



Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS^[F1]: ENGLAND]

Referral to another local housing authority

198 Referral of case to another local housing authority.

[^{F1}(A1) If the local housing authority would be subject to the duty under section 189B (initial duty owed to all eligible persons who are homeless) but consider that the conditions are met for referral of the case to another local housing authority in England, they may notify that other authority of their opinion.]

(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.

^{F2} ...

(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 [^{F3}domestic abuse] in that other district.

[^{F4}(2ZA) The conditions for referral of the case to another authority are also met if—

- (a) the application is made within the period of two years beginning with the date on which the applicant accepted an offer from the other authority under section 193(7AA) (private rented sector offer), and

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- (b) neither the applicant nor any person who might reasonably be expected to reside with the applicant will run the risk of [^{F5}domestic abuse] in the district of the other authority.]

[^{F6}(2A) But the conditions for referral mentioned in subsection (2) [^{F7}or (2ZA)] are not met if—

- (a) the applicant or any person who might reasonably be expected to reside with him has suffered violence (other than [^{F8}violence that is domestic abuse]) 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.

[^{F9}(3) For the purposes of subsections (2), (2ZA) and (2A)—

- (a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021;
- (b) “violence” means—
 - (i) violence from another person; or
 - (ii) threats of violence from another person which are likely to be carried out.]

(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.

[Subsection (4) is to be construed, in a case where the other authority is an authority [^{F10}(4A) in Wales, as if the reference to “this Part” were a reference to Part 2 of the Housing (Wales) Act 2014.]

- (5) The question whether the conditions for referral of a case [^{F11}which does not involve a referral to a local housing authority in Wales] 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.

[The question whether the conditions for referral of a case involving a referral to a [^{F12}(5A) local housing authority in Wales 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 and the Welsh Ministers may jointly 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 [^{F13}or, in the case of an order under subsection (5A), to the Secretary of State and the Welsh Ministers] to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as he thinks appropriate.

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- (7) [^{F14}An order under this section shall not] be made unless a draft of the order has been approved by a resolution of each House of Parliament [^{F15}and, in the case of a joint order, a resolution of the National Assembly for Wales] .]

Textual Amendments

- F1** S. 198(A1) inserted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 5(8)**, 13(3); S.I. 2018/167, **reg. 3(e)** (with **reg. 4(1)**)
- F2** 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**
- F3** Words in s. 198(2)(c) substituted (5.7.2021) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 78(6)(a)**, 90(6); S.I. 2021/797, **reg. 2(2)** (with **reg. 4(1)**)
- F4** S. 198(2ZA) inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), **ss. 149(6)**, 240(3)(f); S.I. 2012/2599, **arts. 1(2)**, 2 (with **art. 3**)
- F5** Words in s. 198(2ZA)(b) substituted (5.7.2021) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 78(6)(b)**, 90(6); S.I. 2021/797, **reg. 2(2)** (with **reg. 4(1)**)
- F6** 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**
- F7** Words in s. 198(2A) inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), **ss. 149(7)**, 240(3)(f); S.I. 2012/2599, **arts. 1(2)**, 2 (with **art. 3**)
- F8** Words in s. 198(2A)(a) substituted (5.7.2021) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 78(6)(c)**, 90(6); S.I. 2021/797, **reg. 2(2)** (with **reg. 4(1)**)
- F9** S. 198(3) substituted (5.7.2021) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 78(6)(d)**, 90(6); S.I. 2021/797, **reg. 2(2)** (with **reg. 4(1)**)
- F10** S. 198(4A) inserted (27.4.2015) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 11(a)**; S.I. 2015/1272, **art. 2**, **Sch. para. 53** (with **art. 7**)
- F11** Words in s. 198(5) inserted (27.4.2015) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 11(b)**; S.I. 2015/1272, **art. 2**, **Sch. para. 53** (with **art. 7**)
- F12** S. 198(5A) inserted (27.4.2015) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 11(c)**; S.I. 2015/1272, **art. 2**, **Sch. para. 53** (with **art. 7**)
- F13** Words in s. 198(6)(b) inserted (27.4.2015) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 11(d)**; S.I. 2015/1272, **art. 2**, **Sch. para. 53** (with **art. 7**)
- F14** Words in s. 198(7) substituted (27.4.2015) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 11(e)(i)**; S.I. 2015/1272, **art. 2**, **Sch. para. 53** (with **art. 7**)
- F15** Words in s. 198(7) inserted (27.4.2015) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 11(e)(ii)**; S.I. 2015/1272, **art. 2**, **Sch. para. 53** (with **art. 7**)

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**

Changes to legislation:

Housing Act 1996, Section 198 is up to date with all changes known to be in force on or before 07 June 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.

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124(1A) inserted by [2016 c. 22 Sch. 7 para. 20\(2\)](#)
- s. 124(6) inserted by [2016 c. 22 Sch. 7 para. 20\(6\)](#)
- s. 124A124B inserted by [2016 c. 22 Sch. 7 para. 21](#)
- s. 125A(3A)(3B) inserted by [2016 c. 22 Sch. 7 para. 22\(3\)](#)
- s. 130A inserted by [2016 c. 22 Sch. 8 para. 7](#)
- s. 133(1A) inserted by [2016 c. 22 Sch. 8 para. 9\(2\)](#)
- s. 143J(3A) inserted by [2016 c. 22 Sch. 8 para. 13\(2\)](#)
- s. 143J(7)(a) words omitted by [S.I. 2022/1166 reg. 25\(11\)\(b\)](#) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
- s. 143GA143GB inserted by [2016 c. 22 Sch. 8 para. 10](#)
- s. 143MA(3A)-(3D) inserted by [2016 c. 22 Sch. 7 para. 27\(3\)](#)
- s. 143MB inserted by [2016 c. 22 Sch. 7 para. 28](#)