

2006 No. 1093

HOUSING, ENGLAND

**The Allocation of Housing and Homelessness (Amendment)
(England) Regulations 2006**

<i>Made</i> - - - -	<i>11th April 2006</i>
<i>Laid before Parliament</i>	<i>18th April 2006</i>
<i>Coming into force</i> - -	<i>20th April 2006</i>

The Secretary of State, in exercise of the powers conferred by sections 160A(3), 172(4), 185(2) and 215(2) of the Housing Act 1996(a) makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Allocation of Housing and Homelessness (Amendment) (England) Regulations 2006 and shall come into force on 20th April 2006.

(2) These Regulations apply to England only.

Revocation and transitional provisions

2.—(1) Subject to paragraphs (2) and (3), the following regulations are revoked—

- (a) regulation 4(d) of the Allocation of Housing (England) Regulations 2002(b);
- (b) in regulation 3 of the Homelessness (England) Regulations 2000(c), sub-paragraphs (e) and (i) of paragraph (1) and paragraphs (3) and (4).

(2) Paragraph (1)(a) shall not have effect in relation to a person who before 20th April 2006—

- (a) has made an application for an allocation of housing accommodation under Part 6 of the Housing Act 1996; and
- (b) has not been notified by the local housing authority that he is ineligible for an allocation.

(3) Paragraph (1)(b) shall not have effect in relation to a person who has made an application for assistance under Part 7 of the Housing Act 1996 before 20th April 2006 and either—

- (a) has not been notified before that date of the local housing authority's decision on completion of its enquiries in accordance with section 184(3) of that Act; or
- (b) has been so notified and, immediately before that date, was occupying accommodation secured for his occupation by the local housing authority.

Signed by authority of the First Secretary of State

11th April 2006

Phil Woolas
Minister for Local Government
Office of the Deputy Prime Minister

(a) 1996, c.52.

(b) S.I. 2002/3264, to which there are amendments not relevant to these Regulations.

(c) S.I. 2000/701, amended by S.I. 2005/1379. There is another amending instrument which is not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Allocation of Housing (England) Regulations 2002 (“the Allocation Regulations”) and the Homelessness (England) Regulations 2000 (“the Homelessness Regulations”). The Regulations apply to England only.

By virtue of section 160A(1) and (3) of the Housing Act 1996 (“the Act”), a local housing authority must not allocate housing accommodation under Part 6 of the Act to persons from abroad who are subject to immigration control (within the meaning of the Asylum and Immigration Act 1996 (c.49)) unless they are of a class prescribed by the Secretary of State. Similarly, section 185(2) of the Act provides that such persons are not eligible for housing assistance under Part 7 of the Act unless they are of a class which is so prescribed.

Regulation 4 of the Allocation Regulations prescribes the classes of person from abroad subject to immigration control who are eligible for an allocation of housing accommodation, and regulation 3 of the Homelessness Regulations prescribes the classes of person who are eligible for assistance under Part 7 of the Act.

Regulation 2(1)(a) of these Regulations revokes Class D in regulation 4 of the Allocation Regulations (which makes provision in respect of nationals of states which have ratified the European Convention on Social and Medical Assistance or the European Social Charter).

Regulation 2(1)(b) of these Regulations revokes two Classes in regulation 3 of the Homelessness Regulations:

Class E, which is similar to Class D in regulation 4 of the Allocation Regulations; and

Class I, which makes provision in respect of persons on income-based jobseeker’s allowance or in receipt of income support.

Regulation 2(2) and (3) make transitional provision in respect of the revocations made by these Regulations.

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