
STATUTORY INSTRUMENTS

2003 No. 412

The Housing (Northern Ireland) Order 2003

PART IV

MISCELLANEOUS AMENDMENTS

CHAPTER IV

AMENDMENTS OF THE ORDER OF 1988

Eligibility for housing assistance

137. After Article 7 of the Order of 1988 (inquiry into cases of homelessness or threatened homelessness) there shall be inserted—

“Persons not eligible for housing assistance

7A.—(1) A person is not eligible for assistance under this Part—

- (a) if he is a person from abroad who is subject to immigration control and is ineligible for such assistance by virtue of section 119 of the Immigration and Asylum Act 1999 (c. 33);
- (b) if he is any other person from abroad who is ineligible for such assistance by virtue of regulations made under paragraph (2); or
- (c) if he is a person who the Executive has decided is to be treated as ineligible for such assistance by virtue of paragraph (5).

(2) The Secretary of State may, for the purposes of paragraph (1)(b), make provision by regulations as to other descriptions of persons who are to be treated as persons from abroad who are ineligible for assistance under this Part.

(3) Regulations made under paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

(4) A person from abroad who is not eligible for assistance under this Part shall be disregarded in determining for the purposes of this Part whether another person—

- (a) is homeless or threatened with homelessness, or
- (b) has a priority need for accommodation.

(5) The Executive may decide that an applicant is to be treated as ineligible for assistance under this Part if it is satisfied that—

- (a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the Executive; and
- (b) in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the Executive by reason of that behaviour.

(6) The only behaviour which may be regarded by the Executive as unacceptable for the purposes of paragraph (5)(a) is—

- (a) behaviour of the person concerned which would (if he were a secure tenant of the Executive) entitle the Executive to a possession order under Article 29 of the Order of 1983 on Ground 2 or Ground 3 in Schedule 3 to that Order; or
- (b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the Executive) entitle the Executive to such a possession order.

(7) Where the Executive is satisfied that a person is not eligible for assistance under this Part by virtue of paragraph (1)(c) of this Article but has a priority need, it shall treat him in the same manner as an applicant to whom paragraph (3) of Article 10 applies.

(8) Where the Executive is satisfied that a person—

- (a) is not eligible for assistance under this Part by virtue of paragraph (1)(a) or (b); or
- (b) is not eligible for assistance under this Part by virtue of paragraph (1)(c) and does not have a priority need;

it shall treat him in the same manner as an applicant to whom paragraph (4) of Article 10 applies.

Provision of information by Secretary of State

7B.—(1) The Secretary of State shall, at the request of the Executive, provide the Executive with such information as it may require to enable it to determine for the purposes of paragraph (1)(a) or (b) of Article 7A whether such a person is eligible for assistance under this Part.

(2) Where that information is given otherwise than in writing, the Secretary of State shall confirm it in writing if a written request is made to him by the Executive.

(3) If it appears to the Secretary of State that any application, decision or other change of circumstances has affected the status of a person about whom information was previously provided by him to the Executive under this Article, he shall inform the Executive in writing of that fact, the reason for it and the date on which the previous information became inaccurate.”.