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STATUTORY INSTRUMENTS

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**1997 No. 1902**

**HOUSING, ENGLAND AND WALES**

**The Allocation of Housing (Reasonable and  
Additional Preference) Regulations 1997**

*Made* - - - - *30th July 1997*

*Coming into force* - - *1st November 1997*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 167(3) of the Housing Act 1996<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

**Citation and commencement**

1. These Regulations may be cited as the Allocation of Housing (Reasonable and Additional Preference) Regulations 1997 and shall come into force on 1st November 1997.

**Further descriptions of people to whom reasonable preference is to be given**

2. The following are specified as further descriptions of people to whom reasonable preference is to be given in the allocation scheme of a local housing authority—

- (a) people owed a duty by that authority under section 193 or 195(2) of the Housing Act 1996 (“the 1996 Act”) or section 65(2) or 68(2) of the Housing Act 1985<sup>(2)</sup> (main housing duties owed to homeless persons),
- (b) people in respect of whom that authority are exercising their power under section 194 of the 1996 Act (power to secure accommodation after minimum period of duty under section 193 of that Act), and
- (c) people—
  - (i) who have within the previous two years been provided with advice and assistance by that authority under section 197(2) of the 1996 Act (duty where other suitable accommodation available) or

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(1) 1996 c. 52.

(2) The repeal of Part III of the Housing Act 1985, which includes sections 65 and 68, commenced by the Housing Act 1996 (Commencement No. 5 and Transitional Provisions) Order 1996 (S.I. 1996/2959 (C.88)) does not, by virtue of paragraph 1 of the Schedule to that Order, apply to applicants under Part III of that Act whose applications were made before 20th January 1997.

(ii) who are occupying accommodation secured with such advice and assistance.

**Descriptions of people to whom additional preference is to be given**

**3.** In section 167(2) of the Housing Act 1996 (priorities in allocating housing accommodation), in the second sentence, the words “consisting of someone with a particular need for settled accommodation on medical or welfare grounds” are repealed.

Signed by authority of the Secretary of State for the Environment

*Hilary Armstrong*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

29th July 1997

Signed by authority of the Secretary of State for Wales

*Win Griffiths*  
Parliamentary Under Secretary of State, Welsh  
Office

30th July 1997

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## EXPLANATORY NOTE

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

Part VI of the Housing Act 1996 is concerned with the allocation of housing accommodation by a local housing authority in England and Wales. Section 167 requires that an authority's scheme for determining priorities in allocating housing gives reasonable preference to a range of persons and additional preference to certain of those persons. These Regulations provide that reasonable preference is also to be given to certain categories of persons who have been homeless, and they widen the category of persons to whom additional preference is to be given.