



Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS

Homelessness and threatened homelessness

175 Homelessness and threatened homelessness.

- (1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he—
 - (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,
 - (b) has an express or implied licence to occupy, or
 - (c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.
- (2) A person is also homeless if he has accommodation but—
 - (a) he cannot secure entry to it, or
 - (b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.
- (3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.
- (4) A person is threatened with homelessness if it is likely that he will become homeless within 28 days.

176 Meaning of accommodation available for occupation.

Accommodation shall be regarded as available for a person's occupation only if it is available for occupation by him together with—

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- (a) any other person who normally resides with him as a member of his family, or
- (b) any other person who might reasonably be expected to reside with him.

References in this Part to securing that accommodation is available for a person's occupation shall be construed accordingly.

177 Whether it is reasonable to continue to occupy accommodation.

- (1) It is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence [^{F1}or other violence] against him, or against—
 - (a) a person who normally resides with him as a member of his family, or
 - (b) any other person who might reasonably be expected to reside with him.

[^{F2}(1A) For this purpose “violence” means—

- (a) violence from another person; or
- (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.]

- (2) In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation, regard may be had to the general circumstances prevailing in relation to housing in the district of the local housing authority to whom he has applied for accommodation or for assistance in obtaining accommodation.
- (3) The Secretary of State may by order specify—
 - (a) other circumstances in which it is to be regarded as reasonable or not reasonable for a person to continue to occupy accommodation, and
 - (b) other matters to be taken into account or disregarded in determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation.

Textual Amendments

- F1** Words in s. 177(1) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 10(1)(a) (with s. 20(4)); S.I. 2002/1799, art. 2; S.I. 2002/1736, art. 2(1), Sch. Pt. 1
- F2** S. 177(1A) substituted for the words following s. 177(1)(b) (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 10(1)(b) (with s. 20(4)); S.I. 2002/1799, art. 2; S.I. 2002/1736, art. 2(1), Sch. Pt. 1

Commencement Information

- II** S. 177 wholly in force 20.1.1997: s. 177 not in force at Royal Assent, see s. 232(1)-(3); s. 177(3) in force at 1.10.1996 by S.I. 1996/2402, art. 3 (with transitional provisions and savings in the Sch.); s. 177 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, art. 2

178 Meaning of associated person.

- (1) For the purposes of this Part, a person is associated with another person if—
 - (a) they are or have been married to each other;
 - [^{F3}(aa) they are or have been civil partners of each other;]
 - (b) they are cohabitants or former cohabitants;
 - (c) they live or have lived in the same household;

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- (d) they are relatives;
 - (e) they have agreed to marry one another (whether or not that agreement has been terminated);
 - [^{F4}(ea) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);]
 - (f) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.
- (2) If a child has been adopted or [^{F5} falls within subsection (2A)] , two persons are also associated with each other for the purposes of this Part if—
- (a) one is a natural parent of the child or a parent of such a natural parent, and
 - (b) the other is the child or a person—
 - (i) who has become a parent of the child by virtue of an adoption order or who has applied for an adoption order, or
 - (ii) with whom the child has at any time been placed for adoption.
- [^{F6}(2A) A child falls within this subsection if—
- (a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, is authorised to place him for adoption under section 19 of that Act (placing children with parental consent) or he has become the subject of an order under section 21 of that Act (placement orders), or
 - (b) he is freed for adoption by virtue of an order made—
 - (i) in England and Wales, under section 18 of the Adoption Act 1976,
 - (ii) in Scotland, under section 18 of the Adoption (Scotland) Act 1978, or
 - (iii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987.]
- (3) In this section—
- [^{F7}“adoption order” means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;]
- “child” means a person under the age of 18 years;
- [^{F8}“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;]
- [^{F9}“cohabitants” means—
- (a) a man and a woman who, although not married to each other, are living together as husband and wife, or
 - (b) two people of the same sex who, although not civil partners of each other, are living together as if they were civil partners;
- and “former cohabitants” shall be construed accordingly;]
- “parental responsibility” has the same meaning as in the ^{M1}Children Act 1989; and
- “relative”, in relation to a person, means—
- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person’s [^{F10} spouse, civil partner, former spouse or former civil partner] , or
 - (b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood or by [^{F11} marriage or civil partnership]) of that

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person or of that person's [^{F10} spouse, civil partner, former spouse or former civil partner] ,

and includes, in relation to a person who is living or has lived with another person as husband and wife, a person who would fall within paragraph (a) or (b) if the parties were married to each other.

Textual Amendments

- F3** S. 178(1)(aa) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(2)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F4** S. 178(1)(ea) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(3)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F5** Words in s. 178(2) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 90** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F6** S. 178(2A) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 91** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F7** Words in s. 178(3) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 92** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F8** Words in s. 178(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(4)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F9** Words in s. 178(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(5)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F10** Words in s. 178(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(6)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F11** Words in s. 178(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(7)**; S.I. 2005/3175, art. 2(1), Sch. 1

Marginal Citations

- M1** 1989 c. 41.

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