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# **Homelessness (Priority Need for Accommodation) (England) Order 2002**

Showing amendments by the  
Domestic Abuse Act 2021

From 5 July 2021



## Purpose of this document

This guide shows how the Homelessness (Priority Need for Accommodation) (England) Order 2002 has been amended by the [Domestic Abuse Act 2021](#).

## Version

The version of the Priority Need Order shown in this document is that which came into force on 5 July 2021. Please note that legislation regularly changes. You should check that you are using the current version.

## Download this document:

A pdf version of this document can be downloaded at:

[markprichard.co.uk/documents/priority-need-order-2002-amended-by-daa-2021](http://markprichard.co.uk/documents/priority-need-order-2002-amended-by-daa-2021)

An alternative version of this guide, which does not highlight the text omitted or inserted by the 2021 Act, is available at [markprichard.co.uk/documents/priority-need-order-2002-5july2021](http://markprichard.co.uk/documents/priority-need-order-2002-5july2021)

## Accompanying priority need document:

A version of [Part 7 of the Housing Act 1996](#) is also available, showing amendments made by the Domestic Abuse Act 2021.

## About the author

Mark Prichard is an independent housing consultant who works across England and Wales.

Mark runs a [website](#) with a [resources](#) section, from which housing professionals can download a variety of guides, template letters and forms. He also delivers [training](#).

Mark has worked in social housing for over 25 years in a variety of roles, including for local authorities and housing associations, and in the third sector.

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**Key to text:**

Black text = in force (before and after 5 July 2021)

~~Strike through black text~~ and red text = amendments

**2002 No. 2051****HOUSING, ENGLAND**

The Homelessness (Priority Need for Accommodation) (England) Order 2002

*Made* 30th July 2002

*Coming into force* 31st July 2002

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred on him by section 189(2) of the Housing Act 1996, having consulted such associations representing relevant authorities, and such other persons as he considers appropriate, in accordance with section 189(3) of that Act, hereby makes the following Order—

**Citation, commencement and interpretation**

1. (1) This Order may be cited as the Homelessness (Priority Need for Accommodation) (England) Order 2002 and shall come into force on the day on which it is made.
- (2) This Order extends to England only.
- (3) In this Order—
  - “looked after, accommodated or fostered” has the meaning given by section 24(2) of the Children Act 1989 or, as the case may be, section 104(3) of the Social Services and Well-being (Wales) Act 2014; and
  - “relevant student” means a person to whom section 24B(3) of the Children Act 1989 or, as the case may be, section 114(5) or 115(6) of the Social Services and Well-being (Wales) Act 2014 applies—
    - (a) who is in full-time further or higher education; and
    - (b) whose term-time accommodation is not available to him during a vacation.

**Priority need for accommodation**

2. The description of person specified in the following articles have a priority need for accommodation for the purposes of Part 7 of the Housing Act 1996.



### **Children aged 16 or 17**

3. (1) A person (other than a person to whom paragraph (2) below applies) aged sixteen or seventeen who is not a relevant child for the purposes of section 23A of the Children Act 1989 or, as the case may be, is not a category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014.
- (2) This paragraph applies to a person to whom a local authority owe a duty to provide accommodation under section 20 of that Act (provision of accommodation for children in need) or, as the case may be, section 76 of the Social Services and Well-being (Wales) Act 2014 (accommodation for children without parents or who are lost or abandoned etc).

### **Young people under 21**

4. (1) A person (other than a relevant student) who—
  - (a) is under twenty-one; and
  - (b) at any time after reaching the age of sixteen, but while still under eighteen, was, but is no longer, looked after, accommodated or fostered.

### **Vulnerability: institutional backgrounds**

5. (1) A person (other than a relevant student) who has reached the age of twenty-one and who is vulnerable as a result of having been looked after, accommodated or fostered.
- (2) A person who is vulnerable as a result of having been a member of Her Majesty's regular naval, military or air forces.
- (3) A person who is vulnerable as a result of—
  - (a) having served a custodial sentence (within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000);
  - (b) having been committed for contempt of court or any other kindred offence;
  - (c) having been remanded in custody (within the meaning of paragraph (b), (c) or (d) of section 88(1) of that Act).



**Vulnerability: fleeing violence or threats of violence**

6. (1)<sup>1</sup> A person who is vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out.
- (2) For the purposes of this article–
- (a) “violence” does not include violence that is domestic abuse;
  - (b) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021.<sup>2</sup>

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<sup>1</sup> Domestic Abuse Act 2021, s.78(8)(a) and s.90(6); The Domestic Abuse Act 2021 (Commencement No.1 and Saving Provisions) Regulations 2021, SI No 797, reg.2(2). Amendment came into force on 5 July 2021.

<sup>2</sup> Domestic Abuse Act 2021, s.78(8)(b) and s.90(6); The Domestic Abuse Act 2021 (Commencement No.1 and Saving Provisions) Regulations 2021, SI No 797, reg.2(2). Amendment came into force on 5 July 2021.





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