



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VI

#### SUPPORT FOR ASYLUM-SEEKERS

*Support and assistance by local authorities etc.*

#### **99 Provision of support by local authorities**

- (1) A local authority may provide support for asylum-seekers and their dependants (if any) in accordance with arrangements made by the Secretary of State under section 95.
- (2) Such support may be provided by the local authority—
  - (a) in one or more of the ways mentioned in section 96(1) and (2);
  - (b) whether the arrangements in question are made with the authority or with another person.
- (3) The Executive may provide support by way of accommodation for asylum-seekers and their dependants (if any) in accordance with arrangements made by the Secretary of State under section 95, whether the arrangements in question are made with the Executive or with another person.
- (4) A local authority may incur reasonable expenditure in connection with the preparation of proposals for entering into arrangements under section 95.
- (5) The powers conferred on a local authority by this section include power to—
  - (a) provide services outside their area;
  - (b) provide services jointly with one or more bodies who are not local authorities;
  - (c) form a company for the purpose of providing services;
  - (d) tender for contracts (whether alone or with any other person).

#### **100 Local authority and other assistance for Secretary of State**

- (1) This section applies if the Secretary of State asks—

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- (a) a local authority,
  - (b) a registered social landlord,
  - (c) a registered housing association in Scotland or Northern Ireland, or
  - (d) the Executive,
- to assist him to exercise his power under section 95 to provide accommodation.
- (2) The person to whom the request is made must co-operate in giving the Secretary of State such assistance in the exercise of that power as is reasonable in the circumstances.
- (3) Subsection (2) does not require a registered social landlord to act beyond its powers.
- (4) A local authority must supply to the Secretary of State such information about their housing accommodation (whether or not occupied) as he may from time to time request.
- (5) The information must be provided in such form and manner as the Secretary of State may direct.
- (6) “Registered social landlord” has the same meaning as in Part I of the Housing Act 1996.
- (7) “Registered housing association” has the same meaning—
- (a) in relation to Scotland, as in the Housing Associations Act 1985; and
  - (b) in relation to Northern Ireland, as in Part II of the Housing (Northern Ireland) Order 1992.

## **101 Reception zones**

- (1) The Secretary of State may by order designate as reception zones—
- (a) areas in England and Wales consisting of the areas of one or more local authorities;
  - (b) areas in Scotland consisting of the areas of one or more local authorities;
  - (c) Northern Ireland.
- (2) Subsection (3) applies if the Secretary of State considers that—
- (a) a local authority whose area is within a reception zone has suitable housing accommodation within that zone; or
  - (b) the Executive has suitable housing accommodation.
- (3) The Secretary of State may direct the local authority or the Executive to make available such of the accommodation as may be specified in the direction for a period so specified—
- (a) to him for the purpose of providing support under section 95; or
  - (b) to a person with whom the Secretary of State has made arrangements under section 95.
- (4) A period specified in a direction under subsection (3)—
- (a) begins on a date so specified; and
  - (b) must not exceed five years.
- (5) A direction under subsection (3) is enforceable, on an application made on behalf of the Secretary of State, by injunction or in Scotland an order under section 45(b) of the Court of Session Act 1988.

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- (6) The Secretary of State’s power to give a direction under subsection (3) in respect of a particular reception zone must be exercised by reference to criteria specified for the purposes of this subsection in the order designating that zone.
- (7) The Secretary of State may not give a direction under subsection (3) in respect of a local authority in Scotland unless the Scottish Ministers have confirmed to him that the criteria specified in the designation order concerned are in their opinion met in relation to that authority.
- (8) Housing accommodation is suitable for the purposes of subsection (2) if it—
- (a) is unoccupied;
  - (b) would be likely to remain unoccupied for the foreseeable future if not made available; and
  - (c) is appropriate for the accommodation of persons supported under this Part or capable of being made so with minor work.
- (9) If housing accommodation for which a direction under this section is, for the time being, in force—
- (a) is not appropriate for the accommodation of persons supported under this Part, but
  - (b) is capable of being made so with minor work,
- the direction may require the body to whom it is given to secure that that work is done without delay.
- (10) The Secretary of State must make regulations with respect to the general management of any housing accommodation for which a direction under subsection (3) is, for the time being, in force.
- (11) Regulations under subsection (10) must include provision—
- (a) as to the method to be used in determining the amount of rent or other charges to be payable in relation to the accommodation;
  - (b) as to the times at which payments of rent or other charges are to be made;
  - (c) as to the responsibility for maintenance of, and repairs to, the accommodation;
  - (d) enabling the accommodation to be inspected, in such circumstances as may be prescribed, by the body to which the direction was given;
  - (e) with respect to the condition in which the accommodation is to be returned when the direction ceases to have effect.
- (12) Regulations under subsection (10) may, in particular, include provision—
- (a) for the cost, or part of the cost, of minor work required by a direction under this section to be met by the Secretary of State in prescribed circumstances;
  - (b) as to the maximum amount of expenditure which a body may be required to incur as a result of a direction under this section.
- (13) The Secretary of State must by regulations make provision (“the dispute resolution procedure”) for resolving disputes arising in connection with the operation of any regulations made under subsection (10).
- (14) Regulations under subsection (13) must include provision—
- (a) requiring a dispute to be resolved in accordance with the dispute resolution procedure;

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- (b) requiring the parties to a dispute to comply with obligations imposed on them by the procedure; and
  - (c) for the decision of the person resolving a dispute in accordance with the procedure to be final and binding on the parties.
- (15) Before—
- (a) designating a reception zone in Great Britain,
  - (b) determining the criteria to be included in the order designating the zone, or
  - (c) making regulations under subsection (13),
- the Secretary of State must consult such local authorities, local authority associations and other persons as he thinks appropriate.
- (16) Before—
- (a) designating Northern Ireland as a reception zone, or
  - (b) determining the criteria to be included in the order designating Northern Ireland,
- the Secretary of State must consult the Executive and such other persons as he thinks appropriate.
- (17) Before making regulations under subsection (10) which extend only to Northern Ireland, the Secretary of State must consult the Executive and such other persons as he thinks appropriate.
- (18) Before making any other regulations under subsection (10), the Secretary of State must consult—
- (a) such local authorities, local authority associations and other persons as he thinks appropriate; and
  - (b) if the regulations extend to Northern Ireland, the Executive.