
STATUTORY INSTRUMENTS

2023 No. 509

HOUSING, ENGLAND

**The Homelessness (Suitability of Accommodation)
(England) (Amendment) Order 2023**

<i>Made</i>	- - - -	<i>3rd May 2023</i>
<i>Laid before Parliament</i>		<i>9th May 2023</i>
<i>Coming into force</i>	- -	<i>31st May 2023</i>

The Secretary of State makes this Order in exercise of the powers conferred by sections 210(2) and 215(2) of the Housing Act 1996(1).

Citation, commencement and extent

1.—(1) This Order may be cited as the Homelessness (Suitability of Accommodation) (England) (Amendment) Order 2023.

(2) This Order comes into force on 31st May 2023.

(3) Any amendment made by this Order has the same extent as the provision amended.

Amendment of the Homelessness (Suitability of Accommodation) (England) Order 2003

2. In article 2 of the Homelessness (Suitability of Accommodation) (England) Order 2003(2) in paragraph (b) of the definition of “B&B accommodation”, after “in which” insert “cooking facilities are not provided or”.

Amendment of the Homelessness (Suitability of Accommodation) (Amendment) (England) Order 2022

3. In article 2 of the Homelessness (Suitability of Accommodation) (Amendment) (England) Order 2022(3), for “2023” substitute “2024”.

(1) 1996 c. 52.

(2) S.I. 2003/3326; relevant amending instruments are S.I. 2010/671, 2022/521. The instrument is also temporarily modified by S.I. 2022/521.

(3) S.I. 2022/521.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by the authority of the Secretary of State for Levelling Up, Housing and Communities

Felicity Buchan
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

3rd May 2023

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Homelessness (Suitability of Accommodation) (England) Order 2003 (“2003 Order”). It also amends the Homelessness (Suitability of Accommodation) (Amendment) (England) Order 2022 (“2022 Order”) which has the effect of extending temporary modifications that Order made to the 2003 Order and the Homelessness (Suitability of Accommodation) (England) Order 2012 (“2012 Order”).

The 2003 Order provides that, where accommodation is made available for occupation under specified homelessness duties and powers, B&B accommodation is not generally to be regarded as suitable for an applicant with family commitments. Article 2 of this Order amends the definition of B&B accommodation in order to capture accommodation, such as in hotels, where there are no cooking facilities provided as well as accommodation where basic facilities are shared.

The 2022 Order modifies the 2003 Order and the 2012 Order, which specifies matters to be taken into account in determining whether accommodation is suitable for a person for the purposes of Part 7 of the Housing Act 1996. It modifies those Orders, for a period of one year expiring on 1 June 2023, as they apply to certain persons who apply for homelessness assistance within two years of their arrival in the United Kingdom (“recent arrivals”) with the effect that:

- recent arrivals with family commitments may be accommodated in B&B accommodation for longer than 6 weeks if no other accommodation is available for occupation by them; and
- when determining whether accommodation is suitable for a recent arrival a local housing authority must take into account only the significance of any disruption that would be caused to any relevant caring responsibilities rather than the factors listed in article 2 of the 2012 order. Relevant caring responsibilities are responsibilities of the recent arrival or a member of that person’s household for persons with whom there are family associations.

Article 3 extends the period of those modifications so that they expire on 1 June 2024.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen.