

SCHEDULE

Consequential amendments

The Protection from Eviction Act 1977

1. In section 3A of the Protection from Eviction Act 1977(1) (excluded tenancies and licences), after subsection (7B) insert—

“(7C) A tenancy or licence is excluded if it is granted in order to provide accommodation under the Displaced Persons (Temporary Protection) Regulations 2005.”.

The Housing (Northern Ireland) Order 1983

2. In Schedule 2 to the Housing (Northern Ireland) Order 1983(2) (tenancies which are not secure tenancies), after paragraph 3A insert—

“ for persons with Temporary Protection

3B. A tenancy is not a secure tenancy if it is granted in order to provide accommodation under the Displaced Persons (Temporary Protection) Regulations 2005.”

The Rent (Scotland) Act 1984

3. In section 23A of the Rent (Scotland) Act 1984(3) (excluded tenancies and occupancy rights), after subsection (5A) insert—

“(5B) Nothing in section 23 of this Act applies to a tenancy or right of occupancy if it is granted in order to provide accommodation under the Displaced Persons (Temporary Protection) Regulations 2005.”

The Housing Act 1985

4. In Schedule 1 to the Housing Act 1985(4) (tenancies which cannot be secure tenancies), after paragraph 4A insert—

“Accommodation for persons with Temporary Protection

4B. A tenancy is not a secure tenancy if it is granted in order to provide accommodation under the Displaced Persons (Temporary Protection) Regulations 2005.”

The Housing (Scotland) Act 1988

5. In Schedule 4 to the Housing (Scotland) Act 1988(5) (tenancies which cannot be assured tenancies), after paragraph 11B insert—

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- (1) 1977 c. 43; section 3A was inserted by the Housing Act 1988 (c. 50), section 31, and amended by the Immigration and Asylum Act 1999 (c. 33), Schedule 14, paragraph 73, and by the Immigration and Asylum Act 2002 (c. 41), section 32(5); there are other amendments which are not relevant to these Regulations.
- (2) S.I.1983/1118 (N.I.15); relevant amending instruments are S.I. 1988/1990 (N.I.23) and S.I. 2003/412 (N.I.2); also amended by the Immigration and Asylum Act 1999 (c. 33), Schedule 14, paragraph 78.
- (3) 1984 c. 58; section 23A was inserted by the Housing (Scotland) Act 1988 (c. 43), section 40; subsection (5A) of section 23A was inserted by the Immigration and Asylum Act 1999 (c. 33), Schedule 14, paragraph 79.
- (4) 1985 c. 68; paragraph 4A of Schedule 1 was inserted by the Immigration and Asylum Act 1999 (c. 33), Schedule 14, paragraph 81.
- (5) 1988 c. 43; paragraph 11A was inserted by the Housing (Scotland) Act 2001 (asp10), Schedule 10, paragraph 14; paragraph 11AA was inserted by the Housing Act 1988 (c. 50), Schedule 17, paragraph 90; paragraph 11B was inserted by the Immigration and Asylum Act 1999(c. 33), Schedule 14, paragraph 87.

Status: This is the original version (as it was originally made).

“Accommodation for persons with Temporary Protection

11C. A tenancy granted under arrangements for the provision of accommodation for persons with temporary protection made under the Displaced Persons (Temporary Protection) Regulations 2005.”

The Housing Act 1988

6. In Schedule 1 to the Housing Act 1988(6) (tenancies which are not assured tenancies), after paragraph 12A insert—

“Accommodation for persons with Temporary Protection

12B.—(1) A tenancy granted by a private landlord under arrangements for the provision of accommodation for persons with temporary protection made under the Displaced Persons (Temporary Protection) Regulations 2005.

(2) “Private landlord” means a landlord who is not within section 80(1) of the Housing Act 1985.”

The Homelessness (England) Regulations 2000

7. The Homelessness (England) Regulations 2000(7) shall be amended as follows.

8. In regulation 3 (classes of persons subject to immigration control who are eligible for housing assistance), for paragraph (1)(i) substitute—

“Class I – a person who is on an income-based jobseeker’s allowance or in receipt of income support and is eligible for that benefit other than because—

(i) he has limited leave to enter or remain in the United Kingdom which was given in accordance with the relevant immigration rules and he is temporarily without funds because remittances to him from abroad have been disrupted; or

(ii) he has been deemed by regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 to have been granted leave to enter or remain in the United Kingdom exceptionally for the purposes of the provision of means of subsistence.”.

9. In regulation 3, after paragraph (3) insert—

“(4) In paragraph (1)(i) (Class I), “means of subsistence” has the same meaning as in regulation 4 of the Displaced Persons (Temporary Protection) Regulations 2005.”.

The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000

10. The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000(8) shall be amended as follows.

11. In Article 8 (homelessness – Northern Ireland), for paragraph (1)(a) substitute—

“Class S – a person who is on an income-based jobseeker’s allowance or in receipt of income support and is eligible for that benefit other than because—

(6) [1988 c. 50](#); paragraph 12A of Schedule 1 was inserted by the Immigration and Asylum Act [1999 \(c. 33\)](#), Schedule 14, paragraph 88.

(7) [S.I. 2000/701](#), amended by [S.I. 2004/1235](#).

(8) [S.I. 2000/706](#).

- (i) he has limited leave to enter or remain in the United Kingdom which was given in accordance with the relevant immigration rules and he is temporarily without funds because remittances to him from abroad have been disrupted; or
- (ii) he has been deemed by regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 to have been granted leave to enter or remain in the United Kingdom exceptionally for the purposes of the provision of means of subsistence.”.

12. In article 8, after paragraph (2) insert—

“(3) In paragraph (1)(a) (Class S), “means of subsistence” has the same meaning as in regulation 4 of the Displaced Persons (Temporary Protection) Regulations 2005.”.

13. In article 9 (homelessness – Scotland), for paragraph (1)(a) substitute—

“Class U – a person who is on an income-based jobseeker’s allowance or in receipt of income support and is eligible for that benefit other than because—

- (i) he has limited leave to enter or remain in the United Kingdom which was given in accordance with the relevant immigration rules and he is temporarily without funds because remittances to him from abroad have been disrupted; or
- (ii) he has been deemed by regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 to have been granted leave to enter or remain in the United Kingdom exceptionally for the purposes of the provision of means of subsistence.”.

14. In article 9, after paragraph (2)(d) insert—

“(e) In paragraph (1)(a) (Class U), “means of subsistence” has the same meaning as in regulation 4 of the Displaced Persons (Temporary Protection) Regulations 2005.”.

The Housing (Scotland) Act 2001

15. In Schedule 1 to the Housing (Scotland) Act 2001⁽⁹⁾ (tenancies which are not Scottish secure tenancies), after paragraph 10 insert—

“Accommodation for persons with Temporary Protection

11. A tenancy is not a Scottish secure tenancy if it is granted in order to provide accommodation under the Displaced Persons (Temporary Protection) Regulations 2005.”.

(9) 2001 asp10.