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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 403**

**HOUSING**

**The Homelessness Regulations (Northern Ireland) 2003**

*Made - - - - 6th September 2003*

*To be laid before Parliament*

*Coming into operation 1st November 2003*

The Secretary of State, in exercise of the powers conferred upon him by Article 7A(2) of the Housing (Northern Ireland) Order 1988(1) and of every other power enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Homelessness Regulations (Northern Ireland) 2003 and shall come into operation on 1st November 2003.

**Interpretation**

2. In these Regulations –

“the Common Travel Area” means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively;

“income-based jobseeker’s allowance” has the same meaning as in Article 3(4) of the Jobseekers (Northern Ireland) Order 1995(2);

“income support” means income support under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(3);

“the Order” means the Housing (Northern Ireland) Order 1988; and

“pension credit” means the guarantee credit element of state pension credit under section 2 of the State Pension Credit Act (Northern Ireland) 2002(4).

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(1) S.I.1988/1990 (N.I. 23); Article 7A was inserted by Article 137 of S.I. 2003/412 (N.I. 2)

(2) S.I. 1995/2705 (N.I. 15); the definition of “an income-based jobseeker’s allowance” was amended by paragraph 3(4) of Schedule 7 to S.I. 1999/3147 (N.I. 11)

(3) 1992 c. 7

(4) 2002 c. 14 (N.I.)

### **Descriptions of persons who are to be treated as persons from abroad ineligible for housing assistance**

3. For the purposes of paragraph (1)(b) of Article 7A of the Order, the following is a description of persons who are to be treated as persons from abroad who are ineligible for assistance under Part II (housing the homeless) of the Order –

A person who is not habitually resident in the Common Travel Area other than –

- (a) a worker for the purposes of Council Regulation (EEC) No. 1612/68<sup>(5)</sup> or (EEC) No. 1251/70<sup>(6)</sup>;
- (b) a person with a right to reside in the United Kingdom pursuant to the Immigration (European Economic Area) Regulations 2000<sup>(7)</sup> and derived from Council Directive No. 68/360/EEC<sup>(8)</sup> or No. 73/148/EEC<sup>(9)</sup>;
- (c) a person who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption;
- (d) a person who is on an income-based jobseeker’s allowance or in receipt of income support or pension credit.

Northern Ireland Office  
6th September 2003

*Paul Murphy*  
One of Her Majesty’s Principal Secretaries of  
State

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(5) O.J. No. L257, 19.10.68, p. 2, Special Edition 1968 (II) p. 475, to which there are amendments not relevant to these Regulations  
(6) O.J. No. L142, 30.6.70, p. 24, Special Edition 1970 (II) p. 402  
(7) S.I. 2000/2326  
(8) O.J. No. L257, 19.10.68, p. 13, Special Edition 1968 (II) p. 485, to which there are amendments not relevant to these Regulations  
(9) O.J. No. L172, 28.6.73, p. 14

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## EXPLANATORY NOTE

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

Part II of the Housing (Northern Ireland) Order 1988 (“the Order”) imposes on the Northern Ireland Housing Executive duties in relation to persons who are found to be homeless or threatened with homelessness. Article 7A of the Order provides that a person is not eligible for assistance under Part II if he is a person from abroad who is ineligible for that assistance (paragraph (1)) and that the Secretary of State has power to make provision, by regulations, as to other descriptions of persons who are to be treated as persons from abroad who are ineligible for that assistance (paragraph (2)).

These Regulations provide a description of persons who are ineligible for housing assistance under Part II of the Order.