



# 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.

The authority need not consider under section 197 whether other suitable accommodation is available before proceeding under this section.

- (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.
- (3) For this purpose a person runs the risk of domestic violence—
- (a) if he runs the risk of violence from a person with whom he is associated, or
  - (b) if he runs the risk of threats of violence from such a person which are likely to be carried out.
- (4) The conditions for referral of the case to another authority are also met if—

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- (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.

## **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.
- (2) A person is not employed in a district if he is serving in the regular armed forces of the Crown.
- (3) Residence in a district is not of a person's own choice if—
  - (a) he becomes resident there because he, or a person who might reasonably be expected to reside with him, is serving in the regular armed forces of the Crown, or
  - (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.
- (4) In subsections (2) and (3) “regular armed forces of the Crown” means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955, the regular air force as defined by section 223 of the Air Force Act 1955 and Queen Alexandra's Royal Naval Nursing Service.
- (5) The Secretary of State may by order specify other 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.

## **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.

- (3) If it is decided that the conditions for referral are not met, the notifying authority shall secure that accommodation is available for occupation by the applicant until they have considered whether other suitable accommodation is available for his occupation in their district.

If they are satisfied that other suitable accommodation is available for his occupation in their district, section 197(2) applies; and if they are not so satisfied, they are subject to the duty under section 193 (the main housing duty).

- (4) If it is decided that the conditions for referral are met, the notified authority shall secure that accommodation is available for occupation by the applicant until they have considered whether other suitable accommodation is available for his occupation in their district.

If they are satisfied that other suitable accommodation is available for his occupation in their district, section 197(2) applies; and if they are not so satisfied, they are subject to the duty under section 193 (the main housing duty).

- (5) The duty under subsection (1), (3) or (4) ceases as provided in that subsection even if the applicant requests a review of the authority's decision (see section 202).

The authority may continue to 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.

## **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 Housing (Scotland) Act 1987, and

(b) to persons whose applications are so transferred,

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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).