



Housing Act 1985

1985 CHAPTER 68

PART III

HOUSING THE HOMELESS

Supplementary provisions

- 74 False statements, withholding information and failure to disclose change of circumstances.**
- (1) If a person with intent to induce a local housing authority to believe, in connection with the exercise of their functions under this Part, that he or another person—
 - (a) is homeless or threatened with homelessness, or
 - (b) has a priority need, or
 - (c) did not become homeless or threatened with homelessness intentionally,knowingly or recklessly makes a statement which is false in a material particular, or knowingly withholds information which the authority have reasonably required him to give in connection with the exercise of those functions, he commits a summary offence.
 - (2) If before an applicant receives notification of the local housing authority's decision on his application there is any change of facts material to his case, he shall notify the authority as soon as possible; and the authority shall explain to every applicant, in ordinary language, the duty imposed on him by this subsection and the effect of subsection (3).
 - (3) A person who fails to comply with subsection (2) commits a summary offence unless he shows that he was not given the explanation required by that subsection or that he had some other reasonable excuse for non-compliance.
 - (4) A person guilty of an offence under this section is liable on conviction to a fine not exceeding level 4 on the standard scale.

Status: Point in time view as at 01/10/1996.

Changes to legislation: Housing Act 1985, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1 S. 74 applied (26.7.1993) by 1993 c. 23, s. 4(5), **Sch. 1 para. 5** (with **Sch. 1 para. 8**); S.I. 1993/1655, **art. 2**.

75 Meaning of accommodation available for occupation.

For the purposes of this Part accommodation shall be regarded as available for a person's occupation only if it is available for occupation both by him and by any other person who might reasonably be expected to reside with him; and references to securing accommodation for a person's occupation shall be construed accordingly.

76 Application of this Part to cases arising in Scotland.

- (1) Sections 67 and 68 (referral of application to another local housing authority and duties to persons whose applications are referred) apply—
- (a) to applications referred by a housing authority in Scotland in pursuance of section [F15(1) of the ^{M1}Housing (Homeless Persons) Act 1977][F133 and 34 of the Housing (Scotland) Act 1987], and
 - (b) to persons whose applications are so transferred,
- as they apply to cases arising under this Part.
- (2) Section 72 (duty of other authorities to co-operate with local housing authority) applies to a request by a housing authority in Scotland under section [F29(1) of the Housing (Homeless Persons) Act 1977][F238 of the Act of 1987] as it applies to a request by a local housing authority in England or Wales.
- (3) In this Part, in relation to Scotland—
- (a) “local housing authority” means a [F3council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] and references to the district of such an authority are to the area of that council,
 - (b) “social services authority” means a local authority for the purposes of the ^{M2}Social Work (Scotland) Act 1968, that is to say, a [F4council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- and in section 72(a) (requests for co-operation) “new town corporation” includes a development corporation established under the ^{M3}New Towns (Scotland) 1968.

Textual Amendments

- F1** By **Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), Sch. 23 para. 30(1)(a)** (which by s. 340(3) is expressed to extend to Scotland only) it is provided that for “5(1) of the Housing (Homeless Persons) Act 1977” there is substituted (S.) “33 and 34 of the Housing (Scotland) Act 1987”
- F2** By **Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), Sch. 23 para. 30(1)(b)** (which by s. 340(3) is expressed to extend to Scotland only) it is provided that for “9(1) of the Housing (Homeless Persons) Act 1977” there is substituted (S.) “38 of the Act of 1987”
- F3** **S. 76(3)(a)**: it is provided that for the words “district or islands council” there shall be substituted (1.4.1996) the words “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994” by 1994 c. 39, s. 180(1), **Sch. 13 para. 142(2)(a)** (which by s. 184(4) extends to Scotland only); S.I. 1996/323, **art. 4(1)(c)**

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F4 S. 76(3)(b): it is provided that for the words “regional or islands council” there shall be substituted (1.4.1996) the words “council constituted under section 2 of the Local Government etc.(Scotland) Act 1994” by 1994 c. 39, s. 180(1), **Sch. 13 para. 142(2)(b)** (which by s. 184(4) extends to Scotland only); S.I. 1996/323, **art. 4(1)(c)**

Marginal Citations

M1 1977 c. 48.

M2 1968 c. 49.

M3 1968 c. 16.

77 Minor definitions.

In this Part—

“relevant authority” means a local housing authority or social services authority;

“social services authority” means a local authority for the purposes of the ^{M4}Local Authority Social Services Act 1970, as defined in section 1 of that Act;

“voluntary organisation” means a body, not being a public or local authority, whose activities are carried on otherwise than for profit.

Marginal Citations

M4 1970 c. 42.

78 Index of defined expressions: Part III.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section):—

accommodation available for occupation	section 75.
applicant (for housing accommodation)	section 62(1).
district (of a local housing authority)	sections 2(1) and 76(3).
homeless	sections 58(1) to (3).
housing association	section 5(1).
intentionally homeless or threatened with homelessness	section 60.
local connection (in relation to the district of a local housing authority)	section 61.
local housing authority (in England and Wales)(in Scotland)	section 1, 2(2).
	section 76(3).
new town corporation	sections 4(b) and 76(3).
priority need (for accommodation)	section 59.

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[^{F5} registered social landlord]	[^{F5} section 5(4) and (5) .]
regular armed forces of the Crown	section 622.
relevant authority	section 77.
securing accommodation for a person's occupation	section 75.
social services authority	sections 76(3) and 77.
standard scale (in reference to the maximum fine on summary conviction)	section 622.
threatened with homelessness	section 58(4).
voluntary organisation	section 77.

Textual Amendments

F5 Entry in s. 78 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(7)**

Status:

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