

2013 No. 189

HOUSING

**Allocation of Housing and Homelessness (Eligibility)
(Amendment) Regulations (Northern Ireland) 2013**

Made - - - - - *8th July 2013*

Coming into operation - *31st August 2013*

To be laid before Parliament

The Secretary of State makes the following Regulation in exercise of the powers conferred on her by Article 22A(3) of the Housing (Northern Ireland) Order 1981(a) and Article 7A(2) of the Housing (Northern Ireland) Order 1988(b):

Citation and commencement

1. These Regulations may be cited as the Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 31st August 2013.

Amendment of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006

2.—(1) The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006(c) are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of “the Accession Regulations 2004”; and

(b) after the definition of “the Accession Regulations 2006”; insert—

“the Accession Regulations 2013” means the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013(d);”

(3) For regulation 3(2)(c) substitute—

“(c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to either—

(i) regulation 6 of the Accession Regulations 2006 (right of residence of an accession State national subject to worker authorisation); or

(ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);”.

(4) For regulation 4(2)(c), substitute—

(a) S.I. 1981/156 (N.I. 3); Article 22A was inserted by Article 124 of S.I. 2003/412 (N.I. 2)
(b) S.I. 1988/1990 (N. I. 23); Article 7A was inserted by Article 137 of S.I. 2003/412 (N.I. 2)
(c) S.I. 2006 No. 397 as amended by S.R. 2007 No. 34, S.R. 2009 No. 161 and 2012 No. 429
(d) S.I. 2013 No. 1406

- “(c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to either—
- (i) regulation 6 of the Accession Regulations 2006 (right of residence of an accession State national subject to worker authorisation); or
 - (ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);”.

Transition provisions

3. The changes made by these Regulations shall not have effect in relation to an applicant whose application for—

- (a) an allocation of housing accommodation under the Housing (Northern Ireland) Order 1981; or
- (b) housing assistance under Part II of the Housing (Northern Ireland) Order 1988;

was made before the coming into operation of these Regulations.

8th July 2013

Theresa Villiers
One of Her Majesty’s Principal Secretaries of State
Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006 (“the Eligibility Regulations”) which determine which persons from abroad, other than persons subject to immigration control, are ineligible for an allocation of housing accommodation under the Housing (Northern Ireland) Order 1981 or for housing assistance under Part II of the Housing (Northern Ireland) Order 1988. For these purposes, ‘person subject to immigration control’ has the meaning given in section 13(2) of the Asylum and Immigration Act 1996 (c. 49). These Regulations apply to Northern Ireland only.

A person who is not subject to immigration control is ineligible for an allocation or for housing assistance if they are not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless specifically exempted from that requirement (see regulations 3(1)(a) and (2), and 4(1)(a) and (2), of the Eligibility Regulations).

The effect of the amendments made by regulation 2 is to insert a new category of persons who are exempt from the habitual residence test. The category applies to nationals of Croatia which acceded to the European Union on 1st July 2013. Those Croatian nationals who are subject to the worker authorisation scheme established by the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460) are exempt from the habitual residence test when they are treated as workers pursuant to those Regulations. The Regulations do this by substituting the exemption category in sub-paragraph (c) of regulations 3(2) and 4(2) of the Eligibility Regulations, relating to workers from eight of the ten member States which acceded to the European Union on 1st May 2004 (A8 workers for whom the worker registration scheme has now ended) and workers from Bulgaria and Romania, with an exemption relating only to worker from Croatia, Bulgaria and Romania.

A full impact assessment has not been produced for this rule as no impact on the private or voluntary sector is foreseen

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