

**Changes to legislation:** Housing and Regeneration Act 2008, Cross Heading: Housing Act 1996 (c. 52) is up to date with all changes known to be in force on or before 22 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. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 15

#### INELIGIBLE PERSONS FROM ABROAD: STATUTORY DISREGARDS

##### PART 1

##### ENGLAND AND WALES

##### *Housing Act 1996 (c. 52)*

1 The Housing Act 1996 is amended as follows.

##### Commencement Information

**II** Sch. 15 para. 1 in force at 2.3.2009 for specified purposes by S.I. 2009/415, art. 2

2 (1) Section 167 (allocation in accordance with allocation scheme) is amended as follows.

(2) In subsection (2) after “scheme shall” insert “, subject to subsection (2ZA),”.

(3) After subsection (2) insert—

“(2ZA) People are to be disregarded for the purposes of subsection (2) if they would not have fallen within paragraph (a) or (b) of that subsection without the local housing authority having had regard to a restricted person (within the meaning of Part 7).”

##### Commencement Information

**I2** Sch. 15 para. 2 in force at 2.3.2009 for specified purposes by S.I. 2009/415, art. 2

3 (1) Section 184 (inquiry into cases of homelessness or threatened homelessness) is amended as follows.

(2) After subsection (3) insert—

“(3A) If the authority decide that a duty is owed to the applicant under section 193(2) or 195(2) but would not have done so without having had regard to a restricted person, the notice under subsection (3) must also—

- (a) inform the applicant that their decision was reached on that basis,
- (b) include the name of the restricted person,
- (c) explain why the person is a restricted person, and
- (d) explain the effect of section 193(7AD) or (as the case may be) section 195(4A).”

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(3) After subsection (6) insert—

“(7) In this Part “a restricted person” means a person—

- (a) who is not eligible for assistance under this Part,
- (b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and
- (c) either—
  - (i) who does not have leave to enter or remain in the United Kingdom, or
  - (ii) whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds.”

**Commencement Information**

**I3** Sch. 15 para. 3 in force at 2.3.2009 for specified purposes by [S.I. 2009/415](#), [art. 2](#)

4 (1) Section 185 (persons from abroad not eligible for certain housing assistance) is amended as follows.

(2) In subsection (4) for “another person” substitute “ a person falling within subsection (5) ”.

(3) After subsection (4) insert—

“(5) A person falls within this subsection if the person—

- (a) falls within a class prescribed by regulations made under subsection (2); but
- (b) is not a national of an EEA State or Switzerland.”

**Commencement Information**

**I4** Sch. 15 para. 4 in force at 2.3.2009 for specified purposes by [S.I. 2009/415](#), [art. 2](#)

5 (1) Section 193 (duty to persons with priority need who are not homeless intentionally) is amended as follows.

(2) In subsection (3A) after “this section” insert “ in a case which is not a restricted case ”.

(3) After subsection (3A) insert—

“(3B) In this section “a restricted case” means a case where the local housing authority would not be satisfied as mentioned in subsection (1) without having had regard to a restricted person.”

(4) After subsection (7A) insert—

“(7AA) In a restricted case the authority shall also cease to be subject to the duty under this section if the applicant, having been informed of the matters mentioned in subsection (7AB)—

- (a) accepts a private accommodation offer, or
- (b) refuses such an offer.

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(7AB) The matters are—

- (a) the possible consequence of refusal of the offer, and
- (b) that the applicant has the right to request a review of the suitability of the accommodation.

(7AC) For the purposes of this section an offer is a private accommodation offer if—

- (a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,
- (b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the authority's duty under this section to an end, and
- (c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 12 months.

(7AD) In a restricted case the authority shall, so far as reasonably practicable, bring their duty under this section to an end as mentioned in subsection (7AA).”

(5) In subsections (7B) and (7C) at the beginning insert “ In a case which is not a restricted case, ”.

(6) In subsection (7F) after paragraph (a) (but before the “or” following it) insert—  
“(ab) approve a private accommodation offer;”.

#### Commencement Information

**I5** Sch. 15 para. 5 in force at 2.3.2009 for specified purposes by S.I. 2009/415, art. 2

- 6
- (1) Section 195 (duties in the case of threatened homelessness) is amended as follows.
  - (2) In subsection (3A) after “this section” insert “ in a case which is not a restricted threatened homelessness case ”.
  - (3) In subsection (4)—
    - (a) after “Where” insert “ , in a case which is not a restricted threatened homelessness case, ”, and
    - (b) at the end insert “in a case which is not a restricted case (within the meaning of that section)”.
  - (4) After subsection (4) insert—
    - “(4A) Where, in a restricted threatened homelessness case, in pursuance of the duty under subsection (2) the authority secure that accommodation other than that occupied by the applicant when he made his application is available for occupation by him, the provisions of section 193(3) to (9) (period for which duty owed) apply, with any necessary modifications, in relation to the duty under this section as they apply in relation to the duty under section 193 in a restricted case (within the meaning of that section).
    - (4B) In subsections (3A) to (4A) “a restricted threatened homelessness case” means a case where the local housing authority would not be satisfied

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as mentioned in subsection (1) without having had regard to a restricted person.”

**Commencement Information**

**I6** Sch. 15 para. 6 in force at 2.3.2009 for specified purposes by S.I. 2009/415, art. 2

- 7 (1) Section 202 (right to request review of decision) is amended as follows.
- (2) In subsection (1) after paragraph (f) insert “, or
- (g) any decision of a local housing authority as to the suitability of accommodation offered to him by way of a private accommodation offer (within the meaning of section 193).”
- (3) In subsection (1A)—
- (a) for “or (7)” substitute “, (7) or (7AA)”, and
- (b) after “(f)” insert “ or (as the case may be) (g) ”.

**Commencement Information**

**I7** Sch. 15 para. 7 in force at 2.3.2009 for specified purposes by S.I. 2009/415, art. 2

- 8 In section 218 (index of defined expressions: Part 7) insert in the Table at the appropriate place—

“restricted person	section 184(7)”.
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**Commencement Information**

**I8** Sch. 15 para. 8 in force at 2.3.2009 for specified purposes by S.I. 2009/415, art. 2

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

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

- s. 14(6A) inserted by [2023 c. 55 s. 138](#)
- s. 251(1)(c) and word inserted by [2023 c. 36 s. 31\(7\)](#)
- s. 251(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(6\)](#)