply—
- (a) to the provision of accommodation for a person in a district of a local housing authority if he was subsequently provided with accommodation in the district of another local housing authority under section 95 of that Act, or
- (b) to the provision of accommodation in an accommodation centre by virtue of section 22 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (use of accommodation centres for section 95 support).]

#### Textual Amendments

- F3** S. 199(2) repealed (1.12.2008 for E., 30.3.2009 for W. for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 315(a), 325(1), [Sch. 16](#); S.I. 2008/3068, arts. 4(10), 5, Sch. (with arts. 6-13); S.I. 2009/773, art. 2
- F4** S. 199(3)(a) repealed (1.12.2008 for E., 30.3.2009 for W. for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 315(b), 325(1), [Sch. 16](#); S.I. 2008/3068, arts. 4(10), 5, Sch. (with arts. 6-13); S.I. 2009/773, art. 2
- F5** S. 199(4) repealed (1.12.2008 for E., 30.3.2009 for W. for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 315(c), 325(1), [Sch. 16](#); S.I. 2008/3068, arts. 4(10), 5, Sch. (with arts. 6-13); S.I. 2009/773, art. 2; and words in s. 199(4) substituted (28.3.2009 for specified purposes) by [Armed Forces Act 2006 \(c. 52\)](#), Sch. 16 para. 139; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)
- F6** Word in s. 199(5) repealed (1.12.2008 for E., 30.3.2009 for W. for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 315(d), 325(1), [Sch. 16](#); S.I. 2008/3068, arts. 4(10), 5, Sch. (with arts. 6-13); S.I. 2009/773, art. 2
- F7** S. 199(6)(7) added (4.1.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 11\(1\)](#), 48(3); S.I. 2004/2999, art. 2, Sch.

#### Modifications etc. (not altering text)

- C3** S. 199 excluded (3.4.1997) by S.I. 1997/797, [art. 2\(1\)\(3\)\(b\)](#)  
S. 199 modified (3.4.1997) by S.I. 1997/797, [art. 2\(1\)](#)

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### Commencement Information

- I2** S. 199 in force 20.1.1997: s. 199 not in force at Royal Assent, see s. 232(1)-(3); s. 199(5) in force at 1.10.1996 by [S.I. 1996/2402](#), [art. 3](#) (with transitional provisions and savings in the [Sch.](#)); s. 199 in force at 20.1.1997 to the extent it is not already in force by [S.I. 1996/2959](#), [art. 2](#)

## 200 Duties to applicant whose case is considered for referral or referred.

- (1) Where a local housing authority notify an applicant that they intend to notify or have notified another local housing authority of their opinion that the conditions are met for the referral of his case to that other authority—

(a) they cease to be subject to any duty under section 188 (interim duty to accommodate in case of apparent priority need), and

(b) they are not subject to any duty under section 193 (the main housing duty), but they shall secure that accommodation is available for occupation by the applicant until he is notified of the decision whether the conditions for referral of his case are met.

- (2) When it has been decided whether the conditions for referral are met, the notifying authority shall notify the applicant of the decision and inform him of the reasons for it.

The notice shall also inform the applicant of his right to request a review of the decision and of the time within which such a request must be made.

- [<sup>F8</sup>(3) If it is decided that the conditions for referral are not met, the notifying authority are subject to the duty under section 193 (the main housing duty).

- <sup>F8</sup>(4) If it is decided that those conditions are met, the notified authority are subject to the duty under section 193 (the main housing duty).]

- (5) The duty under subsection (1), <sup>F9</sup>... ceases as provided in that subsection even if the applicant requests a review of the authority's decision (see section 202).

The authority may [<sup>F10</sup>secure] that accommodation is available for the applicant's occupation pending the decision on a review.

- (6) Notice required to be given to an applicant under this section shall be given in writing and, if not received by him, shall be treated as having been given to him if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.

### Textual Amendments

- F8** S. 200(3)(4) substituted (31.7.2002 for E. and 30.9.2002 for W.) by [2002 c. 7, s. 18\(1\)](#), [Sch. 1 para. 15\(a\)](#) (with [s. 20\(4\)](#)); [S.I. 2002/1799, art. 2](#); [S.I. 2002/1736, art. 2\(1\)](#), [Sch. Pt. 1](#)
- F9** Words in s. 200(5) repealed (31.7.2002 for E. and 30.9.2002 for W.) by [2002 c. 7, s. 20\(1\)](#), [Sch. 2](#) (with [s. 20\(4\)](#)); [S.I. 2002/1799, art. 2](#); [S.I. 2002/1736, art. 2\(1\)](#), [Sch. Pt. 1](#)
- F10** Word in s. 200(5) substituted (31.7.2002 for E. and 30.9.2002 for W.) by [2002 c. 7, s. 18\(1\)](#), [Sch. 1 para. 15\(b\)](#) (with [s. 20\(4\)](#)); [S.I. 2002/1799, art. 2](#); [S.I. 2002/1736, art. 2\(1\)](#), [Sch. Pt. 1](#)

### Modifications etc. (not altering text)

- C4** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797, art. 2\(1\)](#)

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## **201 Application of referral provisions to cases arising in Scotland.**

Sections 198 and 200 (referral of application to another local housing authority and duties to applicant whose case is considered for referral or referred) apply—

- (a) to applications referred by a local authority in Scotland in pursuance of sections 33 and 34 of the <sup>M1</sup>Housing (Scotland) Act 1987, and
- (b) to persons whose applications are so transferred,

as they apply to cases arising under this Part (the reference in section 198 to this Part being construed as a reference to Part II of that Act).

### **Modifications etc. (not altering text)**

**C5** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art.2\(1\)](#)

### **Marginal Citations**

**M1** [1987 c. 26](#).

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