

2013 No. 1467

HOUSING, ENGLAND

**The Allocation of Housing and Homelessness (Eligibility)
(England) (Amendment) Regulations 2013**

<i>Made</i> - - - -	<i>13th June 2013</i>
<i>Laid before Parliament</i>	<i>14th June 2013</i>
<i>Coming into force</i> - -	<i>1st July 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 160ZA(4), 172(4), 185(3) 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 (Eligibility) (England) (Amendment) Regulations 2013 and shall come into force on 1st July 2013.

(2) These Regulations apply to England only.

Amendment of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

2.—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (b) are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of “the Accession Regulations 2004”; and

(b) after the definition of “the Accession Regulations 2006”, insert —

““the Accession Regulations 2013” means the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013(c);”.

(3) For regulation 4(2)(c), substitute—

“(c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to either—

(i) regulation 6 of the Accession Regulations 2006 (right of residence of an accession State national subject to worker authorisation), or

(a) Housing Act 1996.c.52; s160ZA was added by section 146 of the Localism Act 2011(c.20). The functions of the Secretary of State under Parts 6 and 7 of this Act (except sections 186 and 187) are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672, to which there are amendments not relevant to these Regulations) and section 17(1) of the Homelessness Act 2002.

(b) S.I. 2006/1294, amended by S.I. 2006/2007, 2006/3340, 2009/358, 2012/2588; there are other amending instruments but none is relevant.

(c) S.I. 2013/ 1460.

- (ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);”.
- (4) For regulation 6(2)(c), substitute—
- “(c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to either—
 - (i) regulation 6 of the Accession Regulations 2006 (right of residence of an accession State national subject to worker authorisation), or
 - (ii) regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);”.

Transitional provisions

3. The amendments made by these Regulations shall not have effect in relation to an applicant whose application for—

- (a) an allocation of housing accommodation under Part 6 of the Housing Act 1996; or
- (b) housing assistance under Part 7 of that Act,

was made before 1st July 2013.

Signed for and on behalf of the Secretary of State for Communities and Local Government

Mark Prisk
Minister of State

13th June 2013

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (“the Eligibility Regulations”) which determine which persons from abroad, other than persons subject to immigration control, are ineligible for an allocation of housing accommodation under Part 6 of the Housing Act 1996 or for housing assistance under Part 7 of that Act. For these purposes, ‘person subject to immigration control’ has the meaning given in section 13(2) of the Asylum and Immigration Act 1996 (c.49).

A person who is not subject to immigration control is ineligible for an allocation or for housing assistance if they are not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, unless specifically exempted from that requirement (see regulations 4(1)(a) and (2) , and 6(1)(a) and (2), of the Eligibility Regulations).

The effect of the amendments made by regulation 2 is to insert a new category of persons who are exempt from the habitual residence test. The category applies to nationals of Croatia which accedes to the European Union on 1st July 2013. Those Croatian nationals who are subject to the worker authorisation scheme established by the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460) are exempt from the habitual residence test when they are treated as workers pursuant to those Regulations. The Regulations do this by substituting the exemption category in sub-paragraph (c) of regulations 4(2) and 6(2) of the Eligibility Regulations, relating to workers from eight of the of the ten member States which acceded to the European Union on 1st May 2004 (A8 workers for whom the worker registration scheme has now ended) and workers from Bulgaria and Romania, with an exemption relating only to workers from Croatia, Bulgaria and Romania.

A regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of business, charities or voluntary bodies.

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