



Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS

Eligibility for assistance

185 Persons from abroad not eligible for housing assistance.

- (1) A person is not eligible for assistance under this Part if he is a person from abroad who is ineligible for housing assistance.
- (2) A person who is subject to immigration control within the meaning of the ^{M1}Asylum and Immigration Act 1996 is not eligible for housing assistance unless he is of a class prescribed by regulations made by the Secretary of State.
- [^{F1}(2A) No person who is excluded from entitlement to housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) shall be included in any class prescribed under subsection (2).]
- (3) The Secretary of State may make provision by regulations as to other descriptions of persons who are to be treated for the purposes of this Part as persons from abroad who are ineligible for housing assistance.
- (4) A person from abroad who is not eligible for housing assistance shall be disregarded in determining for the purposes of this Part whether [^{F2}a person falling within subsection (5)] —
 - (a) is homeless or threatened with homelessness, or
 - (b) has a priority need for accommodation.
- [^{F3}(5) A person falls within this subsection if the person—
 - (a) falls within a class prescribed by regulations made under subsection (2); but
 - (b) is not a national of an EEA State or Switzerland.]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:**Amendments (Textual)**

- F1** S. 185(2A) substituted (26.2.2002) by 2002 c. 7, s. 18(2), **Sch. 1 para. 7(1)** (with s. 20(4))
- F2** Words in s. 185(4) substituted (2.3.2009 for specified purposes) by **Housing and Regeneration Act 2008 (c. 17)**, s. 325(1), **Sch. 15 para. 4(2)**; S.I. 2009/415, art. 2
- F3** S. 185(5) inserted (2.3.2009 for specified purposes) by **Housing and Regeneration Act 2008 (c. 17)**, s. 325(1), **Sch. 15 para. 4(3)**; S.I. 2009/415, art. 2

Modifications etc. (not altering text)

- C1** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

Commencement Information

- I1** S. 185 wholly in force at 20.1.1997: s. 185 not in force at Royal Assent, see s. 232(1)-(3); s. 185(2)(3) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**; s. 185 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

Marginal Citations

- M1** 1996 c. 49.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 185 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32 Sch. 3A para. 1 (as inserted) by 2017 c. 4 Sch. 4 para. 1
- s. 185(2A) words inserted by S.I. 2013/630 reg. 12(5)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act words substituted by 2014 c. 14 Sch. 4 para. 56

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 1 Ch. 4A heading inserted by 2011 nawm 5 s. 50
- s. 3(2)(ja) omitted by 2015 c. 20 Sch. 13 para. 6(28)
- s. 6A and cross-heading inserted by 2011 nawm 5 s. 41
- s. 16B inserted by 2018 anaw 1 s. 4(2)
- s. 16B repealed by 2018 anaw 1 s. 6(2)(b)
- s. 16C inserted by 2018 anaw 1 s. 5(2)
- s. 16C repealed by 2018 anaw 1 s. 6(2)(b)
- s. 21(2A) inserted by 2018 anaw 1 s. 4(4)
- s. 21(2A) repealed by 2018 anaw 1 s. 6(2)(b)
- s. 33A inserted by 2011 nawm 5 s. 35
- s. 33A(2A)-(2C) inserted by 2014 anaw 7 Sch. 3 para. 28(2)
- s. 33B inserted by 2011 nawm 5 s. 36
- s. 33B(3) substituted by 2014 anaw 7 Sch. 3 para. 28(3)(a)
- s. 33B(4) substituted by 2014 anaw 7 Sch. 3 para. 28(3)(b)
- s. 33C inserted by 2011 nawm 5 s. 37
- s. 33C words inserted by 2014 anaw 7 Sch. 3 para. 28(4)
- s. 35(A1) inserted by 2011 nawm 5 s. 38(2)
- s. 35A and cross-heading inserted by 2011 nawm 5 s. 39
- s. 35B inserted by 2011 nawm 5 s. 40
- s. 37(3A) words in s. 37(3) renumbered as s. 37(3A) by 2011 nawm 5 s. 42(2)(a)
- s. 37(3A) words substituted by 2011 nawm 5 s. 42(2)(b)
- s. 37(3B) inserted by 2011 nawm 5 s. 42(2)(c)
- s. 39(1)(ba) inserted by 2011 nawm 5 Sch. para. 9
- s. 43A inserted by 2011 nawm 5 s. 83
- s. 44(4)(c) and word inserted by S.I. 2014/3486 art. 29(2)(d)
- s. 44(4)(aa) inserted by S.I. 2014/3486 art. 29(2)(b)
- s. 46(4A) inserted by 2011 nawm 5 Sch. para. 10
- s. 50A and cross-heading inserted by 2011 nawm 5 s. 50
- s. 50B inserted by 2011 nawm 5 s. 51
- s. 50C and cross-heading inserted by 2011 nawm 5 s. 52
- s. 50D inserted by 2011 nawm 5 s. 53
- s. 50E inserted by 2011 nawm 5 s. 54
- s. 50F inserted by 2011 nawm 5 s. 55
- s. 50G inserted by 2011 nawm 5 s. 56
- s. 50H and cross-heading inserted by 2011 nawm 5 s. 57
- s. 50I inserted by 2011 nawm 5 s. 58
- s. 50J inserted by 2011 nawm 5 s. 59
- s. 50J(1) words inserted by S.I. 2015/664 Sch. 5 para. 6
- s. 50K inserted by 2011 nawm 5 s. 60
- s. 50L inserted by 2011 nawm 5 s. 61
- s. 50M inserted by 2011 nawm 5 s. 62

- s. 50N inserted by 2011 nawm 5 s. 63
- s. 50O and cross-heading inserted by 2011 nawm 5 s. 64
- s. 50P inserted by 2011 nawm 5 s. 65
- s. 50Q inserted by 2011 nawm 5 s. 66
- s. 50R inserted by 2011 nawm 5 s. 67
- s. 50S inserted by 2011 nawm 5 s. 68
- s. 50T inserted by 2011 nawm 5 s. 69
- s. 50U inserted by 2011 nawm 5 s. 70
- s. 50V inserted by 2011 nawm 5 s. 71
- s. 51(2)(za) inserted by 2011 c. 20 s. 181(3)
- s. 51(3A) inserted by 2011 c. 20 Sch. 19 para. 34(3)
- s. 58(1A) inserted by 2011 nawm 5 s. 86
- s. 81(7) inserted by S.I. 2013/1036 Sch. 1 para. 130(b)
- s. 124(1A) inserted by 2016 c. 22 Sch. 7 para. 20(2)
- s. 124(6) inserted by 2016 c. 22 Sch. 7 para. 20(6)
- s. 124A 124B inserted by 2016 c. 22 Sch. 7 para. 21
- s. 125A(3A)(3B) inserted by 2016 c. 22 Sch. 7 para. 22(3)
- s. 130A inserted by 2016 c. 22 Sch. 8 para. 7
- s. 133(1A) inserted by 2016 c. 22 Sch. 8 para. 9(2)
- s. 137A and cross-heading inserted by 2011 c. 20 s. 155(6)
- s. 137A(2) words substituted by 2016 c. 22 Sch. 7 para. 24
- s. 143J(3A) inserted by 2016 c. 22 Sch. 8 para. 13(2)
- s. 143GA 143GB inserted by 2016 c. 22 Sch. 8 para. 10
- s. 143MA and cross-heading inserted by 2011 c. 20 s. 155(7)
- s. 143MA(1) words substituted by 2016 c. 22 Sch. 7 para. 27(2)
- s. 143MA(3A)-(3D) inserted by 2016 c. 22 Sch. 7 para. 27(3)
- s. 143MB inserted by 2016 c. 22 Sch. 7 para. 28
- s. 151(3)(a) modified by S.I. 2012/57 art. 11
- s. 159(4A) excluded by 2014 c. 22 Sch. 3 para. 2(2)
- s. 159(4A)(4B) inserted by 2011 c. 20 s. 145(2)
- s. 160(1)(da) substituted for word by 2011 c. 20 s. 159(7)
- s. 160A(8)(aa) inserted by S.I. 2015/1321 art. 2(2)(a)
- s. 160A(8)(aa) inserted by S.I. 2015/1321 art. 2(2)(a)
- s. 160ZA inserted by 2011 c. 20 s. 146(1)
- s. 160ZA(3) words inserted by S.I. 2013/630 reg. 12(3)
- s. 166(1A) inserted by 2011 c. 20 s. 147(2)(a)
- s. 166A inserted by 2011 c. 20 s. 147(4)
- s. 166A(3) words inserted by S.I. 2012/2989 reg. 2(b)
- s. 166A(3) words substituted by S.I. 2012/2989 reg. 2(a)
- s. 175(5) inserted by 2017 c. 13 s. 1(3)
- s. 188(1)-(1ZB) substituted for s. 188(1) by 2017 c. 13 s. 5(4)(a)
- s. 188(1A) inserted by 2011 c. 20 s. 149(2)
- s. 188(1A) words substituted by 2017 c. 13 s. 5(4)(b)
- s. 188(2A)-(3) substituted for s. 188(3) by 2017 c. 13 s. 5(4)(c)
- s. 189A and cross-heading inserted by 2017 c. 13 s. 3(1)
- s. 189B inserted by 2017 c. 13 s. 5(2)
- s. 193(1A) inserted by 2017 c. 13 s. 7(2)
- s. 193(7AB)(c) and word inserted by 2011 c. 20 s. 148(6)(b)
- s. 193(10)-(12) inserted by 2011 c. 20 s. 148(11)
- s. 193(10) words substituted by 2014 anaw 7 Sch. 3 para. 10(a)
- s. 193(12) omitted by 2014 anaw 7 Sch. 3 para. 10(b)
- s. 193A-193C inserted by 2017 c. 13 s. 7(1)
- s. 195A inserted by 2011 c. 20 s. 149(4)
- s. 195A(3)(4) omitted by 2017 c. 13 s. 4(4)(a)
- s. 195A(5) words omitted by 2017 c. 13 s. 4(4)(b)
- s. 195A(6) words omitted by 2017 c. 13 s. 4(4)(c)
- s. 198(A1) inserted by 2017 c. 13 s. 5(8)
- s. 198(2ZA) inserted by 2011 c. 20 s. 149(6)

- s. 198(4A) inserted by 2014 anaw 7 Sch. 3 para. 11(a)
- s. 198(5A) inserted by 2014 anaw 7 Sch. 3 para. 11(c)
- s. 199(8)-(11) inserted by 2017 c. 13 s. 8
- s. 199A inserted by 2017 c. 13 s. 5(9)
- s. 200(1A) inserted by 2017 c. 13 s. 5(10)(c)
- s. 201A inserted by 2014 anaw 7 Sch. 3 para. 13
- s. 202(1)(h) inserted by 2017 c. 13 s. 9(2)(d)
- s. 202(1)(ba)-(bc) inserted by 2017 c. 13 s. 9(2)(b)
- s. 202(1B) inserted by 2017 c. 13 s. 9(3)
- s. 205(3) inserted by 2017 c. 13 s. 6
- s. 213B inserted by 2017 c. 13 s. 10
- s. 214A inserted by 2017 c. 13 s. 11
- s. 220A inserted by 2015 c. 20 s. 48
- Sch. 1 para. 24(7) added by 2011 nawm 5 s. 80(3)
- Sch. 1 para. 26(5) added by 2011 nawm 5 s. 82(4)
- Sch. 1 para. 15B and cross-heading inserted by 2011 nawm 5 s. 72
- Sch. 1 para. 15C inserted by 2011 nawm 5 s. 73
- Sch. 1 para. 15D inserted by 2011 nawm 5 s. 74
- Sch. 1 para. 15E inserted by 2011 nawm 5 s. 75
- Sch. 1 para. 15F inserted by 2011 nawm 5 s. 76
- Sch. 1 para. 15G inserted by 2011 nawm 5 s. 77
- Sch. 1 para. 15H inserted by 2011 nawm 5 s. 78
- Sch. 1 para. 19B inserted by 2011 nawm 5 s. 43
- Sch. 1 para. 19C inserted by 2011 nawm 5 s. 44
- Sch. 1 para. 19D inserted by 2011 nawm 5 s. 45
- Sch. 1 para. 19E inserted by 2011 nawm 5 s. 46
- Sch. 1 para. 19F inserted by 2011 nawm 5 s. 47
- Sch. 1 para. 19G inserted by 2011 nawm 5 s. 48
- Sch. 1 para. 23(2A) inserted by 2011 nawm 5 s. 79
- Sch. 1 para. 24(3A) inserted by 2011 nawm 5 s. 80(2)
- Sch. 1 para. 25(4A) inserted by 2011 nawm 5 s. 81(1)
- Sch. 1 para. 26(1A) inserted by 2011 nawm 5 s. 82(3)
- Sch. 1 Pt. 3A heading inserted by 2011 nawm 5 s. 43
- Sch. 1 para. 15H(1)(b) words substituted by 2014 c. 14 Sch. 4 para. 65(10)(a)
- Sch. 1 para. 15H(3) words substituted by 2014 c. 14 Sch. 4 para. 65(10)(b)
- Sch. 1 para. 15H(4) words substituted by 2014 c. 14 Sch. 4 para. 65(10)(c)
- Sch. 1 para. 15H(5) words substituted by S.I. 2013/496 Sch. 11 para. 5(1)para. 5(2)(f)
- Sch. 2 para. 1(1A) inserted by 2011 c. 20 s. 181(4)(b)
- Sch. 2 para. 7A-7D and cross-headings inserted by 2011 c. 20 s. 180(1)
- Sch. 2 para. 10A and cross-heading inserted by 2011 c. 20 s. 182(8)
- Sch. 2 para. 11(1A)-(1C) inserted by 2011 c. 20 s. 181(4)(c)

Commencement Orders yet to be applied to the Housing Act 1996

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2011/1725 Sch. para. 6 commences ()
- S.I. 2011/1728 art. 2 Sch. 1 commences (2006 c. 50)