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STATUTORY INSTRUMENTS

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**1996 No. 3122**

**HOUSING, ENGLAND AND WALES**

**The Allocation of Housing and Homelessness (Review Procedures and Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>9th December 1996</i>
<i>Laid</i>	- - - -	<i>17th December 1996</i>
<i>Coming into force</i>		
<i>Regulations 1 and 9</i>		<i>7th January 1997</i>
<i>Regulations 7 and 8</i>		<i>20th January 1997</i>
<i>Regulations 2 to 4 for the purposes of regulations 7 and 8</i>		<i>20th January 1997</i>
<i>Regulations 5 and 6 and regulations 2 to 4 for all remaining purposes</i>		<i>1st April 1997</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 160(4), 161(2) and (3), 162(4), 163(7), 165(1), (2) and (5) and 203(1), (2) and (7) of the Housing Act 1996<sup>(1)</sup> and of all the other powers enabling them in that behalf, hereby make the following Regulations:

**PART I**

**General**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Allocation of Housing and Homelessness (Review Procedures and Amendment) Regulations 1996.

(2) These Regulations shall come into force as follows—

(a) this regulation and regulation 9 on 7th January 1997;

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(1) 1996 c. 52.

- (b) regulations 7 and 8 on 20th January 1997;
- (c) regulations 2 to 4, for the purposes of regulations 7 and 8, on 20th January 1997; and
- (d) regulations 5 and 6 and regulations 2 to 4 for all remaining purposes on 1st April 1997.

### **Interpretation**

2. In these Regulations, “the authority” means the local housing authority to whom a request for a review under section 164 or 202 is made and references to sections are references to sections of the Housing Act 1996.

### **Who is to make the decision on the review**

3. Where the decision on a review of an original decision made by an officer of the authority is also to be made by an officer, that officer shall be someone who was not involved in the original decision and who is senior to the officer who made the original decision.

### **Notification of the decision on a review**

4. The period within which the authority shall notify the applicant of the decision on a review under section 164 or 202 is eight weeks from the day on which the request for the review is made to the authority or such longer period as the authority and the applicant may agree in writing.

## **PART II**

### **The Housing Register**

#### **Notification of review procedure**

5. Following a duly made request for a review under section 164, the authority shall—
- (a) notify the person concerned that he, or someone acting on his behalf, may make representations in writing to the authority in connection with the review; and
  - (b) if they have not already done so, notify the person concerned of the procedure to be followed in connection with the review.

#### **Procedure on a review**

6. The authority shall—
- (a) consider any representations made by the person concerned or on his behalf; and
  - (b) carry out the review on the basis of the facts known to them at the date of the review.

## **PART III**

### **Homelessness**

#### **Notification of review procedure**

7. Following a duly made request for a review under section 202, the authority shall—
- (a) notify the applicant that he, or someone acting on his behalf, may make representations in writing to the authority in connection with the review; and

- (b) if they have not already done so, notify the applicant of the procedure to be followed in connection with the review.

**Procedure on a review**

8.—(1) The authority shall—

- (a) consider any representations made by the applicant or on his behalf; and
- (b) carry out the review on the basis of the facts known to them at the date of the review.

(2) If the authority consider that there is an irregularity in the original decision, or in the manner in which it was made, but are minded nonetheless to make a decision which is against the interests of the applicant on one or more issues, the authority shall notify the applicant—

- (a) that they are so minded and the reasons why; and
- (b) that the applicant, or someone acting on his behalf, may make oral representations to the authority.

**Amendment of the Allocation of Housing Regulations 1996**

9. In regulation 1 of the Allocation of Housing Regulations 1996(2) for “20th January 1997” there shall be substituted “1st April 1997”.

Signed by authority of the Secretary of State for the Environment.

Department of the Environment  
9th December 1996

*David Curry*  
Minister of State,

Signed by authority of the Secretary of State for Wales

Welsh Office  
9th December 1996

*Jonathan Evans*  
Parliamentary Under Secretary of State,

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for the procedure to be followed in connection with the review by local housing authorities of decisions under Part VI of the Housing Act 1996 concerning the housing register and decisions in homelessness cases under Part VII of that Act.

Regulation 9 changes the date of the coming into force of the Allocation of Housing Regulations 1996 from 20th January 1997 to 1st April 1997.