

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2004 No. 198**

**The Allocation of Housing Regulations (Northern Ireland) 2004**

**Citation and commencement**

1. These Regulations may be cited as the Allocation of Housing Regulations (Northern Ireland) 2004 and shall come into operation on 1st May 2004.

**Classes of persons from abroad prescribed under Article 22A(3) who are ineligible persons**

2.—(1) The following classes of persons from abroad (not being persons subject to immigration control) are ineligible for the purposes of Article 22A of the Housing (Northern Ireland) Order 1981 (allocation only to eligible persons) –

- (a) Class A – subject to paragraphs (2) and (3), a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland;
- (b) Class B – a person whose right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland is derived solely from Council Directive No. [90/364/EEC](#)(1) or Council Directive No. [90/365/EEC](#)(2).

(2) The following persons shall not, however, be ineligible pursuant to paragraph 1(a) –

- (a) a person who is a worker for the purposes of Council Regulation ([EEC](#)) No. [1612/68](#)(3) or ([EEC](#)) No. [1251/70](#)(4);
- (b) a person who is an accession state worker requiring registration who is treated as a worker for the purpose of the definition of “qualified person” in regulation 5(1) of the Immigration (European Economic Area) Regulations 2000(5) pursuant to regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004(6);
- (c) a person with a right to reside pursuant to the Immigration (European Economic Area) Regulations 2000, which is derived from Council Directive No. [68/360/EEC](#)(7), No. [73/148/EEC](#)(8) or No. [75/34/EEC](#)(9);
- (d) a person who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption.

(3) A person shall not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for the purposes of paragraph (1)(a) if he does not have a right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

---

(1) O.J. No. L180, 13.7.90, p. 26

(2) O.J. No. L180, 13.7.90, p. 28

(3) 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

(4) O.J. No. L142, 30.6.70, p. 24, Special Edition 1970 (II) p. 402

(5) [S.I. 2000/2326](#) as amended by [S.I. 2001/865](#), [2003/549](#) and [2004/1236](#)

(6) [S.I. 2004/1219](#)

(7) 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

(8) O.J. No. L172, 28.6.73, p. 14

(9) O.J. No. L014, 20.01.75, p. 10

---

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

---

### **Transitional**

3. These Regulations shall not have effect in relation to an applicant whose application for an allocation of housing accommodation was made before 1st May 2004.

### **Revocation and saving**

4.—(1) Subject to paragraph (2), the Allocation of Housing Regulations (Northern Ireland) 2003<sup>(10)</sup> are hereby revoked.

(2) The Allocation of Housing Regulations (Northern Ireland) 2003 shall continue to have effect in relation to an applicant whose application for an allocation of housing accommodation was made before 1st May 2004.

Northern Ireland Office  
29th April 2004

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